



Part II
Regulations under the Regulations Act

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 267/2022

Made: December 8, 2022

Filed: December 9, 2022

Prescribed Petroleum Products Prices

Order dated December 8, 2022
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Decision and Order**M10891**

Nova Scotia Utility and Review Board
In the matter of the *Petroleum Products Pricing Act*

- and -

**In the matter of prescribing prices for petroleum products
under Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Bruce H. Fisher, MPA, CPA, CMA, Member**Decision and Order**

Under S. 16 of the *Petroleum Products Pricing Regulations*, the Board must prescribe a benchmark price for specified petroleum products every Friday.

The benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices (in Canadian cents) since the last benchmark price adjustment for the petroleum product.

The Board must also prescribe retail mark-ups and calculate wholesale margins considering any factors the Board finds relevant, including transportation adjustments. The Board last set wholesale margins in its decision, 2021 NSUARB 146; retail mark-ups in its decision, 2021 NSUARB 50; and transportation adjustments in its decision, 2016 NSUARB 168.

The Board also issued an Order on September 12, 2022 (2022 NSUARB 140), approving an adjustment mechanism to retail mark-ups for gasoline and diesel oil to account for the impact of credit card fees charged to retailers.

At each price setting, the Board may apply a forward-averaging correction, based on historical prices, to achieve revenue neutrality.

At appropriate times of the year, the Board may also require an additional margin for winter blending of ultra-low-sulfur diesel oil.

Based on the foregoing and other requirements in the *Petroleum Products Pricing Act* and regulations, the Board finds it appropriate to prescribe the benchmark prices and adjustments in Table “A,” the credit card fee retail mark-up adjustments in Table “B,” and the prices for petroleum products in Schedule “A” effective on and after 12:01 A.M., December 9, 2022:

Table “A”
(cents per litre)

Petroleum Product	Benchmark Price	Forward Averaging (+/-)	Winter Blending
Gasoline (Grade 1)	82.66	-3.20	

Gasoline (Grade 2)	85.66		
Gasoline (Grade 3)	88.66		
Ultra-Low-Sulfur Diesel Oil	108.62	-4.30	56.85

Table "B"
(cents per litre)

Credit Card Fee Retail Mark-up Adjustment	
Gasoline Minimum Self-Service and Full-Service	+0.20
Gasoline Maximum Self-Service	+0.20
Ultra-Low-Sulfur Diesel Minimum Self-Service and Full-Service	+0.80
Ultra-Low-Sulfur Diesel Maximum Self-Service	+0.80

Dated at Halifax, Nova Scotia, this 8th day of December, 2022.

sgd. *Crystal Henwood*
Clerk of the Board

Schedule "A"

Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the *Petroleum Products Pricing Regulations*
effective on and after 12:01 a.m. on December 9, 2022

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					<small>(Pump Prices includes 15% HST)</small>			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	91.71	10.0	15.5	117.21	141.2	143.5	141.2	999.9
Mid-Grade Unleaded	94.71	10.0	15.5	120.21	144.7	147.0	144.7	999.9
Premium Unleaded	97.71	10.0	15.5	123.21	148.1	150.4	148.1	999.9
Ultra-Low-Sulfur Diesel	174.97	4.0	15.4	194.37	230.7	233.0	230.7	999.9
Zone 2								
Regular Unleaded	92.21	10.0	15.5	117.71	141.8	144.1	141.8	999.9
Mid-Grade Unleaded	95.21	10.0	15.5	120.71	145.3	147.6	145.3	999.9
Premium Unleaded	98.21	10.0	15.5	123.71	148.7	151.0	148.7	999.9
Ultra-Low-Sulfur Diesel	175.47	4.0	15.4	194.87	231.2	233.5	231.2	999.9
Zone 3								
Regular Unleaded	92.61	10.0	15.5	118.11	142.3	144.6	142.3	999.9
Mid-Grade Unleaded	95.61	10.0	15.5	121.11	145.7	148.0	145.7	999.9
Premium Unleaded	98.61	10.0	15.5	124.11	149.2	151.5	149.2	999.9
Ultra-Low-Sulfur Diesel	175.87	4.0	15.4	195.27	231.7	234.0	231.7	999.9
Zone 4								
Regular Unleaded	92.71	10.0	15.5	118.21	142.4	144.7	142.4	999.9
Mid-Grade Unleaded	95.71	10.0	15.5	121.21	145.8	148.1	145.8	999.9
Premium Unleaded	98.71	10.0	15.5	124.21	149.3	151.6	149.3	999.9
Ultra-Low-Sulfur Diesel	175.97	4.0	15.4	195.37	231.8	234.1	231.8	999.9

Zone 5								
Regular Unleaded	92.71	10.0	15.5	118.21	142.4	144.7	142.4	999.9
Mid-Grade Unleaded	95.71	10.0	15.5	121.21	145.8	148.1	145.8	999.9
Premium Unleaded	98.71	10.0	15.5	124.21	149.3	151.6	149.3	999.9
Ultra-Low-Sulfur Diesel	175.97	4.0	15.4	195.37	231.8	234.1	231.8	999.9
Zone 6								
Regular Unleaded	93.41	10.0	15.5	118.91	143.2	145.5	143.2	999.9
Mid-Grade Unleaded	96.41	10.0	15.5	121.91	146.6	148.9	146.6	999.9
Premium Unleaded	99.41	10.0	15.5	124.91	150.1	152.4	150.1	999.9
Ultra-Low-Sulfur Diesel	176.67	4.0	15.4	196.07	232.6	234.9	232.6	999.9

N.S. Reg. 268/2022

Made: November 16, 2022

Approved: December 9, 2022

Filed: December 9, 2022

Sackville River Wilderness Area Designation

Order in Council 2022-293 dated December 9, 2022
Designation made by the Minister of Environment and Climate Change
and approved by the Governor in Council
pursuant to subsection 11(3) of the *Wilderness Areas Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Climate Change and the Minister of Natural Resources and Renewables dated November 16, 2022, and pursuant to subsection 11(3) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, is pleased to approve the designation by the Minister of Environment and Climate Change of a wilderness area to be known as Sackville River Wilderness Area, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 9, 2022.

Schedule "A"

**In the matter of Section 11 of Chapter 27 of the Acts of 1998,
the *Wilderness Areas Protection Act***

-and-

**In the matter of the designation of an area of Crown land
in Halifax County to be known as
Sackville River Wilderness Area**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to clause 11(3)(a) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, hereby designate an area of Crown land in Halifax County, with approximate boundaries as shown on the map attached as Appendix A, as Sackville River Wilderness Area.

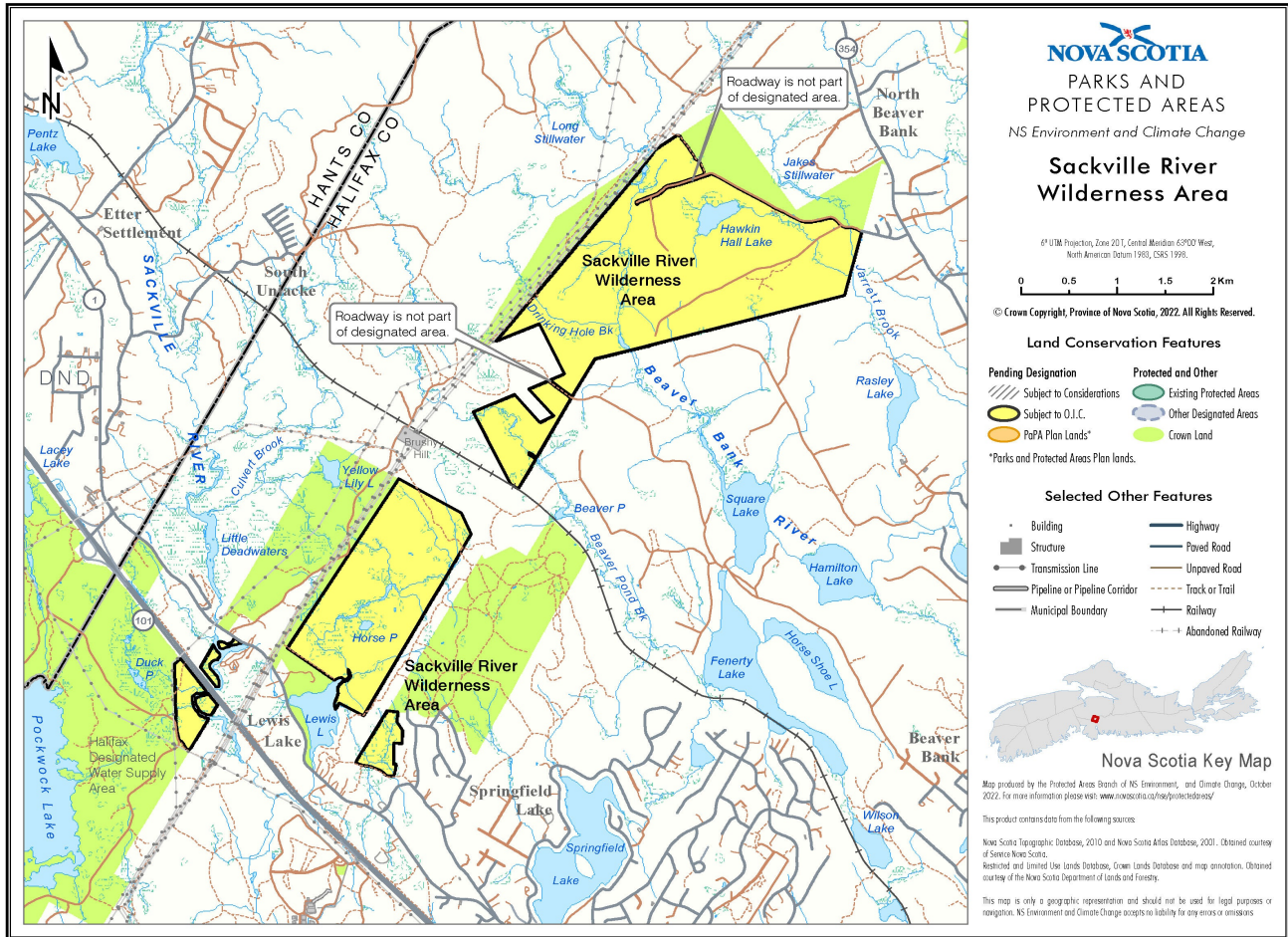
The actual boundaries of the designated area shall be as described and shown on a description and plan signed by the Director of Surveys and deposited in the Provincial Crown Land Information Management Centre, formerly known as the Provincial Crown Lands Record Centre, as required by subsection 11(3) of the Act, the signed description and plan forming part of this designation.

This designation is effective on and after the later of the date it is approved by the Governor in Council and the date the description and plan are deposited in the Provincial Crown Land Information Management Centre.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

Appendix A Map Showing Approximate Boundaries of Sackville River Wilderness Area



N.S. Reg. 269/2022 to 275/2022

Made: November 16, 2022

Approved: December 9, 2022

Filed: December 9, 2022

Various Wilderness Areas Designations of Additional Lands

Order in Council 2022-294 dated December 9, 2022
Designation made by the Minister of Environment and Climate Change
and approved by the Governor in Council
pursuant to subsection 11(3) of the *Wilderness Areas Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Climate Change and the Minister of Natural Resources and Renewables dated November 16, 2022, and pursuant to subsection 11(3) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act* (the "Act"), is pleased to approve the designation of additional land to the following seven wilderness areas by the Minister of Environment and Climate Change, effective on and after December 9, 2022:

- (a) the addition of 96 hectares to Eastern Shore Islands Wilderness Area, originally designated by the Minister of Environment and approved by the Governor in Council by Order in Council 2015-196 dated June 16, 2015, N.S. Reg. 254/2015, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation;
- (b) the addition of 5,495 hectares to Economy River Wilderness Area, originally designated in item 8 of Schedule A to the Act, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation;
- (c) the addition of 71 hectares to Eigg Mountain-James River Wilderness Area, originally designated by the Minister of Environment and Labour and approved by the Governor in Council by Order in Council 2005-165 dated April 22, 2005, N.S. Reg. 92/2005, in the manner set forth in Schedule "C" attached to and forming part of the report and recommendation;
- (d) the addition of 430 hectares to Medway Lakes Wilderness Area, originally designated by the Minister of Environment and approved by the Governor in Council by Order in Council 2015-423 dated December 29, 2015, N.S. Reg. 423/2015, in the manner set forth in Schedule "D" attached to and forming part of the report and recommendation;
- (e) the addition of 21 hectares to Middle River Framboise Wilderness Area, originally designated in item 16 of Schedule A to the Act, in the manner set forth in Schedule "E" attached to and forming part of the report and recommendation;
- (f) the addition of 974 hectares to Portapique River Wilderness Area, originally designated in item 20 of Schedule A to the Act, in the manner set forth in Schedule "F" attached to and forming part of the report and recommendation; and
- (g) the addition of 65 hectares to Wentworth Valley Wilderness Area, originally designated by the Minister of Environment and approved by the Governor in Council by Order in Council 2018-301 dated November 26, 2018, N.S. Reg. 201/2018, in the manner set forth in Schedule "G" attached to and forming part of the report and recommendation.

N.S. Reg. 269/2022

Eastern Shore Islands Wilderness Area Designation of Additional Lands

Schedule "A"**In the matter of Section 11 of Chapter 27 of the Acts of 1998,
the *Wilderness Areas Protection Act*****-and-****In the matter of the designation of lands to be added to
Eastern Shore Islands Wilderness Area**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to clause 11(3)(b) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, hereby designate an area of Crown land in Halifax County, with approximate boundaries as shown on the map attached as Appendix A, as an addition to Eastern Shore Islands Wilderness Area, originally designated by Order in Council 2015-196 dated June 16, 2015, N.S. Reg. 254/2015.

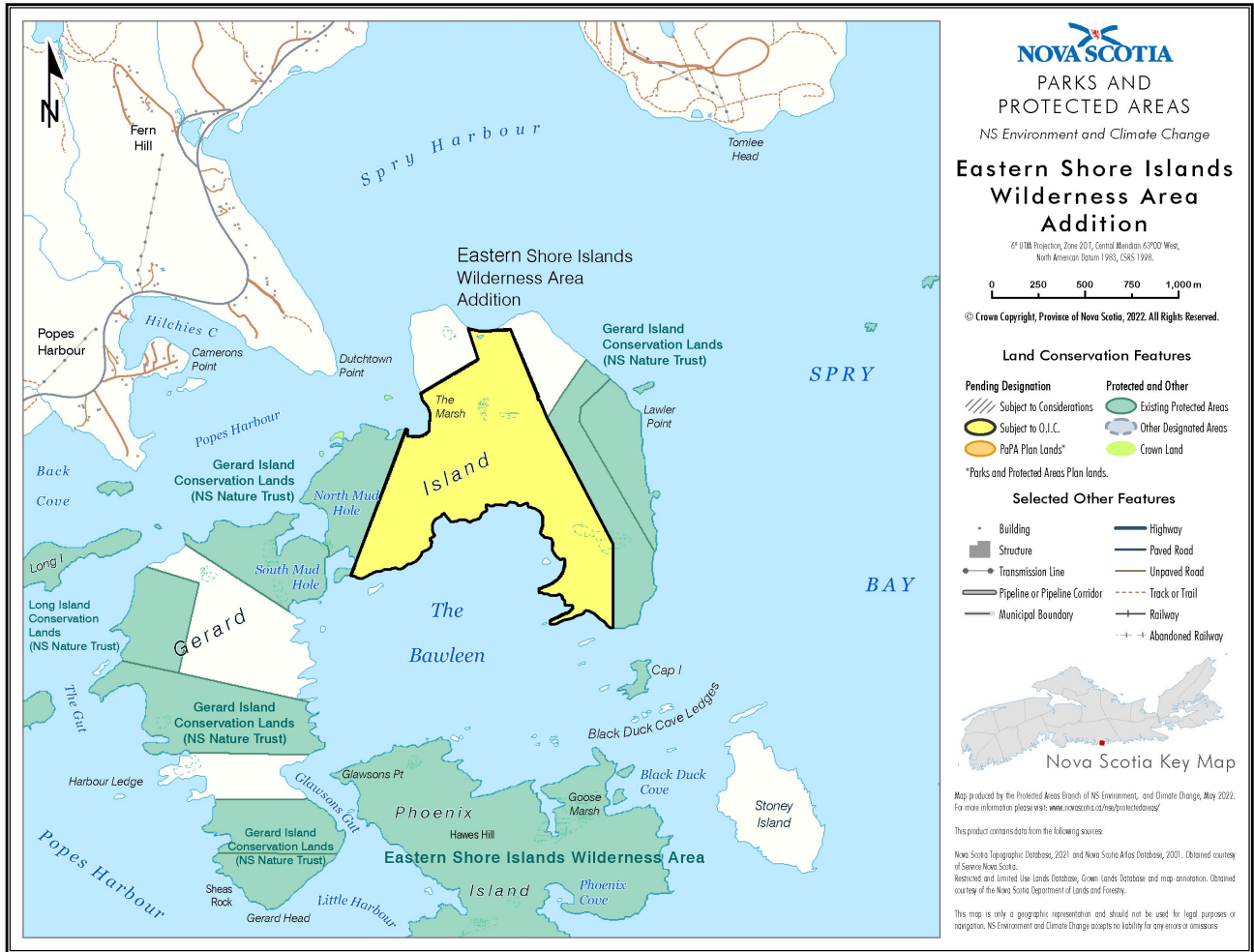
The actual boundaries of the designated additional area shall be as described and shown on a description and plan signed by the Director of Surveys and deposited in the Provincial Crown Land Information Management Centre, formerly known as the Provincial Crown Lands Record Centre, the signed description and plan forming part of this designation.

This designation of additional land is effective on and after the later of the date it is approved by the Governor in Council and the date the description and plan are deposited in the Provincial Crown Land Information Management Centre.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

Appendix A Addition to Eastern Shore Islands Wilderness Area



N.S. Reg. 270/2022

Economy River Wilderness Area Designation of Additional Lands

Schedule “B”**In the matter of Section 11 of Chapter 27 of the Acts of 1998,
the *Wilderness Areas Protection Act*****-and-****In the matter of the designation of lands to be added to
Economy River Wilderness Area**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to clause 11(3)(b) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, hereby designate an area of Crown land in Halifax County, with approximate boundaries as shown on the map attached as Appendix A, as an addition to Economy River Wilderness Area, originally designated in item 8 of Schedule A to the Act.

The actual boundaries of the designated additional area shall be as described and shown on a description and plan signed by the Director of Surveys and deposited in the Provincial Crown Land Information Management Centre, formerly known as the Provincial Crown Lands Record Centre, the signed description and plan forming part of this designation.

This designation is effective on and after the later of the date it is approved by the Governor in Council and the date the description and plan are deposited in the Provincial Crown Land Information Management Centre, except for the portion of land that was formerly subject to exploration licence numbered 09957 issued to Chilean Metals Inc. under the *Mineral Resources Act* (referred to in this Order as “excepted portion of land” and identified on the plan forming part of this designation as “potential protection subject to addressing mineral rights”).

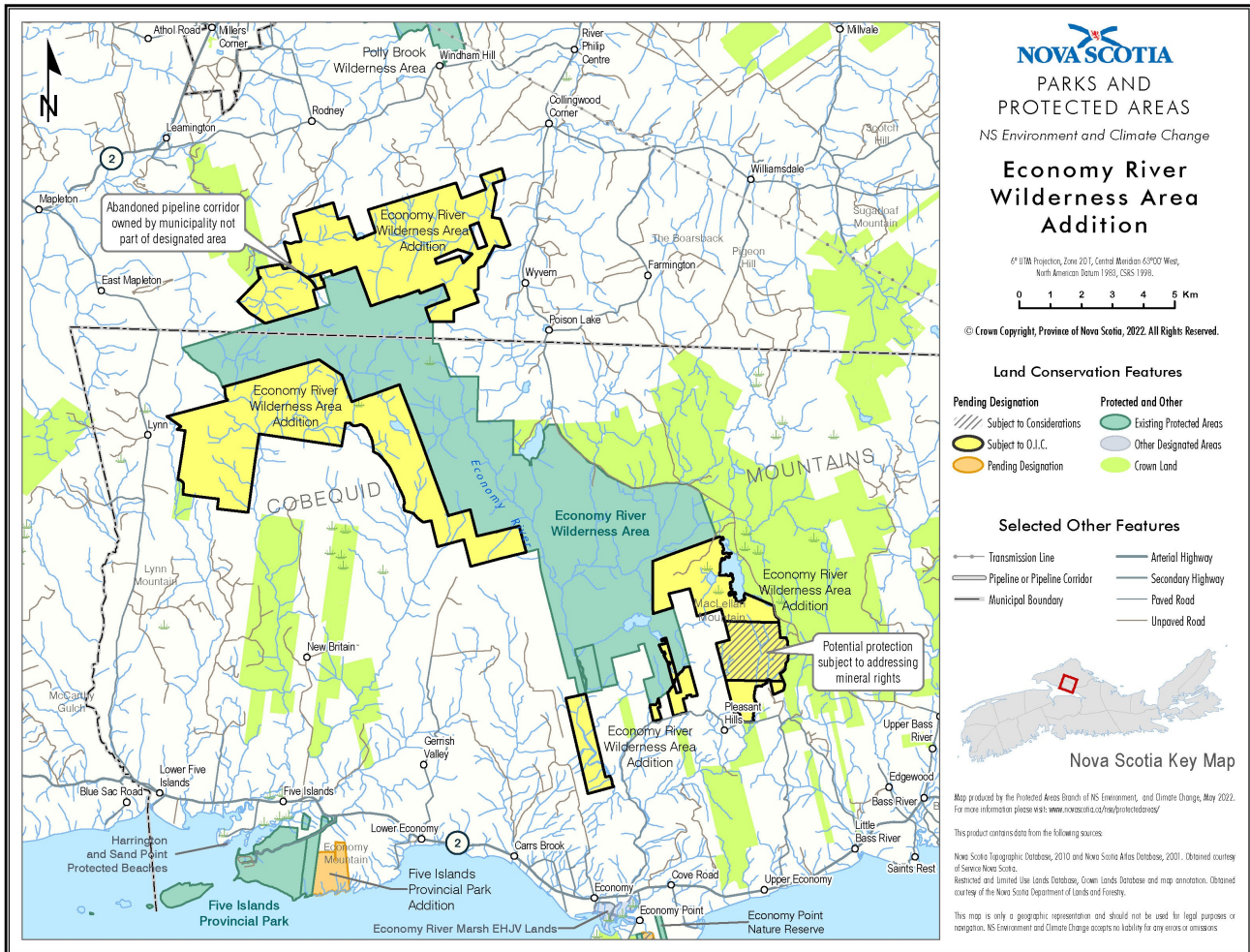
This designation is effective for an excepted portion of land on and after the date the Minister of Environment and Climate Change publishes a notice in the *Royal Gazette Part I* to that effect, which shall be done following the later of the following:

- (a) the end of 1 year after the date of the Order in Council approving this designation; and
- (b) the date any subsequent exploration licence issued under the *Mineral Resources Act* for the excepted portion of land within the 1-year period referred to in clause (a), or any valid continuation of the mineral right granted by that subsequent exploration licence, no longer applies to the excepted portion of land as a result of the surrender, abandonment, forfeiture, expiration, cancellation or termination of that subsequent exploration licence or continued mineral right.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

Appendix A Addition to the Economy River Wilderness Area



N.S. Reg. 271/2022

Eigg Mountain-James River Wilderness Area Designation of Additional Lands

Schedule “C”**In the matter of Section 11 of Chapter 27 of the Acts of 1998,
the *Wilderness Areas Protection Act*****-and-****In the matter of the designation of lands to be added to
Eigg Mountain-James River Wilderness Area**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to clause 11(3)(b) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, hereby designate an area of Crown land in Halifax County, with approximate boundaries as shown on the map attached as Appendix A, as an addition to Eigg Mountain-James River Wilderness Area, originally designated by Order in Council 2005-165 dated April 22, 2005, N.S. Reg. 92/2005.

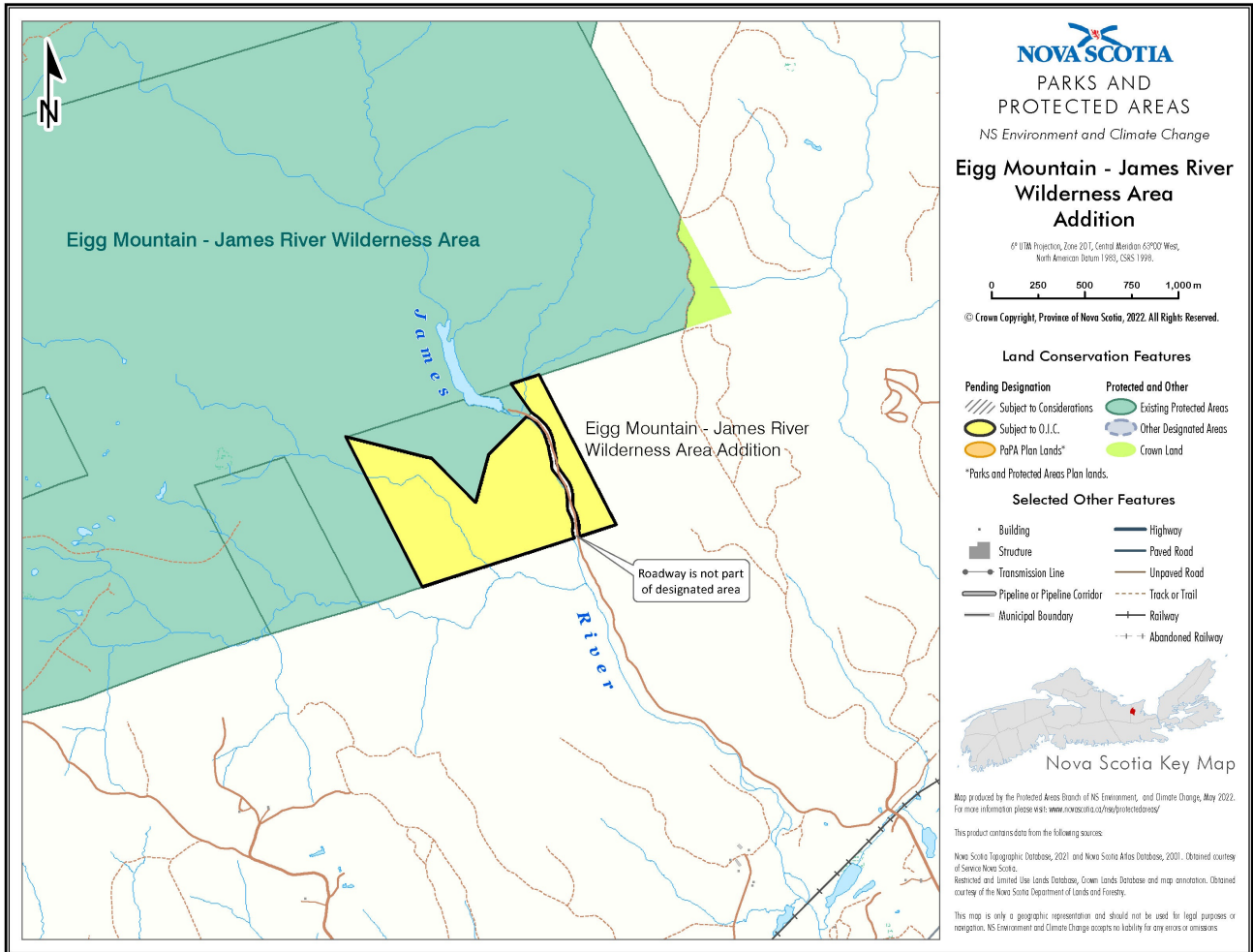
The actual boundaries of the designated additional area shall be as described and shown on a description and plan signed by the Director of Surveys and deposited in the Provincial Crown Land Information Management Centre, formerly known as the Provincial Crown Lands Record Centre, the signed description and plan forming part of this designation.

This designation is effective on and after the later of the date it is approved by the Governor in Council and the date the description and plan are deposited in the Provincial Crown Land Information Management Centre.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

Appendix A Addition to the Eigg Mountain-James Wilderness Area



N.S. Reg. 272/2022

Medway Lakes Wilderness Area Designation of Additional Lands

Schedule “D”**In the matter of Section 11 of Chapter 27 of the Acts of 1998,
the *Wilderness Areas Protection Act*****-and-****In the matter of the designation of lands to be added to
Medway Lakes Wilderness Area**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to clause 11(3)(b) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, hereby designate an area of Crown land in Halifax County, with approximate boundaries as shown on the map attached as Appendix A, as an addition to Medway Lakes Wilderness Area, originally designated by Order in Council 2015-423 dated December 29, 2015, N.S. Reg. 423/2015.

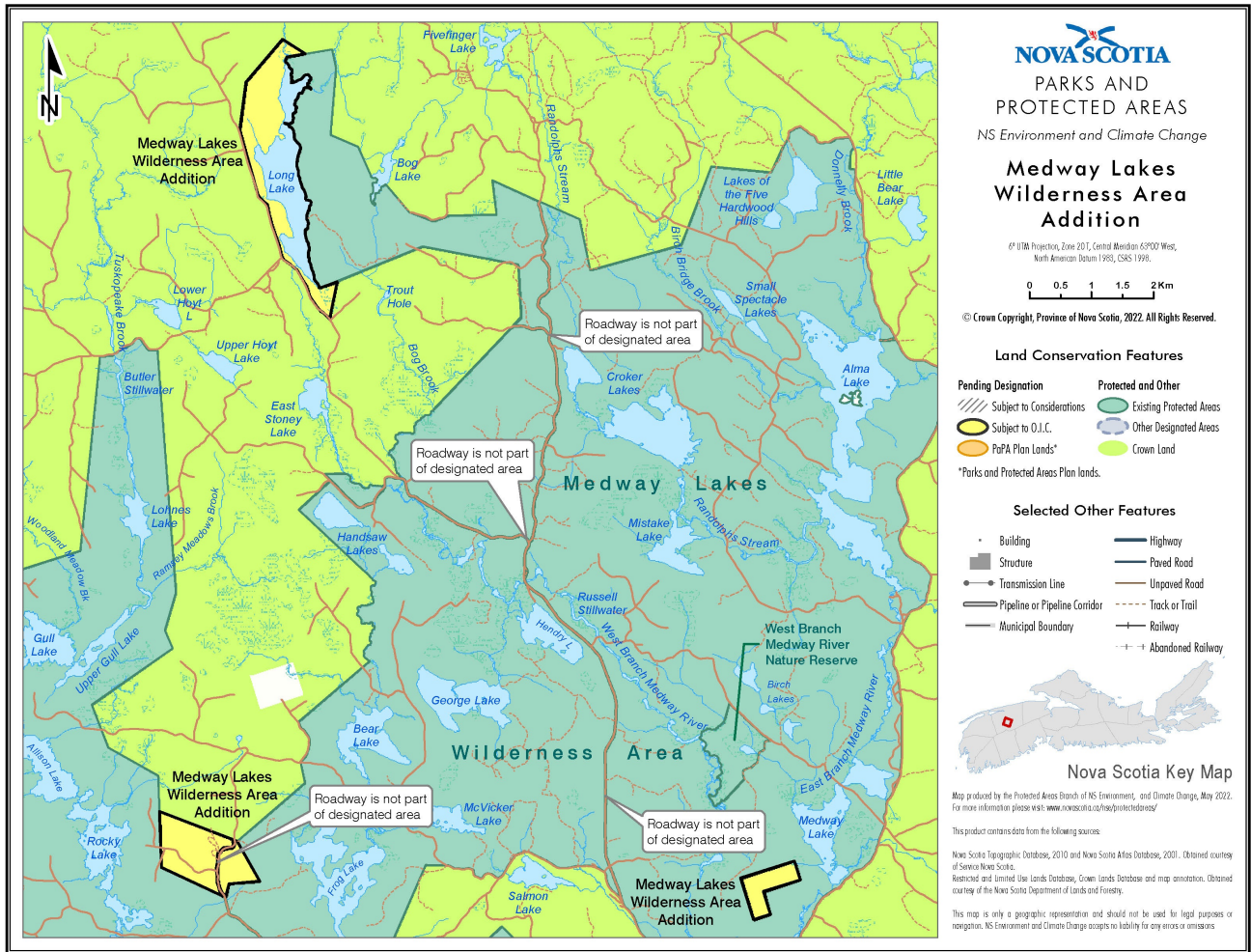
The actual boundaries of the designated additional area shall be as described and shown on a description and plan signed by the Director of Surveys and deposited in the Provincial Crown Land Information Management Centre, formerly known as the Provincial Crown Lands Record Centre, the signed description and plan forming part of this designation.

This designation is effective on and after the later of the date it is approved by the Governor in Council and the date the description and plan are deposited in the Provincial Crown Land Information Management Centre.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

Appendix A Addition to the Medway Lakes Wilderness Area



N.S. Reg. 273/2022

Middle River Framboise Wilderness Area Designation of Additional Lands

Schedule “E”**In the matter of Section 11 of Chapter 27 of the Acts of 1998,
the *Wilderness Areas Protection Act*****-and-****In the matter of the designation of lands to be added to
Middle River Framboise Wilderness Area**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to clause 11(3)(b) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, hereby designate an area of Crown land in Halifax County, with approximate boundaries as shown on the map attached as Appendix A, as an addition to Middle River Framboise Wilderness Area, originally designated in item 16 of Schedule A to the Act.

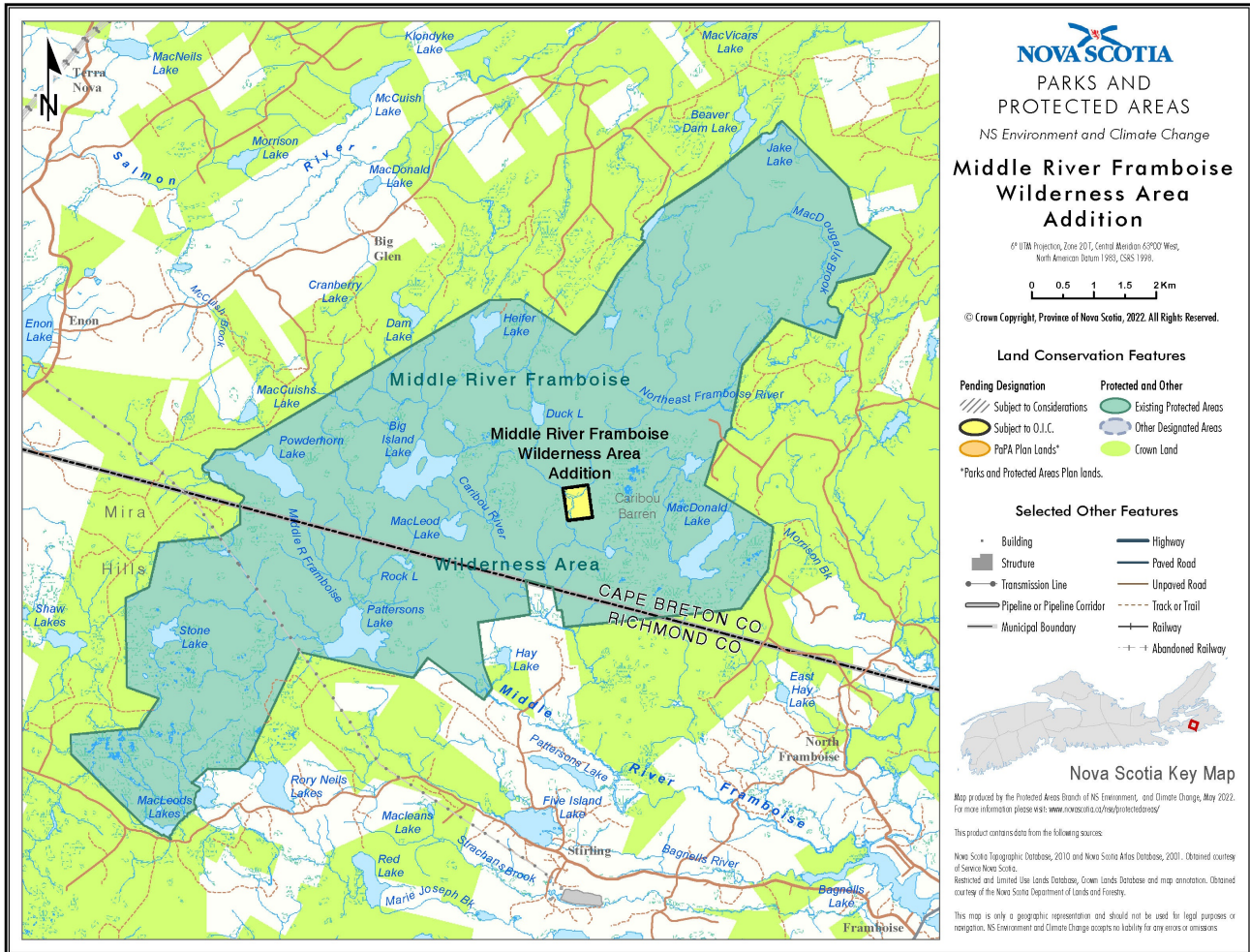
The actual boundaries of the designated additional area shall be as described and shown on a description and plan signed by the Director of Surveys and deposited in the Provincial Crown Land Information Management Centre, formerly known as the Provincial Crown Lands Record Centre, the signed description and plan forming part of this designation.

This designation is effective on and after the later of the date it is approved by the Governor in Council and the date the description and plan are deposited in the Provincial Crown Land Information Management Centre.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

Appendix A Addition to the Middle River Framboise Wilderness Area



N.S. Reg. 274/2022

Portapique River Wilderness Area Designation of Additional Lands

Schedule “F”**In the matter of Section 11 of Chapter 27 of the Acts of 1998,
the *Wilderness Areas Protection Act*****-and-****In the matter of the designation of lands to be added to
Portapique River Wilderness Area**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to clause 11(3)(b) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, hereby designate an area of Crown land in Halifax County, with approximate boundaries as shown on the map attached as Appendix A, as an addition to Portapique River Wilderness Area, originally designated in item 20 of Schedule A to the Act.

The actual boundaries of the designated additional area shall be as described and shown on a description and plan signed by the Director of Surveys and deposited in the Provincial Crown Land Information Management Centre, formerly known as the Provincial Crown Lands Record Centre, the signed description and plan forming part of this designation.

This designation is effective on and after the later of the date it is approved by the Governor in Council and the date that the description and plan are deposited in the Provincial Crown Land Information Management Centre, except for the following portions of land (individually referred to in this Order as “excepted portion of land”):

- (a) any portion of the land within the area identified on the plan forming part of this designation as “potential protection subject to addressing mineral rights” that was formerly subject to any of the following exploration licences (individually referred to in this Order as “exploration licence”):
 - (i) exploration licence number 09958 issued to Chilean Metals Inc. under the *Mineral Resources Act*,
 - (ii) exploration licence number 10487 issued to Cogonov Inc. under the *Mineral Resources Act*,
 - (iii) exploration licence 40081 issued to Cogonov Inc. under the *Mineral Resources Act*.

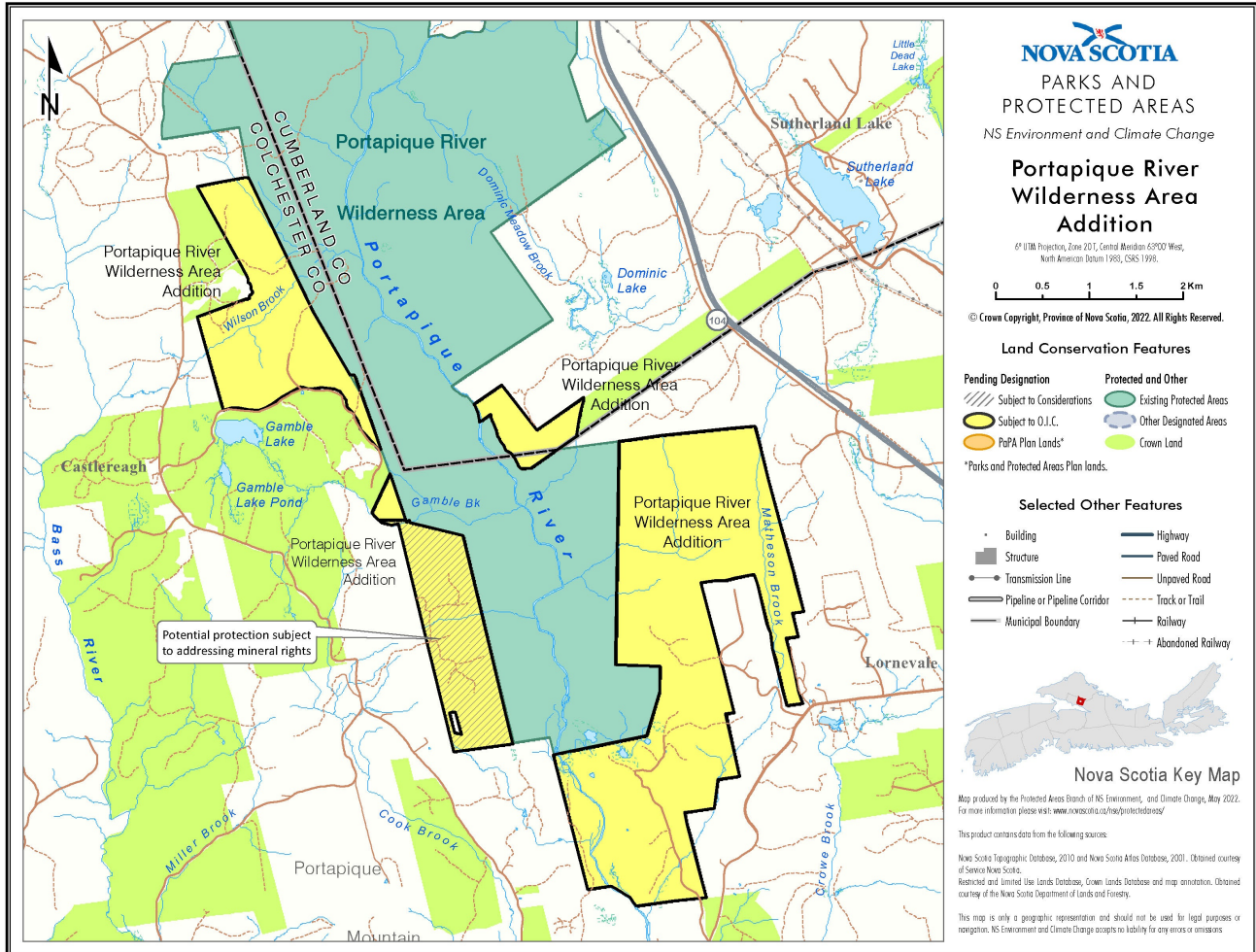
This designation is effective for an excepted portion of land on and after the date the Minister of Environment and Climate Change publishes a notice in the *Royal Gazette Part I* to that effect, which shall be done following the later of the following:

- (a) the end of 3 years after the date of the Order in Council approving this designation; and
- (b) the date any subsequent exploration licence issued under the *Mineral Resources Act* for the excepted portion of land within the 3-year period referred to in clause (a), or any valid continuation of the mineral right granted by that subsequent exploration licence, no longer applies to the excepted portion of land as a result of the surrender, abandonment, forfeiture, expiration, cancellation or termination of that subsequent exploration licence or continued mineral right.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. Timothy Halman
Honourable Timothy Halman
Minister of Environment and Climate Change

Appendix A
Addition to the Portapique River Wilderness Area



N.S. Reg. 275/2022

Wentworth Valley Wilderness Area Designation of Additional Lands

Schedule "G"**In the matter of Section 11 of Chapter 27 of the Acts of 1998,
the *Wilderness Areas Protection Act*****-and-****In the matter of the designation of lands to be added to
Wentworth Valley Wilderness Area**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to clause 11(3)(b) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, hereby designate an area of Crown land in Halifax County, with approximate boundaries as shown on the map attached as Appendix A, as an addition to Wentworth Valley Wilderness Area, originally designated by Order in Council 2018-301 dated November 26, 2018, N.S. Reg. 201/2018.

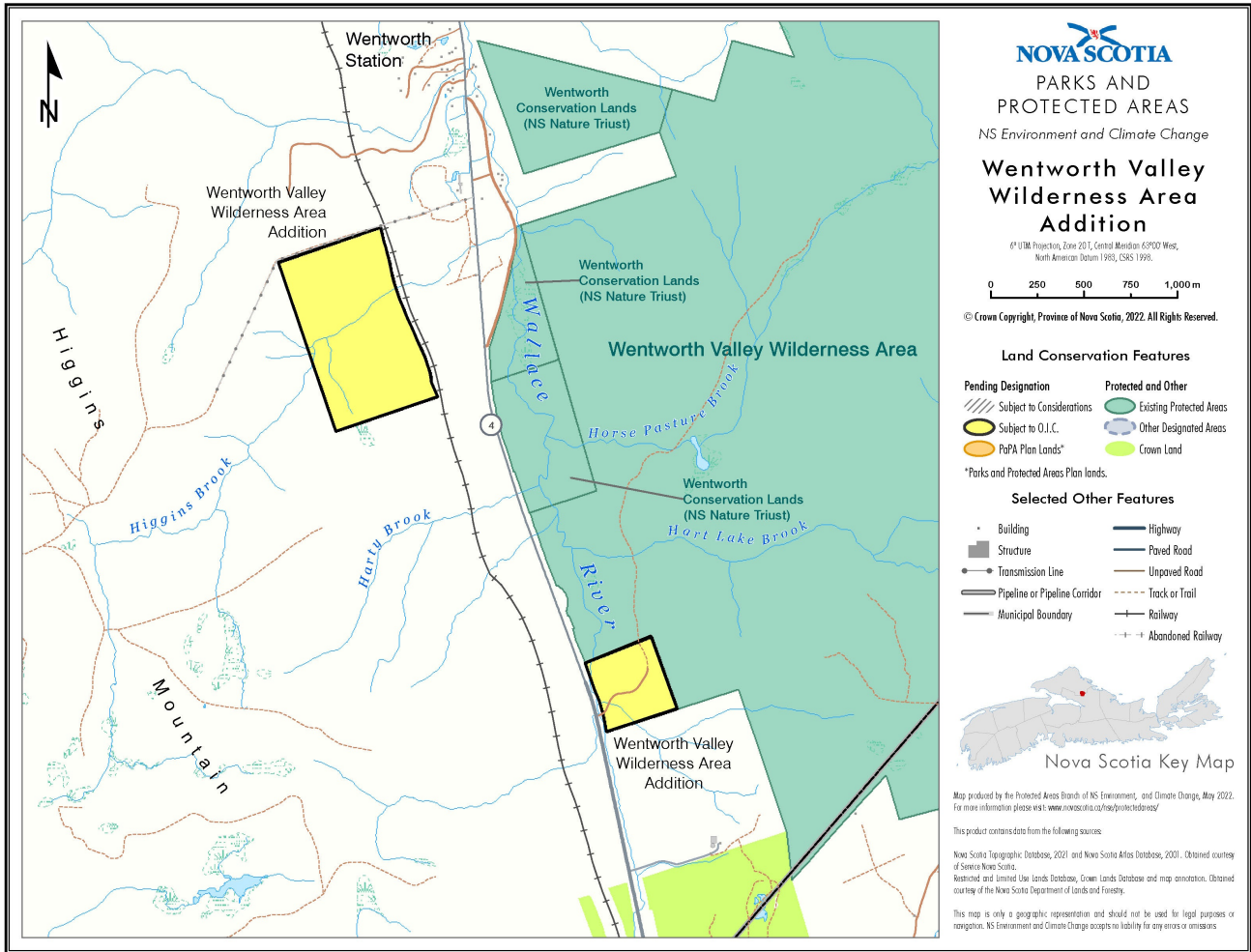
The actual boundaries of the designated additional area shall be as described and shown on a description and plan signed by the Director of Surveys and deposited in the Provincial Crown Land Information Management Centre, formerly known as the Provincial Crown Lands Record Centre, the signed description and plan forming part of this designation.

This designation is effective on and after the later of the date it is approved by the Governor in Council and the date the description and plan are deposited in the Provincial Crown Land Information Management Centre.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

Appendix A Addition to the Wentworth Valley Wilderness Area



N.S. Reg. 276/2022 to 281/2022

Made: November 16, 2022

Approved: December 9, 2022

Filed: December 9, 2022

Various Nature Reserve Designations

Order in Council 2022-295 dated December 9, 2022
Designation made by the Minister of Environment and Climate Change
and approved by the Governor in Council
pursuant to Section 14 of the *Special Places Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Climate Change and the Minister of Natural Resources and Renewables dated November 16, 2022, and pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, is pleased to approve the designation by the Minister of Environment and Climate Change, effective on and after December 9, 2022, of

- (a) an ecological site to be known as Big Meadow Brook Nature Reserve, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation;
- (b) an ecological site to be known as Barneys River Nature Reserve, in the form set forth in Schedule “B” attached to and forming part of the report and recommendation;
- (c) an ecological site to be known as Cherry Hill Beach Nature Reserve, in the form set forth in Schedule “C” attached to and forming part of the report and recommendation;
- (d) an ecological site to be known as Glendyer Nature Reserve, in the form set forth in Schedule “D” attached to and forming part of the report and recommendation;
- (e) an ecological site to be known as Les Caps Nature Reserve, in the form set forth in Schedule “E” attached to and forming part of the report and recommendation; and
- (f) an ecological site to be known as Porcupine Brook Nature Reserve, in the form set forth in Schedule “F” attached to and forming part of the report and recommendation.

N.S. Reg. 276/2022

Big Meadow Brook Nature Reserve Designation

Schedule “A”

**In the matter of Section 14 of Chapter 438
of the Revised Statutes of Nova Scotia, 1989,
the *Special Places Protection Act***

-and-

**In the matter of the designation of an ecological site
near Shortts Lake, Colchester County
to be known as Big Meadow Brook Nature Reserve**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*,

hereby designate the area of land described in Appendix A and shown on the map attached as Appendix B as an ecological site to be known as Big Meadow Brook Nature Reserve.

Pursuant to subsection 14(3) of the Act, this designation is effective on and after the date it is published in the *Royal Gazette*.

In accordance with subsection 14(6) of the Act, this designation will be registered in the registry of deeds office for the registration district in which the lands are situated.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

Appendix A
Description of Big Meadow Brook Nature Reserve

PARCEL P-025/21

ALL and singular that certain lot, piece or parcel of land located at Shortts Lake in the County of Colchester, Province of Nova Scotia, shown outlined in bold as Big Meadow Brook Nature Reserve on Field Plot P-025/21, filed at the Surveys Division of the Department of Natural Resources and Renewables, Halifax, Nova Scotia, and containing an area of 111 hectares more or less.

BEGINNING at Crown Survey Marker CL633, being situate on the northern boundary of PID 20076535 and at the southeastern corner of PID 20158598;

THENCE in a northwesterly direction along the eastern boundary line of PID 20158598, to a point situate on the eastern boundary of a transmission line right of way;

THENCE in a northerly direction along the eastern boundary of said transmission line right of way, to a point situate on a southern boundary of PID 20326336;

THENCE in a easterly direction along the southerly boundary of PID 20326336 to Crown Survey Marker CL635, being situate on a southeast corner of PID 20326336;

THENCE in a northerly direction along the easterly boundary of PID 20326336 to Crown Survey Marker CL636, being situate on a southern boundary of PID 20326336;

THENCE in a easterly direction along said southern boundary of PID 20326336, and along the southern boundary of PID 20076642, to a point, said point being on the western boundary deemed to be maximum flood zone;

THENCE in a southerly direction along the various courses of the boundary shown as the maximum flood zone, to a point being situate on a northern boundary of PID 20074233;

THENCE in a westerly direction along said northern boundary of PID 20074233, and along a portion of the northern boundary of PID 20076535, to Crown Survey Marker CL633 and the **PLACE OF BEGINNING**.

CONTAINING 111 hectares, more or less.

PARCEL P-025/21-1

ALL and singular that certain lot, piece or parcel of land located at Shortts Lake in the County of Colchester, Province of Nova Scotia, shown outlined in bold as Big Meadow Brook Nature Reserve on Field Plot P-025/21, filed at the Surveys Division of the Department of Natural Resources and Renewables, Halifax, Nova Scotia, and containing an area of 173 hectares more or less.

BEGINNING at Crown Survey Marker CL638, being situate on the southern boundary of PID 20207148;

THENCE in a easterly direction along said southern boundary of PID 20207148 and along the southern boundary of PID 20015319, to Crown Survey Marker CL639, being situate on the northwestern corner of PID 20253035;

THENCE in a southerly direction along the western boundaries of PID 20253035, 20253027, 20074670, and 20122586, to Crown Survey Marker CL629, being situate on the northern boundary of PID 20074449;

THENCE in a westerly direction along said northern boundary of PID 20074449 and along the northern boundary of PID 20429668 to Crown Survey Marker CL630, being situate at the northwestern corner of PID 20429668;

THENCE in a southerly direction along the western boundary of PID 20429668 and 20436432, and along a western boundary of PID 20074233, to Crown Survey Marker CL631;

THENCE in a westerly direction along the northern boundary of PID 20074233 to Crown Survey Marker CL632;

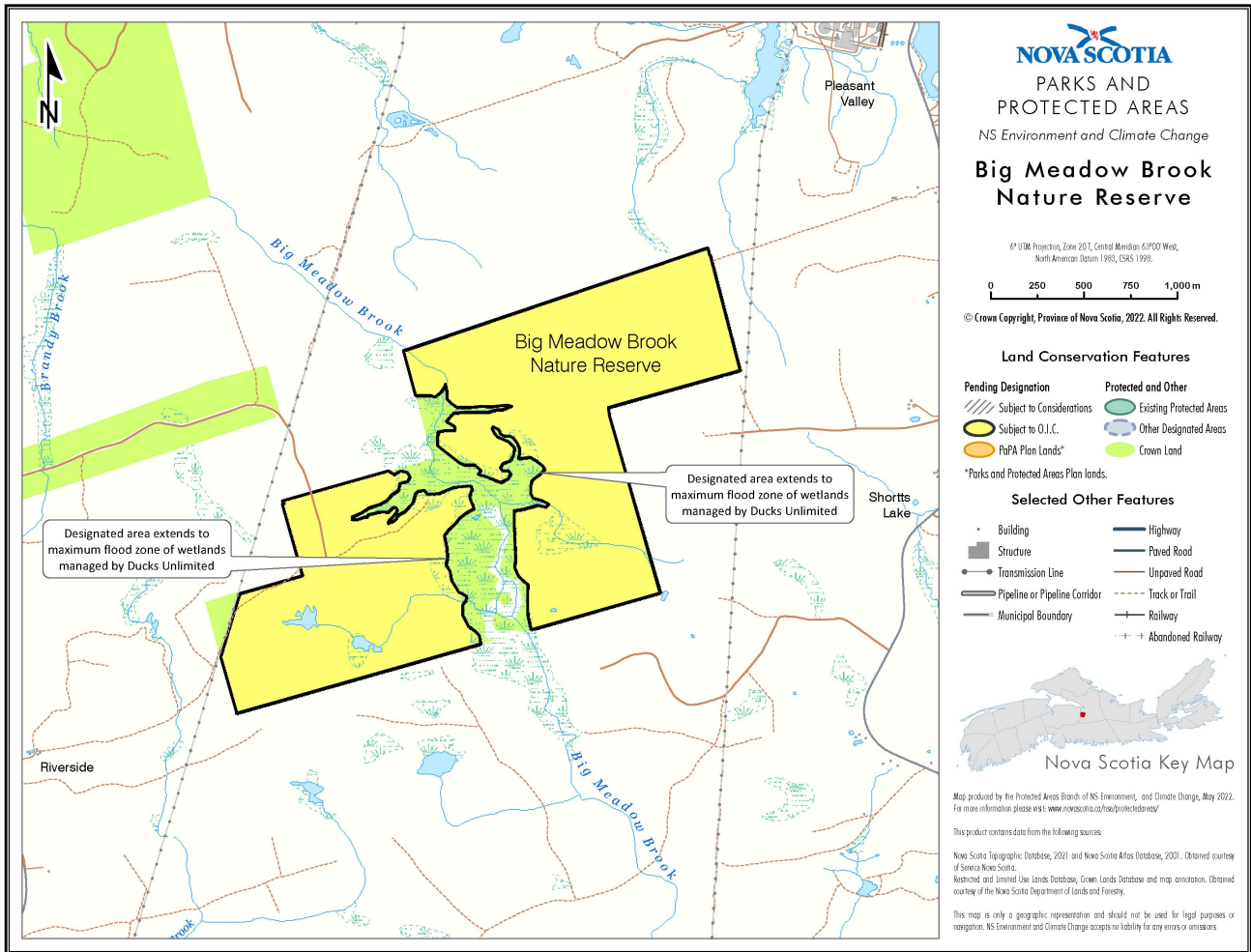
THENCE in a westerly direction along the northern boundary of PID 20074233, to a point on the eastern boundary deemed to be the maximum flood zone;

THENCE in a northeasterly direction along the various courses of the boundary of said maximum flood zone, to a point on the eastern boundary of PID 20076642;

THENCE in a northerly direction along the eastern boundary of PID 20076642 to Crown Survey Marker CL638, being the **PLACE OF BEGINNING**.

CONTAINING 173 hectares, more or less.

Appendix B Map of Big Meadow Brook Nature Reserve



N.S. Reg. 277/2022

Barneys River Nature Reserve Designation

Schedule "B"

**In the matter of Section 14 of Chapter 438
of the Revised Statutes of Nova Scotia, 1989,
the *Special Places Protection Act***

-and-

**In the matter of the designation of an ecological site
near Barneys River Station and Indian Lake, Pictou County
to be known as Barneys River Nature Reserve**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate the area of land described in Appendix A and shown on the map attached as Appendix B as an ecological site to be known as Barneys River Nature Reserve.

Pursuant to subsection 14(3) of the Act, this designation is effective on and after the date it is published in the *Royal Gazette*.

In accordance with subsection 14(6) of the Act, this designation will be registered in the registry of deeds office for the registration district in which the lands are situated.

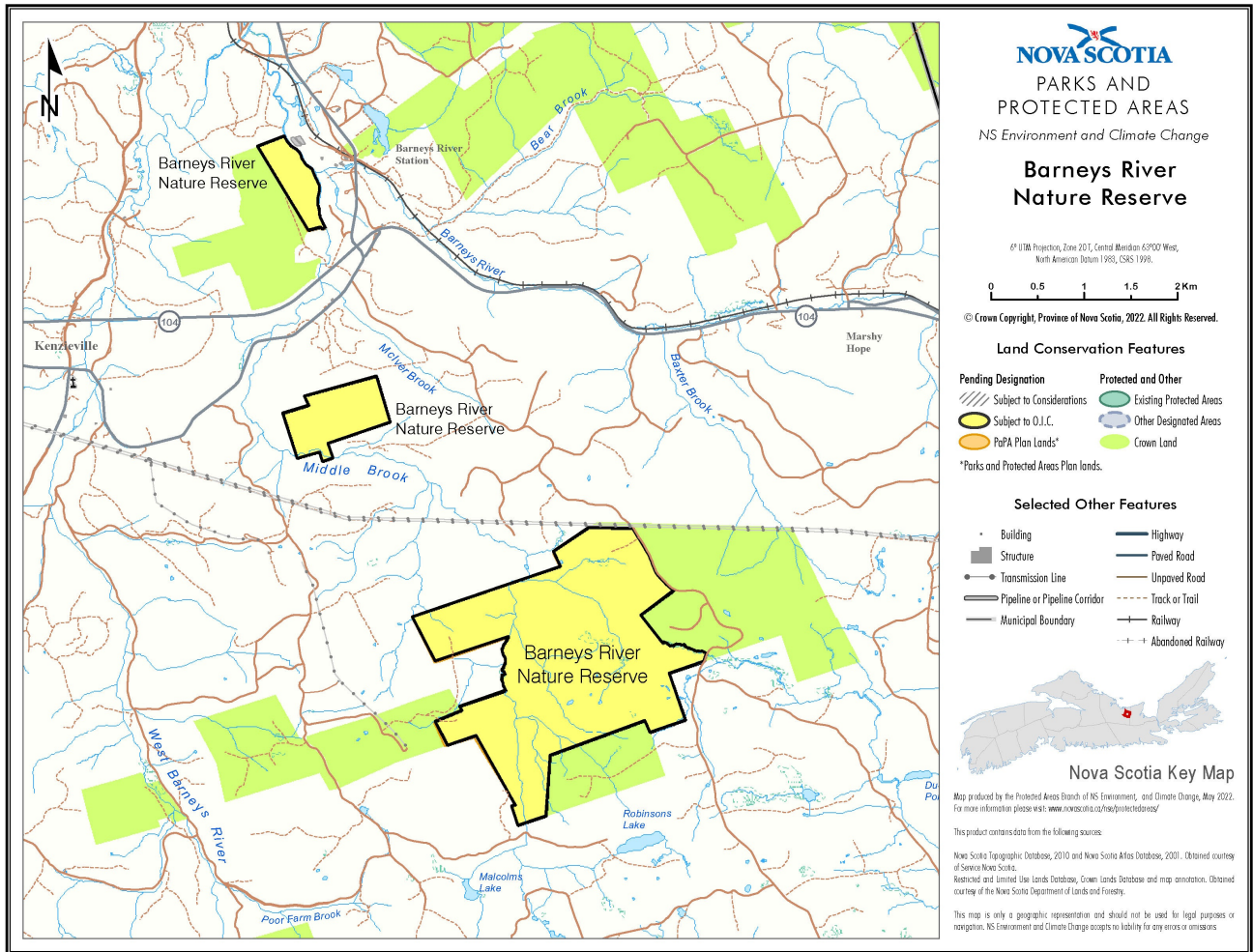
Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

**Appendix A
Description of Barneys River Nature Reserve**

ALL and singular that certain lot, piece or parcel of land and land covered by water located at Barneys River Station and Indian Lake in the County of Pictou, Province of Nova Scotia, shown outlined in bold as Barneys River Nature Reserve on Field Plot P-055/15, filed at the Surveys Division of the Department of Natural Resources and Renewables, Halifax, Nova Scotia, and containing an area of 567 hectares more or less.

Appendix B Map of Barneys River Nature Reserve



N.S. Reg. 278/2022

Cherry Hill Beach Nature Reserve Designation

Schedule “C”

**In the matter of Section 14 of Chapter 438
of the Revised Statutes of Nova Scotia, 1989,
the *Special Places Protection Act***

-and-

**In the matter of the designation of an ecological site
at Cherry Hill, Lunenburg County
to be known as Cherry Hill Beach Nature Reserve**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate the area of land described in Appendix A and shown on the map attached as Appendix B as an ecological site to be known as Cherry Hill Beach Nature Reserve.

Pursuant to subsection 14(3) of the Act, this designation is effective on and after the date it is published in the *Royal Gazette*.

In accordance with subsection 14(6) of the Act, this designation will be registered in the registry of deeds office for the registration district in which the lands are situated.

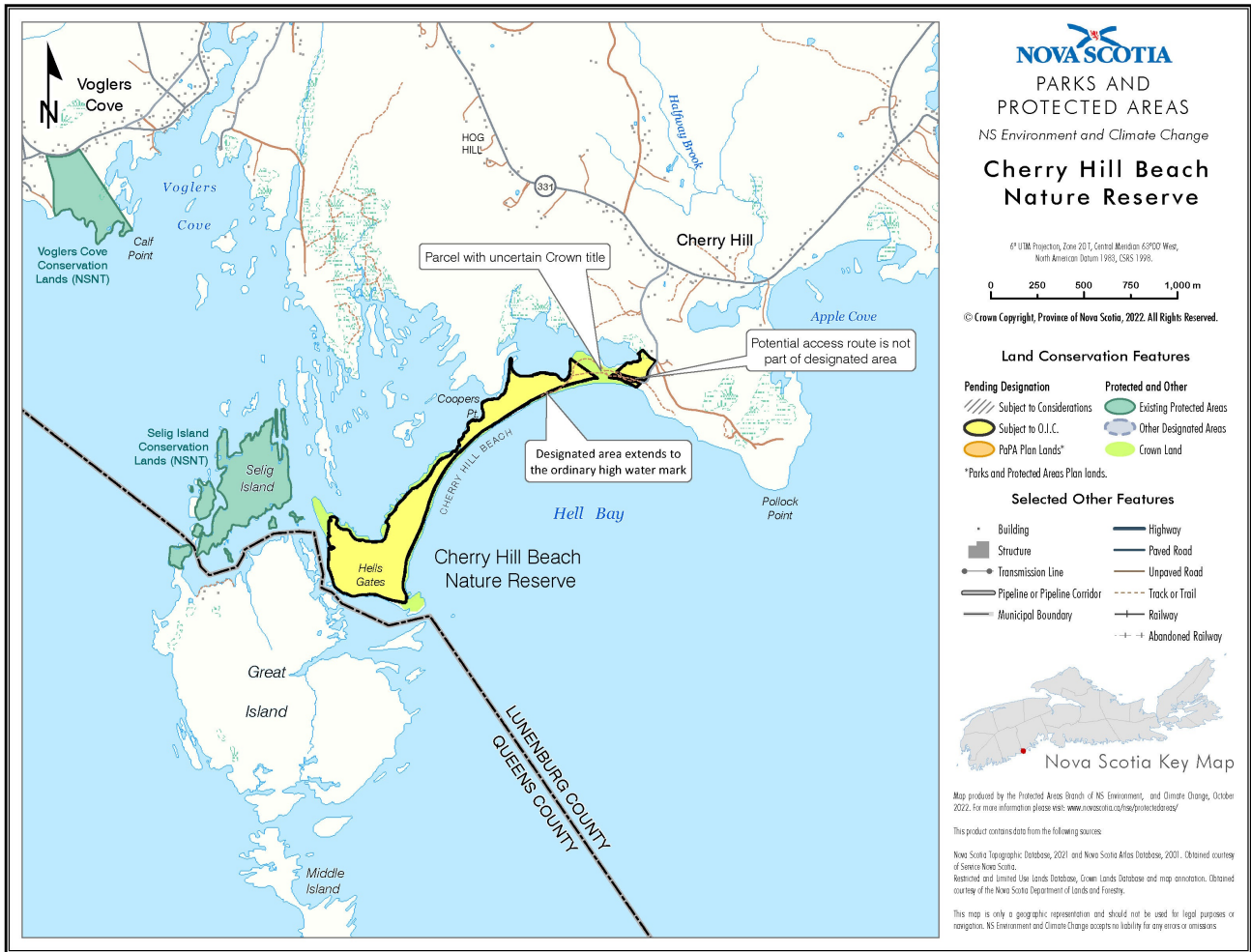
Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

**Appendix A
Description of Cherry Hill Beach Nature Reserve**

ALL and singular that certain lot, piece or parcel of land and land covered by water located at Cherry Hill in the County of Lunenburg, Province of Nova Scotia, shown outlined in bold as Cherry Hill Beach Nature Reserve on Field Plot P-078/21, filed at the Surveys Division of the Department of Natural Resources and Renewables, Halifax, Nova Scotia, and containing an area of 27 hectares more or less.

Appendix B Map of Cherry Hill Beach Nature Reserve



N.S. Reg. 279/2022

Glendyer Nature Reserve Designation

Schedule “D”

**In the matter of Section 14 of Chapter 438
of the Revised Statutes of Nova Scotia, 1989,
the *Special Places Protection Act***

-and-

**In the matter of the designation of an ecological site
near Melrose Hill, Inverness County
to be known as Glendyer Nature Reserve**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate the area of land described in Appendix A and shown on the map attached as Appendix B as an ecological site to be known as Glendyer Nature Reserve.

Pursuant to subsection 14(3) of the Act, this designation is effective on and after the date it is published in the *Royal Gazette*.

In accordance with subsection 14(6) of the Act, this designation will be registered in the registry of deeds office for the registration district in which the lands are situated.

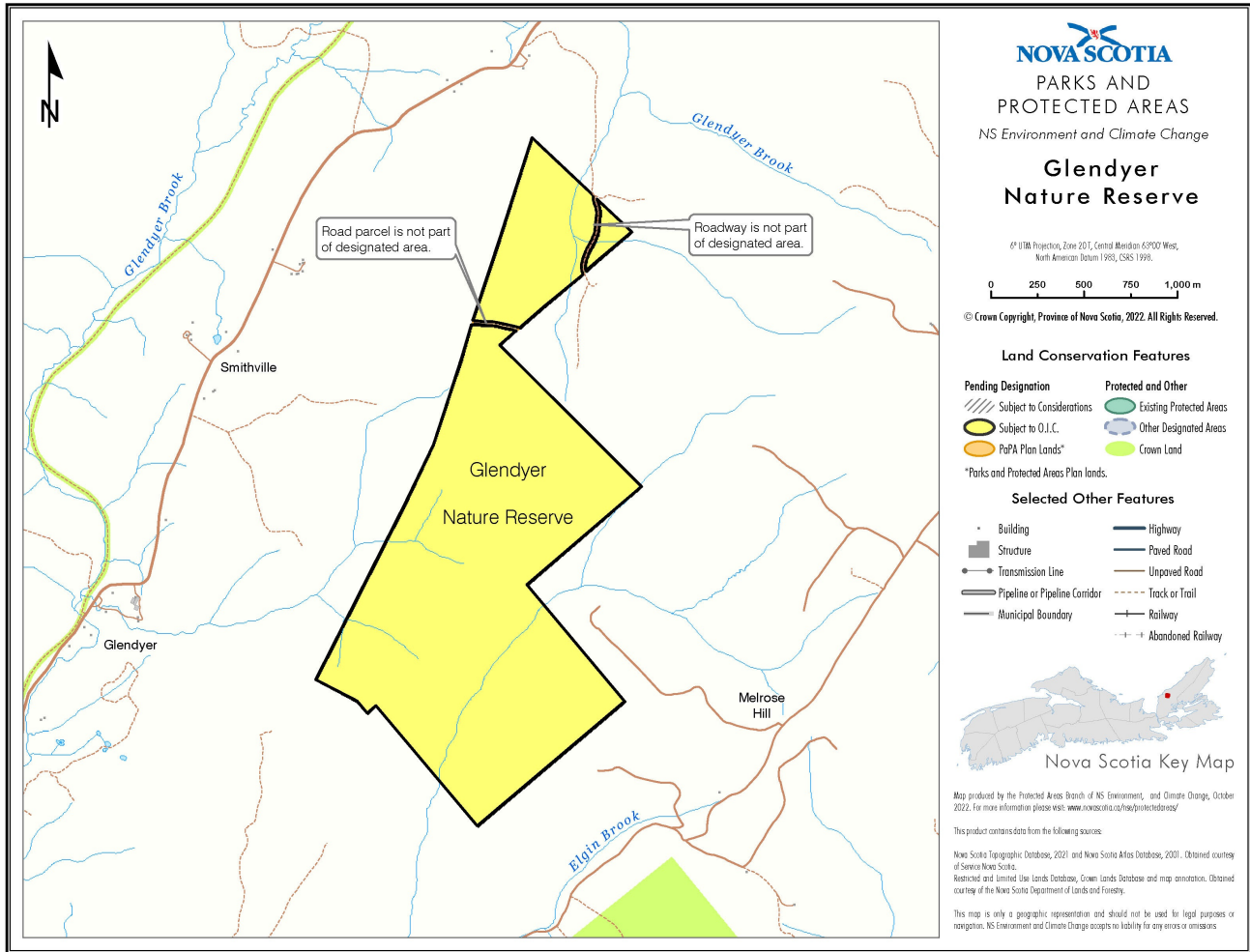
Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

**Appendix A
Description of Glendyer Nature Reserve**

ALL and singular that certain lot, piece or parcel of land located at Melrose Hill, Hillsboro in the County of Inverness, Province of Nova Scotia, shown outlined in bold as Glendyer Nature Reserve on Field Plot P-060/21, filed at the Surveys Division of the Department of Natural Resources and Renewables, Halifax, Nova Scotia, and containing an area of 276 hectares more or less.

Appendix B Map of Glendyer Nature Reserve



N.S. Reg. 280/2022

Les Caps Nature Reserve Designation

Schedule "E"

**In the matter of Section 14 of Chapter 438
of the Revised Statutes of Nova Scotia, 1989,
the *Special Places Protection Act***

-and-

**In the matter of the designation of an ecological site
on Cheticamp Island, Inverness County
to be known as Les Caps Nature Reserve**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate the area of land described in Appendix A and shown on the map attached as Appendix B as an ecological site to be known as Les Caps Nature Reserve.

Pursuant to subsection 14(3) of the Act, this designation is effective on and after the date it is published in the *Royal Gazette*.

In accordance with subsection 14(6) of the Act, this designation will be registered in the registry of deeds office for the registration district in which the lands are situated.

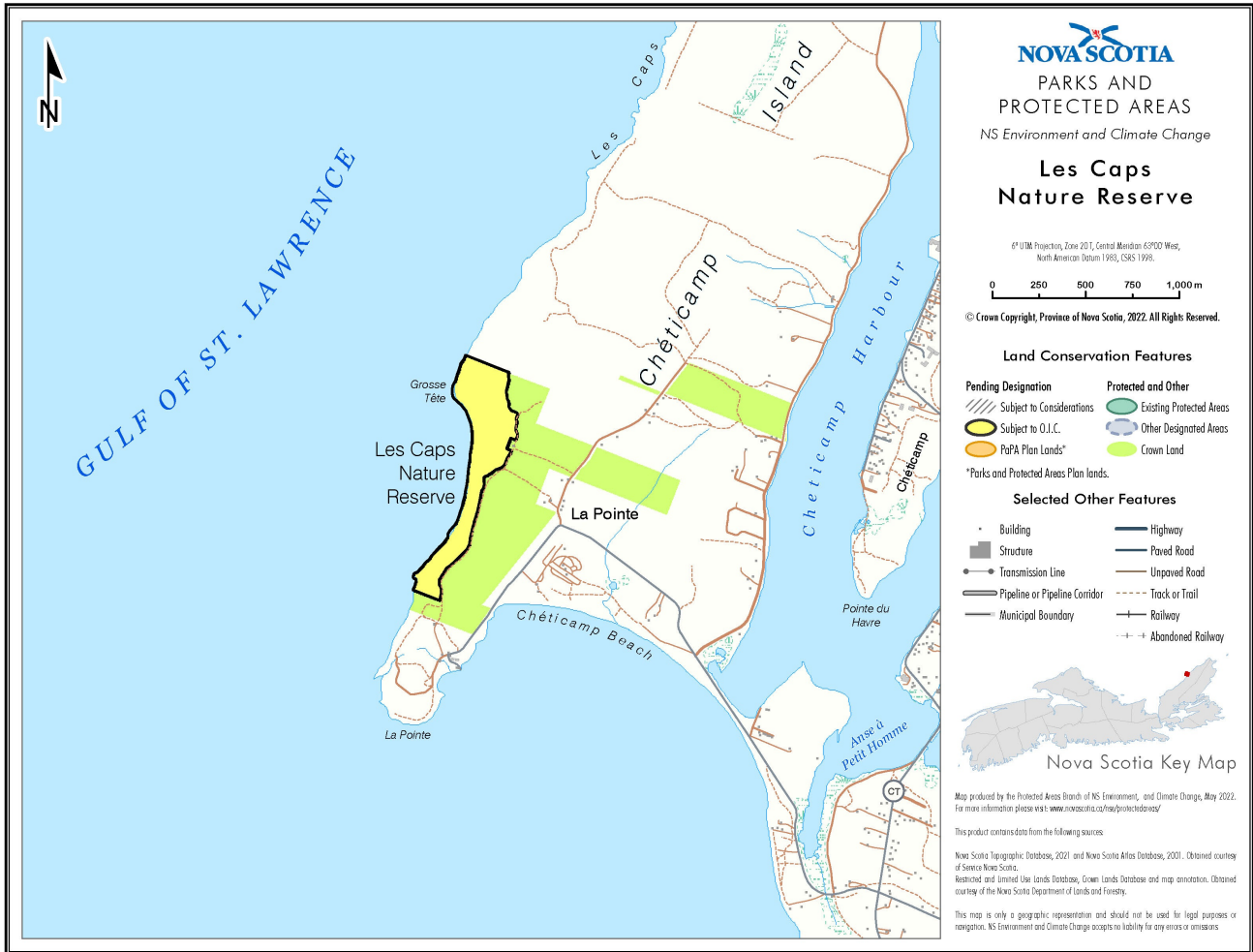
Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

**Appendix A
Description of Les Cap Nature Reserve**

ALL and singular that certain lot, piece, or parcel of land located at La Pointe, Chéticamp Island in the County of Inverness, Province of Nova Scotia, shown outlined in bold as Les Caps Nature Reserve on Field Plot P-106/16, filed at the Surveys Division of the Department of Natural Resources and Renewables, Halifax, Nova Scotia, and containing an area of 22 hectares more or less.

Appendix B Map of Les Caps Nature Reserve



N.S. Reg. 281/2022

Porcupine Brook Nature Reserve Designation

Schedule "F"

**In the matter of Section 14 of Chapter 438
of the Revised Statutes of Nova Scotia, 1989,
the *Special Places Protection Act***

-and-

**In the matter of the designation of an ecological site
at Porcupine Lake, Annapolis County
to be known as Porcupine Brook Nature Reserve**

I, Timothy Halman, Minister of Environment and Climate Change for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate the area of land described in Appendix A and shown on the map attached as Appendix B as an ecological site to be known as Porcupine Brook Nature Reserve.

Pursuant to subsection 14(3) of the Act, this designation is effective on and after the date it is published in the *Royal Gazette*.

In accordance with subsection 14(6) of the Act, this designation will be registered in the registry of deeds office for the registration district in which the lands are situated.

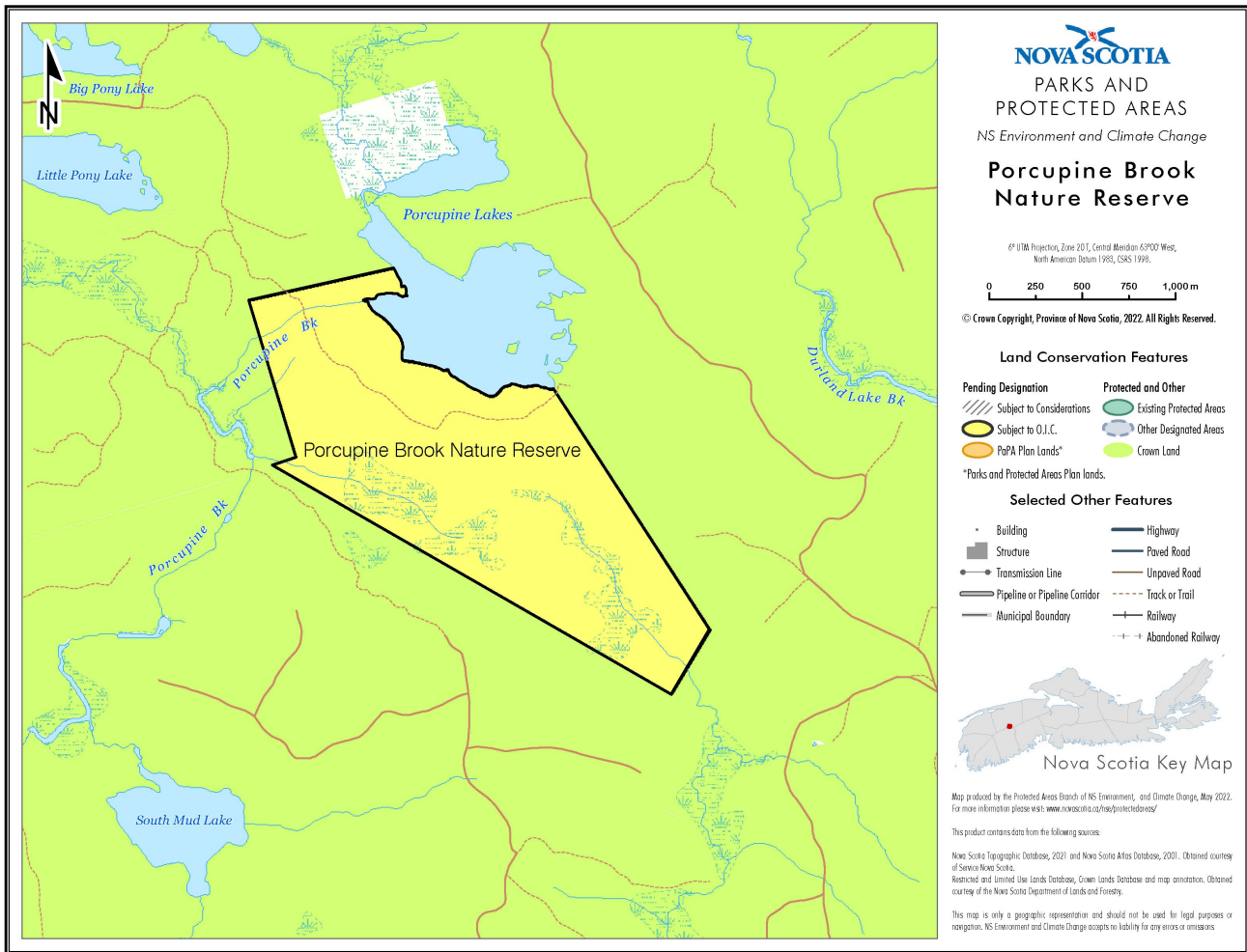
Dated and made at Halifax Regional Municipality, Province of Nova Scotia, November 16, 2022.

sgd. *Timothy Halman*
Honourable Timothy Halman
Minister of Environment and Climate Change

**Appendix A
Description of Porcupine Brook Nature Reserve**

ALL and singular that certain lot, piece, or parcel of land located at Medway in the County of Annapolis, Province of Nova Scotia, shown outlined in bold as Porcupine Brook Nature Reserve on Field Plot P-059/21, filed at the Surveys Division of the Department of Natural Resources and Renewables, Halifax, Nova Scotia, and containing an area of 238 hectares more or less.

Appendix B Map of Porcupine Brook Nature Reserve



N.S. Reg. 282/2022 to 317/2022

Made: December 13, 2022

Filed: December 13, 2022

Repeal of various regulations under the Housing Act and Housing Nova Scotia Act

Order in Council 2022-299 dated December 13, 2022
Repeal of regulations made by the Governor in Council
pursuant to Section 26 of the *Housing Act* and
Section 13 of the *Housing Nova Scotia Act*

The Governor in Council on the report and recommendation of the Minister of Municipal Affairs and Housing dated November 30, 2022, is pleased to,

- (a) pursuant to Section 26 of Chapter 211 of the Revised Statutes of Nova Scotia, 1989, the *Housing Act*, and
- (i) effective on and after December 13, 2022, repeal the following regulations:
- (A) regulations respecting the apartment conversion program, N.S. Reg. 86/1979, made by the Governor in Council by Order in Council 79-673 dated June 5, 1979, **[N.S. Reg. 282/2022]**
 - (B) regulations respecting the apartment creation program, N.S. Reg. 170/1986, made by the Governor in Council by Order in Council 86-833 dated July 15, 1986, **[N.S. Reg. 283/2022]**
 - (C) regulations respecting the assisted home ownership-co-operative program, N.S. Reg. 113/1974, made by the Governor in Council by Order in Council 74-76 dated January 22, 1974, **[N.S. Reg. 284/2022]**
 - (D) regulations respecting the Chameleon housing co-operative program, N.S. Reg. 85/1983, made by the Governor in Council by Order in Council 82-733 dated June 15, 1982, **[N.S. Reg. 285/2022]**
 - (E) regulations respecting contractor security, N.S. Reg. 30/1969, made by the Governor in Council by Order in Council 69-396 dated May 6, 1969, **[N.S. Reg. 286/2022]**
 - (F) regulations respecting co-operative housing, N.S. Reg. 84/1971, made by the Governor in Council by Order in Council 71-286 dated March 30, 1971, **[N.S. Reg. 287/2022]**
 - (G) regulations respecting the family benefits housing program, N.S. Reg. 172/1986, made by the Governor in Council by Order in Council 86-835 dated July 15, 1986, **[N.S. Reg. 288/2022]**
 - (H) regulations respecting feasibility studies, N.S. Reg. 28/1970, made by the Governor in Council by Order in Council 70-481 dated May 22, 1970, **[N.S. Reg. 289/2022]**
 - (I) regulations respecting financial assistance to the Atlantic Baptist Senior Citizens' Home Incorporated, N.S. Reg. 125/1988, made by the Governor in Council by Order in Council 88-595 dated May 31, 1988, **[N.S. Reg. 290/2022]**
 - (J) regulations respecting the home insulation loan program, N.S. Reg. 10/1977, made by the Governor in Council by Order in Council 77-205 dated March 1, 1977, **[N.S. Reg. 291/2022]**

- (K) regulations respecting the housing development board, N.S. Reg. 238/1983, made by the Governor in Council by Order in Council 83-1296 dated November 8, 1983, [**N.S. Reg. 292/2022**]
- (L) regulations respecting the operation of the new home mortgage program, N.S. Reg. 83/1981, made by the Governor in Council by Order in Council 81-702 dated May 26, 1981, [**N.S. Reg. 293/2022**]
- (M) regulations respecting loans by the Minister of Housing for interim financing to new non-profit housing construction projects, N.S. Reg. 264/1987, made by the Governor in Council by Order in Council 87-1539 dated December 15, 1987, [**N.S. Reg. 294/2022**]
- (N) regulations respecting the prescribing of forms and transitional provisions, N.S. Reg. 238/1983, made by the Governor in Council by Order in Council 83-1296 dated November 8, 1983, [**N.S. Reg. 295/2022**]
- (O) regulations respecting the Preston area housing fund, N.S. Reg. 93/1982, made by the Governor in Council by Order in Council 82-549 dated April 27, 1982, [**N.S. Reg. 296/2022**]
- (P) regulations respecting the private sector second mortgage housing program, N.S. Reg. 204/1987, made by the Governor in Council by Order in Council 87-1174 dated September 24, 1987, [**N.S. Reg. 297/2022**]
- (Q) regulations respecting the replacement reserve fund, N.S. Reg. 238/1983, made by the Governor in Council by Order in Council 83-1296 dated November 8, 1983, [**N.S. Reg. 298/2022**]
- (R) regulations respecting a sanitary sewer systems study of Sackville and Cole Harbour, N.S. Reg. 155/1981, made by the Governor in Council by Order in Council 81-1363 dated November 3, 1981, [**N.S. Reg. 299/2022**]
- (S) regulations respecting the second mortgage program, N.S. Reg. 171/1986, made by the Governor in Council by Order in Council 86-834 dated July 15, 1986, [**N.S. Reg. 300/2022**]
- (T) regulations respecting the self-help housing program, N.S. Reg. 52/1977, made by the Governor in Council by Order in Council 77-683 dated June 14, 1977, [**N.S. Reg. 301/2022**]
- (U) regulations respecting the provincial self-help housing program, N.S. Reg. 278/1984, made by the Governor in Council by Order in Council 84-1342 dated November 20, 1984, [**N.S. Reg. 302/2022**]
- (V) regulations respecting the shell housing program, N.S. Reg. 173/1986, made by the Governor in Council by Order in Council 86-836 dated July 15, 1986, [**N.S. Reg. 303/2022**]
- (W) regulations respecting the designation of Minister of Housing, N.S. Reg. 238/1983, made by the Governor in Council by Order in Council 83-1296 dated November 8, 1983, and [**N.S. Reg. 304/2022**]
- (X) regulations respecting the execution of documents by the Minister, N.S. Reg. 238/1983, made by the Governor in Council by Order in Council 83-1296 dated November 8, 1983, [**N.S. Reg. 305/2022**]

- (ii) effective on and after December 31, 2022, repeal the following regulations:
 - (A) regulations respecting the Access-A-Home program, N.S. Reg. 154/1993, made by the Governor in Council by Order in Council 93-836 dated October 19, 1993, **[N.S. Reg. 306/2022]**
 - (B) the *Down Payment Assistance Program Regulations*, N.S. Reg. 88/2017, made by the Governor in Council by Order in Council 2017-155 dated April 27, 2017, **[N.S. Reg. 307/2022]**
 - (C) regulations respecting the family modest housing program, N.S. Reg. 220/1987, made by the Governor in Council by Order in Council 87-1257 dated October 14, 1987, **[N.S. Reg. 308/2022]**
 - (D) regulations respecting the parent apartment program, N.S. Reg. 169/1993, made by the Governor in Council by Order in Council 93-903 dated November 16, 1993, **[N.S. Reg. 309/2022]**
 - (E) the *Provincial Housing Emergency Repair Program Regulations*, N.S. Reg. 161/2010, made by the Governor in Council by Order in Council 2010-401 dated November 2, 2010, **[N.S. Reg. 310/2022]**
 - (F) the *Senior Citizens Assistance Program Regulations*, N.S. Reg. 162/2010, made by the Governor in Council by Order in Council 2010-402 dated November 2, 2010, and **[N.S. Reg. 311/2022]**
 - (G) regulations respecting the small loans assistance program, N.S. Reg. 89/1984, made by the Governor in Council by Order in Council 84-467 dated April 17, 1984, **[N.S. Reg. 312/2022]**
- (iii) effective on and after April 1, 2023, repeal the following regulations:
 - (A) the *First Mortgage Insurance Fund Regulations*, N.S. Reg. 342/1990, made by the Governor in Council by Order in Council 90-1456 dated December 18, 1990, **[N.S. Reg. 313/2022]**
 - (B) the *Second Mortgage Insurance Fund Regulations*, N.S. Reg. 203/1987, made by the Governor in Council by Order in Council 87-1173 dated September 24, 1987, and **[N.S. Reg. 314/2022]**
 - (C) regulations respecting the housing financial assistance program, N.S. Reg. 132/1989, made by the Governor in Council by Order in Council 89-788 dated July 11, 1989; and **[N.S. Reg. 315/2022]**
- (b) pursuant to Section 13 of Chapter 213 of the Revised Statutes of Nova Scotia, 1989, the *Housing Nova Scotia Act*, and
 - (i) effective on and after December 31, 2022, repeal the *Child Care Assistance Regulations*, N.S. Reg. 442/2008, made by the Governor in Council by Order in Council 2008-638 dated December 9, 2008, and **[N.S. Reg. 316/2022]**
 - (ii) effective on and after the date that Section 54 of Chapter 36 of the Acts of 2022, the *Housing Supply and Services Act*, is proclaimed, repeal the *Housing Nova Scotia Regulations*, N.S. Reg. 210/1986, made by the Governor in Council by Order in Council 86-925 dated July 29, 1986. **[N.S. Reg. 317/2022]**

N.S. Reg. 318/2022

Made: December 13, 2022

Filed: December 13, 2022

Proclamation of amendments to Act, S. 17, S.N.S. 2021, c. 36

–S. 2, 3(1), 4, 5, 6(1), 8, 9, 12 and 13

Order in Council 2022-305 dated December 13, 2022

Proclamation made by the Governor in Council

pursuant to Section 17 of

An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Internal Services dated November 20, 2022, pursuant to Section 17 of Chapter 36 of the Acts of 2021, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, is pleased to order and declare by proclamation that Section 2, subsection 3(1), Sections 4 and 5, subsection 6(1) and Sections 8, 9, 12 and 13 of Chapter 36 of the Acts of 2021, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, do come into force on and not before February 3, 2023.

L.S.

**Canada
Province of Nova Scotia**

Charles the Third, by the Grace of God, of the United Kingdom, Canada, and His Other Realms and Territories, KING, 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 36 of the Acts of 2021, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, it is enacted as follows:

- 17** Section 2, subsection 3(1), Sections 4 and 5, subsection 6(1) and Sections 8 to 13 come into force on such day as the Governor in Council orders and declares by proclamation.

And Whereas it is deemed expedient that Section 2, subsection 3(1), Sections 4 and 5, subsection 6(1) and Sections 8, 9, 12 and 13 of Chapter 36 of the Acts of 2021, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, do come into force on and not before February 3, 2023;

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 2, subsection 3(1), Sections 4 and 5, subsection 6(1) and Sections 8, 9, 12 and 13 of Chapter 36 of the Acts of 2021, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, do come into force on and not before February 3, 2023, 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, Arthur J. LeBlanc, Chancellor of Our Order of Nova Scotia, one of Our Counsel learned in the law in the Province of Nova Scotia, Lieutenant Governor in and of Our Province of Nova Scotia.

Given at Our Government House in the Halifax Regional Municipality, this 13th day of December in the year of Our Lord two thousand and twenty-two and in the First year of Our Reign.

By Command:

**PROVINCIAL SECRETARY
ATTORNEY GENERAL AND MINISTER OF JUSTICE**

N.S. Reg. 319/2022

Made: December 13, 2022

Filed: December 13, 2022

Residential Tenancies Regulations—amendment

Order in Council 2022-306 dated December 13, 2022
Amendment to regulations made by the Governor in Council
pursuant to Section 26 of the *Residential Tenancies Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Internal Services dated November 20, 2022, and pursuant to Section 26 of Chapter 401 of the Revised Statutes of Nova Scotia, 1989, the *Residential Tenancies Act*, is pleased to amend the *Residential Tenancies Regulations*, N.S. Reg. 190/1989, made by the Governor in Council by Order in Council 89-1118 dated September 26, 1989, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after February 3, 2023.

Schedule “A”

**Amendment to the *Residential Tenancies Regulations*
made by the Governor in Council under Section 26
of Chapter 401 of the Revised Statutes of Nova Scotia, 1989,
the *Residential Tenancies Act***

- 1 The *Residential Tenancies Regulations*, N.S. Reg. 190/1989, made by the Governor in Council by Order in Council 89-1118 dated September 26, 1989, are amended by adding the following Section immediately after Section 4:

Tenant’s notice to quit under Section 10AE of Act where tenant has received notice of rent increase

4AA A notice to quit given by a tenant to the landlord under Section 10AE of the Act where the tenant has received notice of a rent increase must be in Form C1: Tenant’s Notice to Quit Where Tenant Has Received Notice of Rent Increase.

- 2 (1) The heading immediately before Section 4B of the regulations is amended by adding “or breach of subsection 9B(1) of Act” immediately after “condition”.
- (2) Section 4B of the regulations is amended by
- (a) adding “or breach of subsection 9B(1) of the Act” immediately after “condition”; and
 - (b) adding “or Subsection 9B(1) of the Act” immediately after “Condition”.

3 The table of prescribed forms in Section 35 of the regulations is amended by

(a) adding the following row immediately after the row for Form C:

C1	Tenant’s notice to quit under Section 10AE of Act where tenant has received notice of rent increase
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(b) adding “or breach of subsection 9B(1) of Act” immediately after “condition” in the row for Form E.

4 The regulations are further amended by adding the attached Form C1: Tenant’s Notice to Quit Where Tenant Has Received Notice of Rent Increase immediately after Form C.

5 The regulations are further amended by repealing Form D: Landlord’s Notice to Quit for Rental Arrears and substituting the attached Form D.

6 Form E: Landlord’s Notice to Quit—Breach of Statutory Condition of the regulations is amended by

(a) in the form title, adding “or Subsection 9B(1) of the Act” immediately after “Condition”; and

(b) adding the following checkbox immediately above the line beginning “Date:”:

- Failure to obtain consent of landlord to assign, sublet or otherwise part with possession of the residential premises (subsection 9B(1) of the Act)
Details: _____

7 Form G: Tenant’s Notice to Quit—Early Termination of Tenancy of the regulations is amended under the heading “Certificate of Service” by striking out “properly addressed and” in both places where it appears.

8 Form J: Application to Director of the regulations is amended under the heading “If the Applicant is the landlord:” by striking out “[] Termination of tenancy and vacant possession” and substituting the following:

[] Termination of tenancy and vacant possession for the purpose of renovations or making repairs or demolition of the residential premises

[] Termination of tenancy and vacant possession for any other reason (specify)

9 Form K: Application to Director—Rental Arrears of the regulations is amended under the heading “Certificate of Service of Notice to Quit for Rental Arrears” by striking out “properly addressed and” in both places where it appears.

10 Form L: Affidavit of Service of the regulations is amended by striking out “properly addressed and” in both places where it appears.

11 Form L1: Certificate of Service of the regulations is amended by striking out “properly addressed and” in both places where it appears.

- 12 Form M: Notice of Rent Increase for Manufactured Home Space of the regulations is amended in the shaded box with the heading “Landlord: Please Note” by adding “Service must take place at least 7 months before the tenant’s anniversary date.” immediately after “subsection 15(2) of the Act.”
- 13 Form N: Application to Director—Rent Increase Greater Than Annual Allowable Rent Increase Amount of the regulations is amended under the heading “Certificate of Service” by striking out “properly addressed and” in both places where it appears.
- 14 (1) Item 11 of Form P: Standard Form of Lease of the regulations is amended by
- (a) striking out “The rent may be increased on the anniversary date only” and substituting “The landlord shall not give a notice of rent increase that provides for a different rent increase amount if the lease is renewed for a different type of term”;
 - (b) striking out “anniversary date of” in clause (a) and substituting “effective date of the increase for”; and
 - (c) striking out “anniversary date of” in clause (b) and substituting “effective date of the increase for”.
- (2) Item 19 of Form P: Standard Form of Lease of the regulations is amended by adding “OR if the tenant receives a notice of rent increase, at least 3 full months before the effective date of the rent increase” immediately after “(a year for this purpose begins on the anniversary date)”.
- (3) Form P: Standard Form of Lease of the regulations is further amended by striking out the box with the heading “TENANTS: GIVING NOTICE” and substituting the following box:

TENANTS: GIVING NOTICE

IF YOU WISH TO TERMINATE A YEAR-TO-YEAR LEASE AT THE END OF THE LEASE TERM, the law requires that you must give at least 3 months’ written notice on or before
 _____ *(notice date—3 months prior to anniversary date).*

Otherwise, the lease will automatically be renewed for another year.

IF YOU ARE IN A YEAR-TO-YEAR LEASE AND YOU RECEIVE A NOTICE OF RENT INCREASE FROM YOUR LANDLORD, you may terminate the lease by giving at least 3 months’ written notice before the effective date of the rent increase.

IF YOU WISH TO TERMINATE A MONTH-TO-MONTH LEASE OR A MANUFACTURED HOME SPACE LEASE, you must give at least 1 full month’s written notice before the expiration of any such month.

IF YOU WISH TO TERMINATE A WEEKLY TENANCY, you must give 1 full week’s written notice before the expiration of any such week.

- (4) Form P: Standard Form of Lease of the regulations is further amended by striking out Statutory Condition 7. under the heading “Schedule A: Statutory Conditions” and substituting the following Statutory Conditions:

- 7. Notice of Entry** - A landlord may enter the premises if the landlord has given the tenant notice of entry that
- (a) is in writing;
 - (b) states the purpose of entry, which must be reasonable;
 - (c) states the date and time of the entry, which must be between 8 a.m. and 8 p.m., unless the tenant agrees to a different time;
 - (d) is given by the landlord to the tenant at least 24 hours and not more than 30 days before the day of entry; and
 - (e) is delivered
 - (i) using a method set out in subsection 15(2) of the Act; or
 - (ii) by text sent to a telephone number provided by the tenant for the landlord to provide notice of entry.
- 7A. Entry without Written Notice** - A landlord shall not enter the premises without written notice unless
- (a) there is an emergency and the entry is necessary to protect life or property;
 - (b) the tenant gives consent at the time of entry;
 - (c) the tenant gives consent not more than thirty days before the entry; or
 - (d) the tenant reasonably appears to have abandoned the residential premises.

Form C1: Tenant's Notice to Quit Where Tenant Has Received Notice of Rent Increase
(under Section 10AE of the *Residential Tenancies Act*)

To: Landlord's name: _____

Tenant's name: _____

Address of residential premises: _____

My tenancy is a year-to-year tenancy and I have received a notice of rent increase dated _____
(date: month/day/year) to become effective on _____ (date: month/day/year)

I give notice that I am terminating my tenancy on _____ (date: month/day/year)

Important Information

This notice must be given at least 3 months before the effective date of the rent increase,
and must be given before the day of the month that rent is payable under the lease.

Security deposit return: (check one)

- I will make arrangements at a future time for the return of my security deposit.
- Please return my security deposit to me at the forwarding address below:

(street number, street name, apt. number)

(city/town)

(province)

(postal code)

Date: _____

Tenant's signature: _____

Tenant's name: _____

(print)

Tenant: Keep a copy of this form for your records.

Form D: Landlord’s Notice to Quit for Rental Arrears
(under subsection 10(6) of the *Residential Tenancies Act*)

To: Tenant’s name(s): _____

Important Information for Tenants

No later than 15 days after receiving this Notice to Quit, you may:

(a) pay the landlord the total rental arrears shown above. If you do so, this Notice to Quit is void and of no effect.

OR

(b) apply to the Director for an order setting aside this Notice to Quit by filing an Application to Director in Form J.

You may obtain a copy of the Application to Director form at an Access Nova Scotia office or on the Service Nova Scotia website.

If you do not pay the rental arrears or file an Application by the end of the 15th day after receiving this Notice to Quit, your tenancy is terminated and you must vacate the premises by the termination date shown above, and your landlord may apply to the Director for any one or more of the following:

- an order for you to vacate the premises;
- an order requiring you to pay your landlord any rent owing for the month in which this Notice to Quit was given to you and any rental arrears for previous months;
- an order permitting your landlord to retain your security deposit and interest to be applied against any rent found to be owing and in arrears.

The Director is authorized to make the order without holding a hearing.

(See subsections 10(6A), 10(6B), 10(6C), 10(6D) and 10(6E) of the Act)

Address of residential premises: _____

Your tenancy is terminated on _____ (termination date: month/day/year) and you must vacate the residential premises by that date for the following reason:

Your rent was 15 days overdue as of _____. Your monthly rent payment of \$_____ was due on _____. You owe total rental arrears of \$_____, calculated as follows:

Rent Period		Rent Owing \$	Rent Paid \$	Rental Arrears \$
From:	To:			

Total Rental Arrears Owning	\$
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Date: _____ Landlord's name: _____
(print)

Landlord's civic address: _____
(street number) (street name)

(city/town) (province)

Landlord's signature: _____

Tenants Please Note: If you make an Application to the Director for an order setting aside this Notice to Quit and the Director decides not to set aside this Notice to Quit, the Director may order one or more of the following:

- an order for you to vacate the premises;
- an order requiring you to pay your landlord any rent owing for the month in which this Notice to Quit was given to you and any rental arrears for previous months;
- an order permitting your landlord to retain your security deposit and interest to be applied against any rent found to be owing and in arrears.

(See subsection 10(6BA) of the Act)

Landlord: keep a copy of this notice for your records.

N.S. Reg. 320/2022

Made: October 3, 2022 and December 13, 2022

Filed: December 13, 2022

Prosthetic Devices Tariffs Regulations—amendment

Order in Council 2022-307 dated December 13, 2022
Amendment to regulations made by the Minister of Health and Wellness
and the Governor in Council
pursuant to subsection 17(2) of the *Health Services and Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated October 3, 2022, and pursuant to Chapter 197 of the Revised Statutes of Nova Scotia, 1989, *Health Services and Insurance Act* (the “Act”), is pleased, effective on and after January 1, 2023, to

- (a) pursuant to subsection 17(2) of the Act, amend the *Prosthetic Devices Tariffs Regulations*, N.S. Reg. 32/1999, made by the Minister of Health and the Governor in Council by Order in Council 1999-146 dated April 7, 1999, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation; and
- (b) pursuant to clause 13(1)(c) of the Act, approve the authorization by the Minister of Health and Wellness of payments in respect of the tariff increases referred to in clause (a).

Order**In the matter of an amendment to the *Prosthetic Devices Tariffs Regulations*
made pursuant to clause 13(1)(c) and subsection 17(2)
of the *Health Services and Insurance Act*****- and -****In the matter of an increase to the tariff of fees established
by the Minister of Health and Wellness pursuant to clause 13(1)(c)
of the *Health Services and Insurance Act* with respect to prosthetic devices**

I, Michelle Thompson, Minister of Health and Wellness for the Province of Nova Scotia, pursuant to clause 13(1)(c) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, hereby

- (a) amend the *Prosthetic Devices Tariffs Regulations*, N.S. Reg. 32/1999, made by the Minister of Health and the Governor in Council by Order in Council 1999-146 dated April 7, 1999, in the manner set out in the attached Schedule “A”; and
- (b) authorize payments in respect of the new tariff.

This Order is effective on and after the date that the amendments to the *Prosthetic Devices Tariffs Regulations* set forth in the attached Schedule “A” are made by the Governor in Council.

Dated and made at Halifax, Province of Nova Scotia, October 3, 2022.

sgd. *Michelle Thompson*
Honourable Michelle Thompson
Minister of Health and Wellness

Schedule “A”**Amendment to the *Prosthetic Devices Tariffs Regulations*
made by the Minister of Health and Wellness
and the Governor in Council under clause 13(1)(c) and subsection 17(2)
of Chapter 197 of the Revised Statutes of Nova Scotia, 1989,
the *Health Services and Insurance Act***

- 1 The *Prosthetic Devices Tariffs Regulations*, N.S. Reg. 32/1999, made by the Minister of Health and the Governor in Council by Order in Council 1999-146 dated April 7, 1999, are amended by adding the following Section immediately after Section 1:

Definition

1A In these regulations, “resident” means a resident as defined in the regulations respecting hospital insurance made under the *Health Services and Insurance Act*.

- 2 Subsection 3(2) of the regulations is repealed.
- 3 Clause 2(c) of Schedule “A” to the regulations is repealed.

4 Schedule “B” to the regulations is amended by

- (a) striking out “(effective November 1, 1997, to March 31, 2008)” in the title;
- (b) striking out “, as defined in the regulations respecting medical services insurance made pursuant to the *Health Services and Insurance Act*,” in Section 1;
- (c) striking out “\$150” and substituting “\$300” in Section 1; and
- (d) repealing Section 2 and substituting the following Section:

Minister may grant financial assistance

- 2 (1)** The Minister may grant financial assistance in the following amounts to a resident who meets the criteria in Section 1 of this Schedule and who the Minister has determined has a low income:
- (a) up to a maximum of \$450 for a single prosthesis or \$750 for a double prosthesis, once every two years; and
 - (b) \$75 for the purchase of a supporting bra, once every two years.
- (2)** The assistance referred to in subsection (1) is alternative to, and not in addition to, the assistance referred to in Section 1 of this Schedule.

N.S. Reg. 321/2022 and 322/2022

Made: December 13, 2022

Filed: December 13, 2022

Nova Scotia Egg Producers’ Marketing Plan—amendment;
Regulations respecting the composition of the marketing board—repeal

Order in Council 2022-312 dated December 13, 2022

Amendment to regulations and repeal of regulations made by the Governor in Council pursuant to Section 11 of the *Natural Products Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture dated November 30, 2022, and pursuant to Section 11 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, is pleased, effective on and after December 13, 2022, to

- (a) approve the amendments by the Natural Products Marketing Council to the *Nova Scotia Egg Producers’ Marketing Plan*, N.S. Reg. 239/1982, made by the Natural Products Marketing Council and approved by the Governor in Council by Order in Council 82-1416 dated November 23, 1982, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation; and
- (b) repeal the regulations respecting the composition of the marketing board, N.S. Reg. 211/1985, made by the Nova Scotia Egg and Pullet Producers’ Marketing Board and approved by the Governor in Council by Order in Council 85-1259 dated November 19, 1985. [N.S. Reg. 322/2022]

Schedule "A"

**Amendment to the *Nova Scotia Egg Producers' Marketing Plan*
made by the Governor in Council under Section 11 of Chapter 308 of
the Revised Statutes of Nova Scotia, 1989,
the *Natural Products Act***

- 1 Part I, Section 1 of the *Nova Scotia Egg Producers' Marketing Plan*, N.S. Reg. 239/1982, made by the Governor in Council by Order in Council 82-1416 dated November 23, 1982, is amended by striking out "Nova Scotia Egg Producers' Marketing Plan" and substituting "Egg Farmers of Nova Scotia Marketing Plan".
- 2 Part I, Section 2 of the regulations is repealed and the following Section substituted:

Definitions

- 2 In these regulations,

"Act" means the *Natural Products Act*;

"Agency" means the Canadian Egg Marketing Agency established under the *Farm Products Agencies Act* (Canada);

"annual general meeting" means an annual general meeting of pullet producers and licensed egg producers, as required by this Plan;

"Commodity Board" or "Board" means the Nova Scotia Egg Producers, which is continued under the name Egg Farmers of Nova Scotia;

"Council" means the Natural Products Marketing Council;

"egg" means an egg of a hen;

"*Egg Farmers of Nova Scotia Pullet Regulations*" means the *Egg Farmers of Nova Scotia Pullet Regulations* made under the Act;

"Egg Regulations" means the *Egg Farmers of Nova Scotia Egg Regulations* made under the Act;

"egg quota certificate" means a certificate issued by the Board under the Egg Regulations indicating the maximum number of layers that the producer is entitled to use in producing eggs;

"egg quota leasing certificate" means a certificate issued by the Board under the Egg Regulations indicating the maximum number of layers that the specialty licensee is entitled to use in producing eggs;

"facility" means the building, land, fixture or laying facility used by a person for egg production, grading or processing, or for pullet production;

"grading" means sorting and classifying eggs;

"grader" means a person designated as a grader under subsection 13(3) of the *Canadian Food Inspection Agency Act*;

“grader licence” means a licence issued by the Board that allows the holder to grade eggs;

“hen” means a female of any class of domestic fowl belonging to the species *Gallus domesticus*;

“heritage licence” means a licence issued by the Board to a person who has produced and marketed eggs in the Province without holding egg quota in every year since July 25, 1984, that allows the holder to produce eggs;

“layer” means a laying hen;

“laying facility” means an area within a facility that is used to shelter layers;

“laying hen” means a hen that is 19 weeks of age or older;

“licence” means a licence issued by the Board to authorize a person to engage in an activity specified in Section 20 for which a licence is required;

“licensed egg producer” means an egg producer holding a producer licence issued by the Commodity Board under the Egg Regulations;

“marketing” includes advertising, buying, selling, storing, packing, transporting, shipping, pricing, processing, shipping for sale or storage, offering for sale and any other act necessary to prepare eggs and pullets in a form, or make them available at a place and time, for purchase, consumption or use, and also includes sale by peddlers, hawkers and traders;

“marketing licence” means a processor licence or grader licence issued under the Egg Regulations;

“person” means all of the following:

- (i) a natural person,
- (ii) a corporation, a company or other body corporate,
- (iii) a partnership,
- (iv) a trust or estate;

“Plan” means the Egg Farmers of Nova Scotia Marketing Plan;

“processing” includes breaking, filtering, blending, heat treating, stabilizing, mixing, cooling, freezing or drying eggs;

“processor” means a person engaged in processing eggs;

“processor licence” means a licence issued by the Board to a processor that allows the processor to process eggs;

“proclamation” means the Canadian Egg Agency Proclamation issued under the *Farm Products Marketing Agencies Act* (Canada);

“producer” means a person engaged in producing eggs or pullets in the regulated area;

“producer licence” means a licence issued to a person who holds egg quota that allows the person to produce eggs;

“producing licence” means a producer licence, specialty licence or heritage licence;

“pullet” means a hen that is less than 19 weeks of age and has been produced for the purpose of laying eggs for human consumption;

“Pullet Placement Permit” means a permit issued to a producer by the Board that authorizes the producer to place pullets or layers in their facility;

“pullet producer” means a pullet producer holding a pullet quota certificate issued by the Commodity Board under the *Egg Farmers of Nova Scotia Pullet Regulations*;

“pullet quota certificate” means a certificate issued by the Board under the *Egg Farmers of Nova Scotia Pullet Regulations* indicating the amount of pullets a producer is entitled to grow;

“quota” means

- (i) in reference to egg production, the maximum number of layers that the holder is entitled to use in producing eggs,
- (ii) in reference to pullet production, the maximum number of pullets that a producer is entitled to grow in their facility;

“regulated area” means all of the Province;

“specialty eggs” means any of the following types of eggs:

- (i) free run,
- (ii) free range,
- (iii) organic,
- (iv) any other type of egg designated by the Board as a specialty egg;

“specialty licence” means a licence issued by the Board to a person that allows that person to produce specialty eggs.

3 Part I, Section 4 of the regulations is repealed and the following Section substituted:

Recommendation to discontinue Plan

4 (1) If at least 50% of the pullet producers and licensed egg producers sign a request to vote on discontinuing the Plan and submit the request to the Council, the Council must submit the question of continuing the Plan to a vote of the pullet producers and licensed egg producers and, if a majority satisfactory to the Council do not vote in support of the Plan, the Council may recommend that the Plan be discontinued.

(2) The pullet producers and licensed egg producers entitled to vote under subsection (1) are limited to 1 vote per producer.

4 Part I, Section 6 of the regulations is amended by adding “of the Act” immediately after “subsection 9(1)”.

5 (1) Part I, subsection 8(2) of the regulations is repealed and the following subsection substituted:

(2) The Board must consist of 8 members elected or appointed as follows:

- (a) 1 licensed egg producer elected or appointed by the licensed egg producers in each of the Eastern, Central, Western, and Southern Zones;
- (b) 3 licensed egg producers elected or appointed as members at large by the licensed egg producers at the annual general meeting;
- (c) 1 pullet producer elected or appointed by the pullet producers in the regulated area.

(2) Part I, subsection 8(3) of the regulations is amended by striking the words “Subject to subsection (4)” and substituting “Except as provided in subsection (4)”.

6 Part I, Section 9 of the regulations is repealed and the following Section substituted:

Election or appointment of Board membership

- 9 (1) The licensed egg producers in each zone must elect or, if no candidates stand for election, appoint the Commodity Board members for their zone at their annual zone meeting or at a meeting called for that purpose.
- (2) The licensed egg producers in attendance at an annual general meeting must elect or, if no candidates stand for election, appoint the Commodity Board members for any member at large position that expires at the end of the annual general meeting.
- (3) The pullet producers in the regulated area must elect or, if no candidates stand for election, appoint their representative Commodity Board member at their annual meeting or at a meeting called for that purpose.
- (4) If a zone or area fails or refuses to elect or appoint a representative to the Commodity Board as required under subsections (1) to (3), the Board may appoint a pullet producer or licensed egg producer from the zone or area to represent the zone or area on the Commodity Board.
- (5) At least 60 days before the date of the annual general meeting each year, the Commodity Board must do all of the following:
- (a) notify all pullet producers and licensed egg producers of the member positions whose terms expire at the end of the annual general meeting;
 - (b) establish procedures for all of the following to be used in the coming election and notify all pullet producers and licensed egg producers of the procedures:
 - (i) nominating candidates;
 - (ii) appointing designated representatives for corporate entities that are eligible to vote;
 - (iii) resolving any tied votes;
 - (iv) appointing Board members if no candidates are identified.

7 Part I, Section 10 of the regulations is repealed and the following Section substituted:

Term of office of Board member

- 10** (1) Except as provided in subsections (5) and (6), the term of office for a Commodity Board member is 3 years and begins at the adjournment of the first annual general meeting following the member's election or appointment.
- (2) A Board member is eligible for re-election or re-appointment to the Board upon the expiry of their term of office.
- (3) If a member dies, resigns or is otherwise removed during their term of office, the pullet producers or licensed egg producers resident or carrying on business in the zone or area represented by that member may elect or appoint another member to complete the term.
- (4) If the pullet producers or licensed egg producers resident or carrying on business in a zone or area fail or refuse to elect or appoint another member as provided for in subsection (3), the Board may appoint a pullet producer or licensed egg producer from the zone or area to represent the zone or area on the Board.
- (5) The terms of office of all Commodity Board members expire on the date of the 2023 annual general meeting.
- (6) The initial terms of office for the 8 Commodity Board members assuming office in 2023 must be all of the following:
- (a) 2 terms expiring on the date of the 2024 annual general meeting;
 - (b) 3 terms expiring on the date of the 2025 annual general meeting;
 - (c) 3 terms expiring on the date of the 2026 annual general meeting.
- (7) One of each of the terms described in subsection (6) must be set aside and assigned to each member at large elected or appointed under clause 8(2)(b) through a random draw at the 2023 annual general meeting.
- (8) After setting aside 3 terms for members at large under subsection (7), the remaining 5 terms described in subsection (6) must be assigned to each Commodity Board member elected or appointed under clauses 8(2)(a) and 8(2)(c) through random draws held at the meeting where the member is elected or appointed.

8 Part I of the regulations is amended by adding the following immediately after Section 11:

Notice of meetings

- 11A** (1) The Board must provide at least 10 days' notice of the annual general meeting to all producers.
- (2) Notice of an annual general meeting or other Board meeting must be made in writing and must be sent using 1 or more of the following methods:
- (a) registered mail;
 - (b) regular postal mail;
 - (c) courier;

- (d) fax;
- (e) e-mail.

9 Part I, Section 12 of the regulations amended by striking out “of the Board” immediately after “annual general meeting”.

10 Part I, Section 19 of the regulations is repealed and the following Section substituted:

Board financial statements and other annual reporting

- 19 (1)** The Board must keep proper books of account that must be audited at the end of each operating year by an auditor who has been appointed at the most recent annual general meeting and who is acceptable to the Council.
- (2)** No later than 3 months after the last day of an operating year, the Board must send a complete set of the financial statements of the Board, together with the auditor’s report, to the Council.
- (3)** At least 7 days before the date of an annual general meeting, the Board must send all of the following to each pullet producer and licensed egg producer:
- (a)** a copy of the financial statements of the Board for the past operating year, together with the auditor’s report;
 - (b)** a report of the Chair setting out the activities of the Board during the past operating year.
- (4)** The Commodity Board must send the documents referred to in subsection (3) using 1 or more of the following methods:
- (a)** registered mail;
 - (b)** regular postal mail;
 - (c)** courier;
 - (d)** fax;
 - (e)** e-mail.

11 Part I, Section 20 of the regulations is repealed and the following Section substituted:

Requirement to hold licence or pullet quota certificate

- 20 (1)** A person must not produce eggs or grade or process eggs in the regulated area except under the authority of a licence issued by the Board.
- (2)** A person must not produce pullets in the regulated area unless under the authority of a pullet quota certificate issued by the Board.

12 (1) Part II, Section 1 of the regulations is amended by repealing the definition of “Agency” and substituting the following definition:

“Agency” means the Canadian Egg Marketing Agency established under the *Farm Products Agencies Act* (Canada);

- (2) Part II, Section 1 of the regulations is amended by repealing the definition of “Commodity Board” and substituting the following definition:

“Commodity Board” means the Egg Farmers of Nova Scotia;

N.S. Reg. 323/2022 to 325/2022

Made: November 3, 2022

Approved: December 13, 2022

Filed: December 14, 2022

Nova Scotia Egg Producers Levy Order—amendment;
Nova Scotia Egg Producers’ Pullet Regulations—amendment;
Nova Scotia Egg Producers’ Egg Regulations—replacement

Order dated November 15, 2022

Amendment to regulations and regulations made by the Nova Scotia Egg Producers
and approved by the Natural Products Marketing Council
pursuant to clause 9(1)(hb) and subsection 9(1) of the *Natural Products Act*

Nova Scotia Egg Producers

Regulations made under the *Natural Products Act*

I certify that the Nova Scotia Egg Producers carried a motion on November 3, 2022,

- (a) pursuant to clause 9(1)(hb) of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, as delegated by clause 6(g) of the *Nova Scotia Egg Producers’ Marketing Plan*, N.S. Reg. 239/1982, to amend the *Nova Scotia Egg Producers Levy Order*, N.S. Reg. 170/2006, made by the Nova Scotia Egg Producers on August 9, 2006, and approved by the Natural Products Marketing Council on August 22, 2006, in the manner set forth in the attached Schedule “A”; and
- (b) pursuant to subsection 9(1) of Chapter 308 of [the] Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, as delegated by Section 6 of the *Nova Scotia Egg Producers’ Marketing Plan*, N.S. Reg. 239/1982, to
- (i) amend the *Nova Scotia Egg Producers’ Pullet Regulations*, N.S. Reg. 145/1986, in the manner set out in Schedule “B”, and
- (ii) repeal the *Nova Scotia Egg Producers’ Egg Regulations*, N.S. Reg. 55/2020, and make new regulations respecting the production and marketing of eggs in the form set out in Schedule “C”.

Signed at Truro, in the County of Colchester, Nova Scotia on November 15, 2022.

Nova Scotia Egg Producers

per: *sgd. Wanda Hamilton*
Wanda Hamilton
General Manager

Approved, effective on and after 13 December, 2022, by the Natural Products Marketing Council at Truro, in the County of Colchester, Nova Scotia on 13 December, 2022.

Natural Products Marketing Council

per: sgd. *Danielle Dorn Kouwenberg*
Danielle Dorn Kouwenberg
General Manager

N.S. Reg. 323/2022

Nova Scotia Egg Producers Levy Order—amendment

Schedule “A”

**Amendments to the *Nova Scotia Egg Producers Levy Order*
made by the Egg Producers of Nova Scotia under clause 9(1)(hb) of
Chapter 308 of the Revised Statutes of Nova Scotia, 1989,
the *Natural Products Act***

- 1 Section 1 of the *Nova Scotia Egg Producers Levy Order*, N.S. Reg. 170/2006, made by the Egg Producers of Nova Scotia on August 9, 2006, and approved by the Natural Products Marketing Council on August 22, 2006, is amended by striking out “*Nova Scotia Egg Producers Levy Order*” substituting “*Egg Farmers of Nova Scotia Levy Order*”.
- 2 Section 2 of the regulations is amended by
 - (a) striking out “*Nova Scotia Egg Producers*” in clause (b) and substituting “*Egg Farmers of Nova Scotia*”; and
 - (b) striking out “*Nova Scotia Egg Producers’ Marketing Plan*” in clause (f) and substituting “*Egg Farmers of Nova Scotia Marketing Plan*”.

N.S. Reg. 324/2022

Nova Scotia Egg Producers’ Pullet Regulations—amendment

Schedule “B”

**Amendment to the *Nova Scotia Egg Producers’ Pullet Regulations*
made by the Egg Producers of Nova Scotia under subsection 9(1) of
Chapter 308 of the Revised Statutes of Nova Scotia, 1989,
the *Natural Products Act***

- 1 The *Nova Scotia Egg Producers’ Pullet Regulations*, N.S. Reg. 145/1986, approved by the Governor in Council by Order in Council 86-733 dated July 2, 1986, ~~is~~ [are] amended by adding the following Section immediately before Section 1.01:
 - 1.00** These regulations may be cited as the *Egg Farmers of Nova Scotia Pullet Regulations*.
- 2 Section 1.01 of the regulations is amended by striking out “*Nova Scotia Egg Producers’ Marketing Plan*” and substituting “*Egg Farmers of Nova Scotia Marketing Plan*”.
- 3 Subsection 1.03(a) of the regulations is repealed and the following subsection substituted:

1.03 (a) Every commercial quota holder who produces more pullets in a calendar year than permitted by his quota pursuant to Section 1.04 or Section 1.05 is subject to an over-quota penalty of \$1.00 per pullet overproduced.

4 Section 1.05 of the regulations is repealed and the following Section substituted:

1.05 After quota is issued in accordance with Section 1.04, the Commodity Board may do any of the following on the basis of its determination of the needs of the egg and pullet industry as a whole:

- (i) issue further quota;
- (ii) reduce quota;
- (iii) request that the quota holder provide to the Commodity Board its intentions for the unused quota.

5 Section 1.06 of the regulations is repealed.

6 Section 1.08 of the regulations is repealed and the following Section substituted:

1.08 A commercial quota holder or a non-commercial quota holder must not raise pullets until a Pullet Placement Permit has been approved and obtained from the Commodity Board.

7 Section 1.10 of the regulations is repealed and the following Section substituted:

1.10 Each commercial quota holder and non-commercial quota holder must pay to the Commodity Board a fee of \$0.015 per pullet produced.

N.S. Reg. 325/2022

Nova Scotia Egg Producers' Egg Regulations—replacement

Schedule “C”

**Regulations Respecting the Production and Marketing of Eggs
made by the Egg Producers of Nova Scotia under subsection 9(1) of
Chapter 308 of the Revised Statutes of Nova Scotia, 1989,
the *Natural Products Act***

Citation

1 These regulations may be cited as the *Egg Farmers of Nova Scotia Egg Regulations*.

Interpretation

2 (1) In these regulations,

“Act” means the *Natural Products Act*;

“Animal Care Program” means the Animal Care Program established by the Egg Farmers of Canada, as amended from time to time;

“associated persons” means persons that are any of the following:

- (i) members of the same immediate family,
- (ii) trustees, personal representatives or beneficiaries of the same trust or estate,
- (iii) 1 of them is a donor of a power of attorney and the other is the attorney,
- (iv) 1 of them is a corporation and the other is an officer, director or shareholder of the corporation,
- (v) 1 of them is a partnership and the other is a partner in the partnership,
- (vi) 1 of them is a trust or corporation that owns shares of a corporation or has an interest in a partnership and the other is that corporation or partnership,
- (vii) each of them is a corporation, partnership or trust and they are all controlled directly or indirectly by the same person;

“Canadian Egg Marketing Agency” means the Canadian Egg Marketing Agency established under the *Farm Products Agencies Act* (Canada);

“certified enriched housing” means housing that has been certified by Egg Farmers of Canada as meeting all final housing requirements for enriched cages in the Code of Practice for the Care and Handling of Pullets and Laying Hens;

“Code of Practice for the Care and Handling of Pullets and Laying Hens” means the Code of Practice for the Care and Handling of Pullets and Laying Hens as established by the National Farm Animal Council, as amended from time to time;

“commercial pullet quota” means commercial quota as defined in the *Egg Farmers of Nova Scotia Pullet Regulations* for the production and marketing of pullets;

“commercial pullet quota holder” means a commercial pullet producer who holds commercial pullet quota under the *Egg Farmers of Nova Scotia Pullet Regulations*;

“conventional housing” means housing that meets the conventional cage requirements in the Code of Practice for the Care and Handling of Pullets and Laying Hens;

“Egg Farmers of Canada” means the trade name for the Canadian Egg Marketing Agency established under the *Farm Products Agencies Act* (Canada);

“egg quota” means the maximum number of layers that the holder is entitled to use in producing eggs;

“enriched differential amount” means the difference between the certified enriched housing cost of production and the conventional housing cost of production, as determined by the Egg Farmers of Canada from time to time;

“enriched producer price” means the producer price plus the enriched differential amount;

“facility” means the building, land, fixture or laying facility used by a person for egg production, grading or processing, or pullet production;

“Federal-Provincial Agreement” means the agreement respecting the revision and consolidation of the comprehensive egg marketing program for the purpose of regulating and marketing eggs in Canada, as amended from time to time, and as authorized by Order in Council P.C. 1976-1979;

“final housing requirements for enriched cages” means the final housing requirements for enriched cages established in the Code of Practice for the Care and Handling of Pullets and Laying Hens;

“*Force Majeure*” means an extraordinary event, including, but not limited to, a natural disaster, a fire, or a severe illness, in which a producer was unable to prevent or protect against by the exercise of reasonable diligence at a reasonable cost;

“free range”, in relation to an egg, means an egg produced in free range housing;

“free range housing” means a free run housing system where laying hens may roam freely and have access to an outdoor enclosed pasture or range area when weather permits;

“free run”, in relation to an egg, means an egg produced in free run housing;

“free run housing” means a housing system where the laying hens roam freely inside a laying facility;

“grade” means sorting and classifying eggs;

“grader” means a person designated as a grader under subsection 13(3) of the *Canadian Food Inspection Agency Act*;

“grader licence” means a licence issued by the Board that allows the holder to grade eggs;

“grading station” means a facility where a grader licensee washes, grades, packs, offers for sale, sells, stores, transports or markets eggs;

“hatchery” means a hatchery for which a permit to operate a hatchery has been issued by the Minister of Agriculture and Agri-Food (Canada) under the *Hatchery Regulations* made under the *Health of Animals Act* (Canada);

“house” means to provide layers with shelter;

“housing system” means the type of housing utilized for housing layers inside a laying facility, and for a free range housing system, includes an outdoor enclosed pasture or range area;

“immediate family” of an individual means the individual’s spouse, parent, child and grandchild and the spouse of any parent, child or grandchild of the individual;

“interest in egg quota” means a legal or beneficial interest of a person in egg quota, as described in subsection (2);

“layer” means a laying hen;

“laying facility” means an area within a facility that is used to shelter layers;

“laying hen” means a hen that is 19 weeks of age or older;

“market producer price” means the producer price plus an adjustment amount, as determined by the Board each year, to be paid to producers by grader licensees for ungraded eggs;

“market producer price adjustment” means the difference between the producer price and the market producer price;

“non-commercial pullet quota holder” means a pullet producer that holds non-commercial pullet quota under the *Egg Farmers of Nova Scotia Pullet Regulations*;

“organic”, in relation to the production of an egg, means organic product as certified under the *Safe Food for Canadians Regulations* (Canada);

“parcel of land” means an area of land that may be owned in fee simple absolute, and includes any facilities located on the area of land;

“person” means any of the following:

- (i) a natural person,
- (ii) a corporation,
- (iii) a partnership,
- (iv) a trust or estate;

“placement egg quota” means that part of egg quota allotted to a producer licensee which the Board allows the licensee to house in their housing system;

“Plan” means the *Egg Farmers of Nova Scotia Marketing Plan*;

“*pro rata*” means proportionate;

“Pullet Placement Permit” means a permit, issued to a producer by the Board, authorizing the producer to order pullets or layers;

“resident in the Province” or “resident of the Province”, in relation to a corporation, means that the voting shares of the corporation are owned by shareholders who are resident in the Province;

“*Safe Food for Canadians Regulations* (Canada)” means the regulations made under the *Canadian Dairy Commission Act* (Canada), *Controlled Drugs and Substances Act* (Canada), *Consumer Packaging and Labelling Act* (Canada), *Feeds Act* (Canada), *Health of Animals Act* (Canada), *Seeds Act* (Canada), *Food and Drugs Act* (Canada), *Customs Tariff* (Canada), *Criminal Code* (Canada), and the *Safe Food For Canadians Act* (Canada);

“specialty eggs” means any of the following types of eggs:

- (i) free run,
- (ii) free range,
- (iii) organic eggs,

- (iv) any other type of egg designated by the Board as a specialty egg;

“Specialty Licence Quota Pool” means egg quota designated by the Board to be used for egg quota leases to specialty licensees;

“Start Clean Stay Clean Program” means the Start Clean Stay Clean Program™ established by the Canadian Egg Marketing Agency, as amended from time to time;

“total provincial allotment of egg quota” means Nova Scotia’s share of the national egg quota as established by the Federal-Provincial Agreement;

“transfer” means a change in legal or beneficial ownership, and in relation to egg quota, includes all of the following:

- (i) any transfer from one person to another person,
- (ii) any change in the shareholders or beneficial shareholders of a corporation,
- (iii) any change in the partners of a partnership,
- (iv) any change in the income beneficiaries or capital beneficiaries of a trust, whether the change occurred before or after the final distribution of that trust,
- (v) any change other than those listed in subclauses (i) to (iv) that results in a person acquiring or disposing of an interest in egg quota or that otherwise affects a person’s interest in egg quota;

“unlicensed person” means a person who is not required to hold a licence from the Board to produce eggs under Section 5; and

“unplaceable egg quota” means egg quota allocated to a producer licensee which the Board does not allow the producer to house due to housing density requirements set out in the Animal Care Program.

- (2) A person has an interest in egg quota if that person is any of the following:
- (a) a person that has a direct interest in egg quota, or has an interest in egg quota through a series of associated persons with direct or indirect ownership interests in one another;
 - (b) a shareholder of a corporation that has an interest in egg quota;
 - (c) a partner in a partnership that has an interest in egg quota;
 - (d) a trustee or beneficiary of a trust that has an interest in egg quota;
 - (e) a personal representative or a beneficiary of an estate that has an interest in egg quota.
- (3) Unless a different definition for the same term is set out in subsection (1), definitions in the Plan apply to these regulations.

Written notice

- 3 (1) In these regulations, unless otherwise specified, written notice means a written communication that is sent by one of the following methods:

- (a) registered mail;
 - (b) courier;
 - (c) letter mail;
 - (d) email.
- (2) If written notice is sent by registered mail, the notice is deemed to be received on the 5th business day after it was postmarked, or accepted, by Canada Post.

Licensing

Licences

4 The Board may issue the following types of licences in accordance with these regulations:

- (a) producing licence which includes
 - (i) producer licence,
 - (ii) specialty licence,
 - (iii) heritage licence;
- (b) marketing licence which includes
 - (i) processor licence,
 - (ii) grader licence.

Licence exceptions

- 5 (1) Despite Section 20 of the Plan, a person is exempted from the requirement to hold a licence to produce eggs if they produce eggs using 200 or fewer layers in a year.
- (2) For the purposes of subsection (1), in determining a person's egg production for a year, the egg production of an unlicensed person is deemed to include any licensed or unlicensed egg production of that person's spouse, common-law spouse, or registered domestic partner.
- (3) An unlicensed person may produce eggs only in a facility owned or leased by that person, and an unlicensed person must not house any layers in a facility that the unlicensed person does not own or lease.
- (4) No parcel of land may be used by one or more unlicensed persons for unlicensed production of eggs using more than 200 layers in a year.
- (5) No parcel of land may be used for any combination of licensed and unlicensed production of eggs.

Licence application

- 6 A person may apply to the Board for a licence or a renewal of a licence by completing an application in the form and the manner determined by the Board.

Application information

- 7 (1) An application must include all of the following information:
- (a) the type of application, as one of the following:
 - (i) new licence,
 - (ii) renewal of licence;
 - (b) the type of licence applied for;
 - (c) the date of application;
 - (d) the name and civic address of the applicant, and the location and a description of the applicant's facilities;
 - (e) the applicant's mailing address, if different than civic address;
 - (f) the applicant's fax number, if any;
 - (g) the applicant's email address, if any.
- (2) Upon review of an application, the Board may request, and if requested, the applicant must provide to the Board, information regarding the applicant's experience, equipment or financial ability.

Issuing licence

- 8 (1) The Board must issue or refuse to issue a licence to an applicant within 90 days of the date of receipt of the application by the Board.
- (2) The Board may refuse to issue a licence
- (a) if the application does not include all required information and all applicable fees;
 - (b) if the applicant, in the Board's opinion, lacks the experience, equipment or financial ability to engage in the activity to which the application relates; or
 - (c) if, in the Board's opinion, the issuance of a licence to the applicant is not in the best interests of the egg industry in the Province.

Form of licence

- 9 (1) A licence must include all of the following information:
- (a) the type of licence;
 - (b) the licensee's name and address;
 - (c) the term of the licence, including the effective date and expiry date;
 - (d) the issue date of the licence;
 - (e) the licence number.

- (2) The Board may issue a licence subject to any term or condition that the Board considers appropriate, provided that the term or condition is a requirement of the Act, Plan or applicable regulations made under the Act.
- (3) A licence issued by the Board expires on December 31 of the year in which it is issued unless renewed by the Board prior to its expiration.
- (4) The General Manager of the Board must sign a licence that is issued by the Board.

Suspending, revoking, or refusing to renew a licence

- 10** (1) If a licensee violates the Act, the Plan, an applicable regulation made under the Act, or a term or condition of their licence, or the licensee is insolvent, the Board may refer the matter to the Council for a decision on suspending, revoking or refusing to renew their licence under Section 10 of the Act.
- (2) The Board must provide written notice to the licensee who is the subject of a referral of a matter to the Council under subsection (1).
- (3) The Board must send the written notice required by subsection (2) to the licensee by one of the following methods:
- (a) registered mail;
 - (b) courier;
 - (c) email.

Grader and Processor Licences**Grader licence required**

- 11** A person must possess a grader licence to grade eggs at a grading station.

Grader licence requirements

- 12** A grader licensee must be licensed to grade eggs under the *Safe Food for Canadians Act* (Canada).

Processor licence requirements

- 13** A processor licensee must be licensed to process eggs under the *Safe Food for Canadians Act* (Canada).

Specialty Licence Production**Licence eligibility**

- 14** (1) Subject to subsection (2), a person is eligible to apply for a specialty licence if the person is all of the following:
- (a) the age of majority;
 - (b) a Canadian citizen;
 - (c) a resident of the Province;
 - (d) primarily responsible for the production of eggs under the proposed licence.
- (2) A person is not eligible to apply for a specialty licence if the person is any of the following:

- (a) a child, spouse, common-law spouse, or registered domestic partner of a present or former egg quota holder;
- (b) a current or past shareholder of a company, a child, a spouse, a common-law spouse, or registered domestic partner of a current or past shareholder of a company which holds or has held quota;
- (c) a current or former holder of any type of quota under the Act, or the *Dairy Industry Act*, or similar legislation in other provinces of Canada.

Specialty licence application

15 In addition to the information required for an application under Section 7, an application for a specialty licence must include all of the following information:

- (a) a business plan for producing and supplying the commercial retail market with specialty eggs;
- (b) evidence that the applicant either possesses, or has the ability to acquire, adequate knowledge and skills of animal husbandry for the proper care of laying hens;
- (c) an application fee of \$250.00 payable to the Board, but the Board must return the fee if the application is rejected;
- (d) a declaration that the applicant will not commence production before obtaining *Salmonella enteritidis* insurance in compliance with these regulations;
- (e) the applicant's province of residence, and if the applicant is a corporation, a statutory declaration confirming that the corporation is resident in the Province.

Review of specialty licence applications

16 The Board may designate a person to review applications for specialty licences.

Issuing specialty licences

17 In addition to the reasons set out in Section 8, the Board may refuse to issue a specialty licence in either of the following circumstances:

- (a) the Board determines there is insufficient egg quota available in the Specialty Licence Quota Pool to support additional specialty licences at that time;
- (b) the Board determines that it is not in the best interests of the industry to issue additional specialty licences at that time.

Selection process for new specialty licences

18 If, at any time, the Board decides to issue additional specialty licences in a number less than the number of eligible applicants, an applicant that meets the eligibility requirements under Section 14 will be entered in a random draw, administered by the Board, to determine one or more successful specialty licensees.

Notification of specialty licence

19 (1) Upon determining a successful applicant for a specialty licence, the Board must issue a conditional specialty licence to the applicant, conditional upon the Board receiving written confirmation from the applicant of both of the following:

- (a) that the applicant is ready to begin production of specialty eggs, provided that the confirmation is received within 18 months of the date of the specialty licence;
 - (b) that the applicant is compliant with the Plan, these regulations, and any applicable order of the Board or the Council.
- (2) Upon the Board receiving written confirmation that the applicant has met the requirements in clauses (1)(a) and (1)(b), the Board must issue a specialty licence to the applicant.

Renewal of specialty licence

20 In addition to the reasons set out in Section 10, if a specialty licensee did not produce eggs in the year in which a renewal of their specialty licence is requested, the Board may refer the matter to Council for a decision on refusing to renew the specialty licence.

Requirements for specialty production

- 21
- (1) A specialty licensee may produce only specialty eggs.
 - (2) A specialty licensee must adhere to the applicable housing density standards set out in the Animal Care Program.
 - (3) A specialty licensee must not produce eggs within 5 kilometres of the facility of any producer licensee or other specialty licensee.
 - (4) A specialty licensee is authorized to produce eggs only in accordance with egg quota leased to the licensee by the Board under Section 43.
 - (5) A specialty licensee must not cease production of specialty eggs for more than 18 months without the prior written approval of the Board.
 - (6) A specialty licensee must obtain *Salmonella enteritidis* insurance from an insurance provider approved by the Board, and must provide proof of insurance to the Board, prior to commencing specialty egg production.

Specialty licensee rights

22 A specialty licence does not entitle the holder to do any of the following:

- (a) vote in a Board election;
- (b) vote at a producer meeting;
- (c) become a member of the Board.

Specialty licence and egg quota transfers

23 A specialty licensee is not entitled to transfer their licence, or their leased egg quota, for specialty production unless approved by the Board and all of the following apply:

- (a) the transferee is either the spouse or child of the specialty licensee;
- (b) the transferee agrees to produce eggs under the terms and conditions established by the licence, including producing eggs in the same quantities in the same facility;
- (c) the transferee is a resident of the Province.

Heritage Licence

Heritage licence eligibility

24 Only those persons that have produced and marketed eggs in the Province without holding egg quota in every year since July 25, 1984[,] are eligible for a heritage licence.

Heritage licence additional application requirement

- 25 (1) Except as provided in subsection (2), in addition to the application requirements set out in Section 7, an applicant for an initial heritage licence must provide the Board with a statutory declaration that the applicant has produced and marketed eggs in the Province without holding egg quota in every year since July 25, 1984.
- (2) An applicant that has produced and marketed eggs in the Province without holding egg quota in every year since July 25, 1984, and has been recognized by the Board as having done so under any previous Nova Scotia Egg Producers' Egg Regulations before April 27, 2020, is not required to provide the Board with a statutory declaration under subsection (1).

Heritage licence production

- 26 (1) The Board must set production amounts for a heritage licence and must include that production amount in the licence.
- (2) A heritage license must not exceed 499 layers in a year.
- (3) A heritage licensee must produce eggs only in a facility that is owned or leased by the licensee.
- (4) A heritage licensee must adhere to the applicable housing density standards set out in the Animal Care Program.

Heritage rights

- 27 (1) A heritage licence is not eligible to be transferred or assigned.
- (2) A heritage licence does not entitle the holder to
- (a) hold egg quota;
 - (b) vote in a Board election;
 - (c) vote at a producer meeting; or
 - (d) become a member of the Board.

Producer Licences

Producer licence applications

- 28 (1) In addition to the information required under Section 7, an applicant for a producer licence must include in their application:
- (a) all of the following information:
 - (i) the type of housing system for the layers,
 - (ii) the number of layers to be housed,

- (iii) the source of layers,
 - (iv) the prospective egg grader,
 - (v) the spent fowl removal arrangements,
 - (vi) confirmation that the applicant is a resident of the Province, and, if the applicant is a corporation, a statutory declaration confirming that the corporation is resident in the Province;
- (b) a declaration that the applicant understands, and will comply with, the Animal Care Program and the Start Clean Stay Clean Program; and
- (c) a declaration that the applicant will not commence production before obtaining *Salmonella enteritidis* insurance in compliance with these regulations.
- (2) In addition to the reasons set out in Section 8, the Board may refuse to issue a producer licence in any of the following circumstances:
- (a) the Board determines the applicant has no reasonable opportunity to obtain egg quota during the term of the licence;
 - (b) the Board determines that it is not in the best interests of the industry to issue additional producer licences at that time.
- (3) In addition to the reasons set out in Section 10, the Board may request permission from Council to refuse to renew a producer licence if the licensee has any outstanding levy payments as calculated under Section 46.

Producer licence transfers

- 29 (1) A producer licence must not be transferred to another person by the licensee unless the Board approves the transfer.
- (2) The Board must not approve the transfer of a producer licence if the transferee is not a resident of the Province.

Production requirements

- 30 (1) A producer licensee is authorized to produce eggs only in accordance with the egg quota issued or leased to that licensee.
- (2) A producer licensee must produce eggs only in a facility that is owned or leased by the licensee.
- (3) A producer licensee must adhere to the applicable housing density standard set out in the Animal Care Program.
- (4) A producer licensee must obtain *Salmonella enteritidis* insurance from an insurance provider approved by the Board, and must provide proof of insurance to the Board, prior to commencing production.

Overhousing penalty

- 31 (1) A producer licensee must not house more layers in their facilities than the number authorized by the Board for the licensee.

- (2) A producer licensee is subject to a penalty of \$1.00 per layer over the authorized amount for each week the licensee is in violation of this Section.

Layer replacement

- 32 (1) A producer licensee who orders pullets from a hatchery or a commercial pullet quota holder must provide the Board with all the following information prior to the expected hatch date for the pullets:
 - (a) the producer licensee's name and quota registration number;
 - (b) the name and address of the commercial pullet quota holder or the non-commercial pullet quota holder;
 - (c) the identification number of the facility in which the pullet will be placed, and the pullet quota associated with that facility;
 - (d) the name and address of the pullet hatchery;
 - (e) the number and type of pullets ordered, including their breed and colour;
 - (f) the expected hatch date for the pullets;
 - (g) the date the pullets turn 19 weeks old.
- (2) A producer licensee must obtain a Pullet Placement Permit from the Board before the pullets hatch.
- (3) The Board may issue a Pullet Placement Permit to a producer licensee who is in compliance with these regulations and submits all the information required under subsection (1) to the Board.
- (4) A Pullet Placement Permit must include all of the information in clauses (1)(a) to (g).

Using egg quota as security

- 33 (1) A producer licensee may apply to the Board to use their egg quota, in whole or in part, as security for a loan by submitting an application in a form determined by the Board.
- (2) The Board may approve an application under this Section if the applicant submits all required information under subsection (1) and is in compliance with these regulations.
- (3) The Board must provide the applicant with written notice of the Board's decision under subsection (2).
- (4) A lender who forecloses on a loan must apply to the Board to do either of the following:
 - (a) transfer egg quota to one or more producer licensees, but the lender must follow all applicable rules for such transfers set out in Section 41;
 - (b) lease egg quota to a producer licensee, but the lender may lease the egg quota only once and must follow all requirements for such leases set out in Section 42.
- (5) A lender must pay the Board any costs incurred by the Board in administering a transaction under this Section.

Producer licensee entitlement

34 A producer licensee who holds egg quota is entitled to do any or all of the following:

- (a) vote in a Board election;
- (b) vote at a producer meeting;
- (c) become a member of the Board.

Egg Quota**Egg quota required**

35 A person must have a producer licence or a specialty licence to hold or lease egg quota.

Quota limits

- 36 (1) Except as provided in subsection 39(3), a producer licensee may not hold more than 125,000 units of egg quota, unless the licensee held more than 125,000 units before April 27, 2020, in which case that licensee may continue to hold that amount of egg quota.
- (2) In determining a producer licensee's egg quota under subsection (1), the licensee's egg quota includes all of the following:
- (a) if the licensee is a natural person, egg quota held by the natural person;
 - (b) if the licensee is a partner in a partnership that holds egg quota, the egg quota held by the partnership in which the producer licensee is a partner and held collectively by each of the partners;
 - (c) if the licensee is a shareholder of a corporation, the egg quota held by the corporation in which the producer licensee owns shares;
 - (d) if the licensee is a trustee or beneficiary of a trust that holds egg quota, the egg quota held by the trust;
 - (e) if the licensee is a personal representative or beneficiary of an estate that holds egg quota, the egg quota held by the estate;
 - (f) egg quota leased by the licensee under Section 40;
 - (g) if the licensee has any other direct or indirect interest in an entity holding egg quota, the egg quota held by the entity.

Calculating placement egg quota and unplaceable egg quota for producer licensee

37 The Board may use the housing density standards in the Animal Care Program to determine both of the following:

- (a) placement egg quota for each of the producer licensee's facilities;
- (b) the total amount of the producer licensee's unplaceable egg quota, if any.

Egg quota certificate and egg quota leasing certificate

38 (1) An egg quota certificate issued by the Board to each producer licensee must state

- (a) the licensee's egg quota registration number;
 - (b) total egg quota allotted or leased by the Board to the licensee in accordance with Section 40;
 - (c) the placement egg quota for each laying facility used by the licensee;
 - (d) the amount of unplaceable egg quota held by the licensee, if applicable.
- (2) An egg quota leasing certificate issued by the Board to each specialty licensee must state the total egg quota leased by the Board to the licensee in accordance with Sections 43 and 44.

Allotting egg quota

- 39 (1) If the total provincial allotment of egg quota is increased, the Board may allocate the increase using any or all of the following means:
- (a) allocating all or part of the increase to the Specialty Licence Quota Pool, to be used for specialty production in accordance with Section 43;
 - (b) leasing egg quota to each producer licensee in accordance with Section 40;
 - (c) leasing egg quota to specialty licensees in accordance with Section 44;
 - (d) retaining all or part of the increase for such period of time and for such use as determined by the Board to be in the best interest of the egg industry.
- (2) If the total provincial allotment of egg quota is decreased, the Board may apportion the decrease using any or all of the following sources of egg quota:
- (a) egg quota that is allocated to the Specialty Licence Quota Pool, but that is not yet leased to a specialty licensee for production;
 - (b) egg quota reserved by the Board under clause (1)(d);
 - (c) egg quota held by producer licensees, but the decrease must be shared by all producer licensees on a *pro rata* basis;
 - (d) egg quota increases leased to specialty licensees in accordance with Section 44, but the decrease must be shared by all specialty licensees leasing an increase on a *pro rata* basis.
- (3) Despite subsection 36(1), a producer licensee may hold more than 125,000 units of egg quota if the Board offers an increase of egg quota to producer licensees under clause (1)(b).
- (4) The Board must update an egg quota certificate or quota leasing certificate whenever a producer licensee's egg quota or specialty licensee's leased egg quota changes, which includes a lease of egg quota from the Board to a producer licensee, but does not include a lease of egg quota from one producer licensee to another producer licensee.

Board leasing egg quota to producer licensees

- 40 (1) If the Board leases egg quota to producer licensees as a result of an increase in the total provincial allotment of egg quota, the Board must offer the increase on a *pro rata* basis to each producer licensee.

- (2) A producer licensee is not entitled to lease any amount of egg quota from the Board that would result in unplaceable egg quota for the producer licensee.
- (3) A producer licensee may accept an offer to lease egg quota from the Board by submitting all of the following within 1 month of receiving the offer:
 - (a) a deposit, in an amount determined by the Board;
 - (b) confirmation that the licensee is capable of complying with the housing density standards after receiving the lease;
 - (c) confirmation of the total amount of egg quota the licensee is capable of adding to their operations at that time.
- (4) If there is any egg quota remaining after the period in subsection (3) expires, the Board may do either of the following:
 - (a) offer the remaining egg quota to all producer licensees who are capable of housing additional egg quota on a *pro rata* basis; or
 - (b) retain the egg quota in accordance with clause 39(1)(d).
- (5) If a producer licensee is unable to house their full share of an egg quota lease offered under subsection (1) because the licensee is incapable of complying with housing density requirements, the producer licensee may apply to lease that amount of egg quota in a subsequent year, unless the Board has already issued that egg quota to another producer licensee under subsection (9).
- (6) The producer licensee must pay a fee for leasing egg quota from the Board of \$6.00 per unit of egg quota.
- (7) The term of any egg quota lease under this Section is a maximum of 56 weeks, but a producer licensee may apply to the Board to renew the lease for additional terms.
- (8) The Board may refuse to renew a lease if the producer licensee has not commenced production of eggs under the lease or has ceased producing eggs under the lease.
- (9) If a producer licensee's lease is renewed for 5 or more consecutive terms, that producer licensee may apply to the Board, in a form approved by the Board, to be issued the egg quota from the lease.

Egg quota transfer between producers

- 41
- (1) A producer licensee may apply to the Board to transfer all or part of their egg quota from one laying facility to another owned by the licensee, or to transfer the egg quota to another producer licensee.
 - (2) An application under subsection (1) must include all of the following information:
 - (a) the transferor's name;
 - (b) the current and prospective production facilities;
 - (c) the amount of egg quota to be transferred;

- (d) the transfer date;
 - (e) the name of the transferee and the address of the transferee's facilities, if the transfer is to another producer licensee.
- (3) The Board must not approve a transfer of egg quota between producer licensees if the transferee is not a resident of the Province.

Producer leasing egg quota to another producer

- 42 (1) A producer licensee may apply to the Board to lease their egg quota to another producer licensee, including a sublease of egg quota that the producer is leasing from the Board.
- (2) An application under subsection (1) must include all of the following:
- (a) the lessor and lessee's names, facility locations, and province of residence;
 - (b) the amount of egg quota to be leased;
 - (c) the proposed dates for the lease;
 - (d) the signatures of the lessor and the lessee.
- (3) The Board may approve an application if the lessor and lessee are in compliance with these regulations.
- (4) A lease under this Section must not exceed 56 weeks.
- (5) A lessee under this Section is responsible for paying any levies due on the egg quota during the term of the lease.
- (6) A producer licensee may not be a lessor of egg quota on more than three occasions, unless either of the following apply:
- (a) the licensee's operations are affected by an event of *Force Majeure*;
 - (b) the licensee is leasing unplaceable egg quota, in which case the egg quota holder may lease the unplaceable egg quota without limit up to, and including, December 28, 2024.

Egg quota for specialty licensees

- 43 (1) The New Entrant Quota Pool established in the *Nova Scotia Egg Producers New Entrant Program Regulations* is hereby continued as the Specialty Licence Quota Pool.
- (2) A New Entrant that has been leased egg quota by the Board prior to April 27, 2020, under the *Nova Scotia Egg Producers New Entrant Program Regulations*, provided that the New Entrant meets all of the requirements for a specialty licence under these regulations, is a specialty licensee under these regulations and continues to hold the leased egg quota until December 31, 2020.
- (3) The Board may lease egg quota in the Specialty Licence Quota Pool to a specialty licensee.
- (4) The Board may lease egg quota to specialty licensees in lots of up to 1500 units of egg quota.

- (5) A lease under this Section expires on December 31 each year, but the Board may renew the lease annually.
- (6) Egg quota that is leased to a specialty licensee from the Specialty Licence Quota Pool is not subject to any egg quota increases or decreases under these regulations, except as provided in Section 39.
- (7) The Board may stop leasing egg quota to a specialty licensee if the licensee fails to comply with any term or condition of the licensee's licence or any applicable provision of the Act, Plan or these regulations.
- (8) In the event that the Board stops leasing egg quota to a specialty licensee under subsection (7), the egg quota must be returned to the Specialty Licence Quota Pool.

Board leasing increase to specialty licensee

- 44 (1) In addition to the egg quota leased to a specialty licensee under subsection (2), if the total provincial allotment of egg quota is increased, the Board may lease a *pro rata* share of the egg quota increase to a specialty licensee in accordance with clause 39(1)(c), based on the specialty licensee's leased share of the Province's total provincial allotment of egg quota.
- (2) A specialty licensee may apply to the Board to lease the *pro rata* share of an egg quota increase under subsection (1) by submitting a completed application, on a form approved by the Commodity Board, including all the following information:
- (a) the licensee's name;
 - (b) the licensee's address and facilities location;
 - (c) the amount of egg quota to be leased;
 - (d) the confirmation that the licensee is capable of complying with the housing density standards after receiving the lease;
 - (e) the signature of the licensee.

Levies

Levy period

- 45 (1) In this Section,
- “levy period” means a 4- or 5-week period, the dates for which are established by the Board; and
- “production year” means a period of time established by the Board under subsection (2) consisting of up to 13 consecutive levy periods.
- (2) The Board, in consultation with the Canadian Egg Marketing Agency, may establish dates for each production year, but no production year may last for more than 53 weeks.
 - (3) The Board may determine dates for up to 13 levy periods in a production year.
 - (4) The Board must issue levy invoices to each specialty licensee, producer licensee, and heritage licensee on the 1st day of each levy period.

Levy required

- 46 (1) A licensee must pay the levy invoice issued to the licensee by the Board by the 14th day of each levy period.
- (2) The levy for a specialty licensee or a producer licensee for a levy period is determined by using the following calculation:

$$A = ((B \times C) \times D) \div 52 \times E$$

in which,

- “A” is the levy payable by the licensee to the Board;
- “B” is the licensee’s egg quota in units;
- “C” is the applicable national rate of lay, as determined by the Canadian Egg Marketing Agency;
- “D” is the levy rate as set out in the *Egg Farmers of Nova Scotia Levy Order*; and
- “E” is the number of weeks in the levy period.

- (3) The levy for a heritage licensee is determined by using the following calculation:

$$A = ((B \times C) \times D) \div 52 \times E$$

in which,

- “A” is the levy payable by the licensee to the Board;
- “B” is the number of layers authorized by the Board for production;
- “C” is the applicable national rate of lay, as determined by the Canadian Egg Marketing Agency;
- “D” is the levy rate as set out in the *Egg Farmers of Nova Scotia Levy Order*; and
- “E” is the number of weeks in the levy period.

- (4) If a licensee does not pay their levy in accordance with this Section, the Board may order the grader of the licensee’s eggs to deduct the outstanding amount from the payment due to the licensee and remit that amount directly to the Board.
- (5) If a licensee does not pay a levy within 30 days of the levy being due, the Board may, after holding a hearing in accordance with Section 47, suspend 1/13th of the licensee’s egg quota for a period of one year.
- (6) If a licensee does not pay a levy within 90 days of the levy being due, the Board may, after holding a hearing in accordance with Section 47, permanently revoke 1/13th of the licensee’s egg quota for each 30-day period the levy is unpaid.

Procedure for hearing

- 47 (1) A hearing to be held by the Board, as required by subsection 46(5) or 46(6), before suspending or permanently revoking a portion of a producer's licensee's egg quota, must proceed in accordance with this subsection.
- (2) The Board must provide written notice to the producer licensee of the date, time, location and reason for the hearing.
- (3) The Board must send the written notice required by subsection (2) to the licensee by one of the following methods:
- (a) registered mail;
 - (b) courier.
- (4) A hearing may be held in person, by telephone conference, or by video conference.
- (5) The Board must not suspend or permanently revoke a portion of the producer licensee's egg quota if, after the hearing for the producer licensee, the Board determines that
- (a) there are exceptional circumstances that justify a decision not to suspend or permanently revoke a portion of the producer licensee's egg quota; and
 - (b) the producer has taken appropriate steps to ensure payment of the overdue levy to the Board.

Levy abatement

- 48 (1) In this Section, a "levy abatement" means a reduction in the levy amount a licensee is required to pay under Section 46 of these regulations.
- (2) A producer licensee, specialty licensee or heritage licensee may apply to the Board for a levy abatement in any of the following circumstances:
- (a) the licensee has suffered a loss from a *Force Majeure*, but the application for an abatement must occur within one month of the date of the event;
 - (b) for a planned event, but the application must be approved before the planned event occurs;
 - (c) for a partial levy abatement for unplaceable egg quota, at year end.
- (3) An application for a levy abatement must include all of the following information:
- (a) the licensee's name;
 - (b) the reason for the levy abatement request;
 - (c) the number of layers affected;
 - (d) the dates for the abatement;
 - (e) any additional information required by the Board.

- (4) The Board may impose or include a mandatory production downtime period, prior to, or during, a levy abatement period.
- (5) The Board may approve an application if the applicant is in compliance with these regulations and submits all information required by this Section.
- (6) The Board must provide written notice of the Board's decision to the applicant.

Pricing

Minimum producer price

49 (1) In this Section,

“minimum producer price” means the minimum price to be paid by a grader licensee to a producer for eggs of any variety, class or grade; and

“producer” includes a producer licensee, heritage licensee, and specialty licensee.

- (2) The Board must establish the minimum producer price, the market producer price, and the enriched producer price, and provide written notice of the prices to all of the following:
 - (a) producer licensees;
 - (b) specialty licensees;
 - (c) heritage licensees;
 - (d) grader licensees;
 - (e) the Council.
- (3) A producer must not sell eggs to a grader licensee, and a grader licensee must not purchase eggs from a producer, for a price that is less than the market producer price.
- (4) A producer must not market eggs with any other product or service at a combined price.
- (5) A grader licensee must not accept eggs from a producer unless the grader pays the producer a price that is not less than the market producer price.
- (6) A grader licensee must not impose any direct or indirect costs on a producer when purchasing eggs from the producer, including costs incurred by the grader licensee in transporting the eggs or the cost of egg packing materials supplied by the grader licensee.

Market producer price adjustment

- 50** (1) All producers must remit to the Board, in the manner and within the time period established by the Board, the market producer price adjustment on all production, other than production from free range housing or free run housing.
- (2) If a producer does not pay the market producer price adjustment to the Board under subsection (1) within 30 days of the date it becomes due, the Board may suspend 1/13th of the producer's egg quota for a period of one year for each market producer price adjustment installment not paid by the producer.

- (3) If a producer does not pay the market producer price adjustment to the Board under subsection (1) within 90 days of the date it becomes due, the Board may permanently revoke 1/13th of the producer's egg quota for each marketing producer price adjustment installment not paid by the producer.

Eligibility for enriched producer price

51 Only eggs produced in certified enriched housing will be eligible for the enriched producer price.

Reporting and Records**Bird inventory report**

52 (1) In this Section,

“19-week date” means the date a layer turns 19 weeks old;

“bird inventory period” means a four-week period for dates established by the Board; and

“bird inventory report” means a report identifying a specialty licensee, producer licensee or heritage licensee's inventory of layers and pullets.

- (2) A specialty licensee, producer licensee or heritage licensee must submit bird inventory reports to the Board on dates determined by the Board.
- (3) The Board must send written notice of the dates for submission of the bird inventory reports to the licensees.
- (4) A bird inventory report for each bird inventory period must include all of the following information:
- (a) licensee's name and licence number;
 - (b) submission date for the report;
 - (c) information on the licensee's layers, including
 - (i) the facility and the Pullet Placement Permit number for the layers,
 - (ii) the 19-week date for the layers,
 - (iii) layer mortality,
 - (iv) number of layers disposed of, including the person taking ownership of the layers and the method of disposing of the layers,
 - (v) date of disposal, and
 - (vi) number of layers at the end of each bird inventory period;
 - (d) for a commercial pullet quota holder or non-commercial pullet quota holder, information on the licensee's pullets, including
 - (i) the facility in which the pullets are housed,
 - (ii) the hatchery and hatch date for the pullets, and

- (iii) details of any pullets that have been ordered by the licensee but not received as of the end of a period.

Producer licensee weekly grading and marketing reports

- 53** (1) A producer licensee must submit a weekly grading and marketing report to the Board each week on dates determined by the Board.
- (2) The Board must send written notice of the dates for submission of the weekly grading and marketing reports to the licensees.
- (3) A weekly grading and marketing report must include all of the following information:
- (a) the licensee's name and number;
 - (b) the dates covered by the report;
 - (c) the date the report is submitted;
 - (d) the number of eggs marketed in dozens and categorized by size and grade;
 - (e) the number of eggs produced by the licensee but not shipped to a grading station.

Quarterly grading and marketing report

- 54** (1) A heritage licensee, or an unlicensed person producing eggs under Section 4, must submit quarterly grading and marketing reports to the Board on dates determined by the Board.
- (2) The Board must send written notice of the dates for submission of the quarterly grading and marketing reports to the heritage licensees, and unlicensed persons producing eggs under Section 5.
- (3) A quarterly grading and marketing report must include all of the following information:
- (a) the heritage licensee or unlicensed person's name;
 - (b) the heritage licensee or unlicensed person's civic address and mailing address, if different;
 - (c) the heritage licensee or unlicensed person's telephone number and email address, if applicable;
 - (d) the license number, if applicable;
 - (e) the number of eggs marketed in dozens, categorized by size and grade;
 - (f) the dates covered by the report;
 - (g) the date the report is submitted.

Grading station report

- 55** (1) A grader licensee must submit a grading station report every week, for the previous week, to the Board, unless the grader licensee is grading eggs only from unlicensed persons, in which case the grader licensee must submit grading station reports on a quarterly basis.

- (2) A grading station report must include all of the following information:
- (a) the location of the grading station;
 - (b) the grader licensee's name and number;
 - (c) the dates covered by the report;
 - (d) the date the report is submitted;
 - (e) all of the following information for each transaction with an egg producer:
 - (i) the producer's name,
 - (ii) the producer's licence type and number, if applicable,
 - (iii) the date of transaction,
 - (iv) the number of eggs marketed in dozens and categorized by size and grade.

Records

56 The Board may review a licensee's records to verify any information included in a report, and the licensee must ensure that records are properly maintained for at least 18 months.

Inspection

57 The Board may inspect the operations of any of the following in the Province to ensure compliance with these regulations, including the counting of a person's layers:

- (a) producer licensee;
- (b) heritage licensee;
- (c) specialty licensee;
- (d) unlicensed person operating under Section 5;
- (e) grader licensee;
- (f) processor licensee.

Animal Care and On Farm Food Safety

Animal Care Program

58 Specialty licensees and producer licensees must achieve and maintain a total score of at least 90% and successfully complete each critical care element under the Animal Care Program.

Start Clean Stay Clean Program

59 Specialty licensees and producer licensees must achieve and maintain a total score of at least 90% and successfully complete each mandatory element under the Start Clean Stay Clean Program.

Transition

Transitional

60 On April 27, 2020, a person who holds egg quota or a licence under the *Egg Producers' Egg Regulations*, or *Nova Scotia Egg Producers New Entrant Program Regulations*, that comes within the definition of egg quota or licence under these regulations continues to hold that egg quota or licence under these regulations until December 31, 2020, unless renewed by the Board.

N.S. Reg. 326/2022

Made: December 14, 2022

Filed: December 14, 2022

Winter Parking Ban Regulations

Order dated December 14, 2022

Regulations made by the Provincial Traffic Authority
pursuant to subsection 202(1) of the *Motor Vehicle Act*

**In the matter of subsection 202(1) of Chapter 293
of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act***

-and-

**In the matter of an order respecting winter parking of vehicles
made by the Provincial Traffic Authority pursuant to
subsection 202(1) of the *Motor Vehicle Act***

Order

I, Michael Croft, Provincial Traffic Authority, pursuant to subsection 202(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby make regulations respecting a prohibition on winter parking of vehicles in the form set forth in Schedule "A" attached hereto, effective on the dates set out in the regulations.

Dated and made at Halifax, in the Halifax Regional Municipality, Nova Scotia, this 14th day of December, 2022.

sgd. *Michael Croft*

Michael Croft, P. Eng.

Provincial Traffic Authority for the Province of Nova Scotia

Schedule "A"

**Regulations Respecting a Prohibition on Winter Parking of Vehicles
made by the Provincial Traffic Authority under subsection 202(1)
of Chapter 293 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

Citation

1 These regulations may be cited as the *Winter Parking Ban Regulations*.

Application

2 These regulations apply to any highway that is subject to the *Public Highways Act*.

Limitation on parking

3 Notwithstanding that certain traffic signs have been erected which may permit motor vehicles to park or stand upon sections of highway during the hours stated thereon, an owner, driver or person having control or custody of any vehicle must not park the vehicle upon any highway in Appendix A or any highway in the communities listed in Appendix A

- (a) between 1 a.m. and 6 a.m.;
- (b) in a manner that hinders, inconveniences or prevents the removal of snow or ice from a highway unless the vehicle is attended by a person authorized to operate and capable of operating it on a highway; or
- (c) from 1 hour after a snowstorm starts to 2 hours after the snowstorm stops.

Determination of boundary

4 For the purposes of these regulations, the boundaries of a community are determined in accordance with the Geographical Names Program established by the Government of Nova Scotia.

Exception

5 Section 3 does not apply to any of the following vehicles:

- (a) a motor vehicle registered to a medical practitioner who is registered under the *Medical Act* if all of the following apply:
 - (i) the vehicle is parked reasonably near the medical practitioner's office or residence,
 - (ii) the vehicle is immediately available to the medical practitioner for professional calls;
- (b) a motor vehicle parked by a medical practitioner who is registered under the *Medical Act* if all of the following apply:
 - (i) the medical practitioner is engaged in their occupation,
 - (ii) the vehicle is parked in reasonable proximity to the location where the medical practitioner is engaged in their occupation;
- (c) a motor vehicle registered to a police department, the Royal Canadian Mounted Police or the Canadian Forces;
- (d) a commercial vehicle parked by a driver for the purpose of loading or unloading merchandise;
- (e) a motor vehicle registered to a public utility as defined in the *Public Utilities Act* that is parked reasonably near the residence of its driver and immediately available for emergency calls.

Effective dates

6 These regulations are effective December 15, 2022, to and including March 31, 2023.

Appendix A
(Winter Parking Ban Regulations)

Annapolis County

Aldred Rd.
Amina Dr.
Anna Ct.
Balcom Cres.
Baxter Ave.
Beech St.
Birch Dr.
Bonavista Dr.
Brookside Dr./Pine Grove
Cres.
Chipman Dr.
Clementsport Rd.
Colonial Dr.
Cook Ave.
Dodd St.
Elm St.
Empire St.
First Ave.
Geiger Dr.
Granville Rd. from Mills
Mountain Rd. to Bingay Lane
(North St.)
Granville Ferry
Hemlock Dr.
Hillcrest Ave.
Krista Dr.
Kyle Ave.
Lorcon St.
M and R St.
Main St., Meadowvale
Maple Ave.
Martyn Cres.
Michael Ave.
Nictaux Falls Rd.
Nictaux Rd.
Oak Dr.
Old Runway Dr.
Orchard Dr.
Penny Lane
Pine Ct.
Pine Dr.
Pleasant St.
Pond Dr.
Poplar Dr.
Rogers Rd.
Route 201, Nictaux
Route 201, Bridgetown/
Carleton Corner
Second Ave

Seth Dr.
South St.
Sunset Lane, Nictaux
Tasha Dr.
Taylor Dr., Nictaux
Torbrook Rd.
Trunk 10, Nictaux
Trunk 10, Nictaux Falls
Trunk 1, Paradise
Trunk 10, Springfield
Valley Rd.
Vendora Dr.
Village of Lawrencetown
Village of Bear River
Village Rd.
Wanda Lynn Dr.
Welton Lane
Willow Ave.

Antigonish County

Chisholm Dr.
Church St. Extension
Grandview Dr.
Heritage Dr.
Duncan MacIsaac Rd.
Mountain View Dr.
Ponderosa Dr.
Sylvan Valley Lane
Sylvan Valley Rd.
Tamara Dr.
Trinity Lane
West River Cross Rd.
Whisper Ave.
Wild Horse Dr.

Cape Breton County

Cape Breton Regional Municipality

Colchester County

Bass River
Belmont
Brookfield
Brookside
Camden
Central Onslow
Central North River
Debert
Economy
Five Islands

Great Village
Greenfield
Harmony
Hilden
Londonderry
Lower Onslow
Lower Truro
Masstown
Murray Siding
North River
Old Halifax Rd.
Onslow
Salmon River
Truro Heights
Upper Onslow
Valley
Bible Hill
Tatamagouche

Cumberland County

Athol Rd.
Biggs Dr., East Amherst
Birchwood Place
Brookside Dr.
D'Orsay Rd.
Harmony Heights
Hillcrest St.
Joggins
Maccan
Meadow Park Dr.
Trunk 2 from Lord Amherst
Dr. to MacDonald Rd.
Village of River Hebert
Village of Pugwash
Wallace

Digby County

Francis Dr.
Lighthouse Rd. (Digby/Bay
View)
Trunk 1, Metegan
Trunk 1, Comeauville
Trunk 1, Church Point
Trunk 1, Saulnierville
Village of Freeport
Village of Weymouth
Village of Sandy Cove
Village of Westport
Village of Bear River

Guysborough County

Village of Guysborough
 Village of Sherbrooke
 Boyd St.
 Canso Loop
 Carleton Terrace
 Centennial St.
 Chapel St.
 Cook St.
 Cross St.
 Duke St.
 Durells Island Rd. Ext.
 Flaherty St.
 Horton Ln.
 Hurst St.
 Industrial St.
 Jackson Ln.
 King St.
 Main St.
 Memorial Ln.
 Middle St.
 Prince St.
 Queen St.
 Roberts St.
 Rocky Rd.
 School St.
 Second St.
 Sterling St.
 Telegraph St.
 Union St.
 Water St.
 Whitman St.
 Wilmot St.

Halifax Regional Municipality

Antrim
 Bayside
 Bear Cove
 Beaverbank
 Black Point
 Blind Bay
 Boutilliers Point
 Brookside
 Carrolls Corner
 Chaswood
 Chezzetcook
 Conrod Settlement
 Cooks Brook
 Dean
 Dutch Settlement
 East Chezzetcook
 East Dover

East Jeddore
 East Lawrencetown
 East Pennant
 East Petpeswick
 East Preston
 East Ship Harbour
 Elderbank
 Elmsdale
 Elmsvale
 Fall River
 Five Island Lake
 French Village
 Gaetz Brook
 Glen Haven
 Glen Margaret
 Goodwood
 Grand Desert
 Grand Lake
 Hacketts Cove
 Halibut Bay
 Harrietsfield
 Hatchet Lake
 Head of Chezzetcook
 Head of Jeddore
 Head of St. Margarets Bay
 Herring Cove
 Hubbards
 Indian Harbour
 Ingramport
 Ketch Harbour
 Lake Echo
 Lake Egmont
 Lake Charlotte
 Lantz
 Lawrencetown
 Lewis Lake
 Lower East Chezzetcook
 Lower Prospect
 Lower Tantallon
 Lower Three Fathom Harbour
 Lower West Jeddore
 McGraths Cove
 Meaghers Grant
 Middle Musquodoboit
 Middle Porters Lake
 Middle Village
 Mineville
 Moser River
 Musquodoboit Harbour
 Myers Point
 Oakfield
 Oldham
 Ostrea Lake

Peggys Cove
 Pleasant Point
 Porters Lake
 Port Dufferin
 Portuguese Cove
 Prospect
 Prospect Bay
 Queensland
 Salmon River Bridge
 Sambro
 Seabright
 Seaforth
 Shad Bay
 Sheet Harbour
 Sheldrake Lake
 Ship Harbour
 Smith Settlement
 Tangier
 Tantallon
 Terence Bay
 Three Fathom Harbour
 Upper Lakeville
 Upper Lawrencetown
 Upper Musquodoboit
 Upper Sackville
 Upper Tantallon
 Watt Section
 Wellington
 West Chezzetcook
 West Dover
 West Jeddore
 West Lawrencetown
 West Pennant
 West Petpeswick
 Whites Lake
 Williamswood

Hants County

Brooklyn
 Colonial Rd., Windsor
 Currys Corner
 East Uniacke
 Ellershouse
 Elmsdale
 Enfield
 Etter Settlement
 Falmouth
 Five Mile Plains
 Garlands Crossing
 Ivey Lane, Windsor
 Lantz
 Lower Nine Mile River
 Martock

Milford
 Morison Drive, Windsor
 Mt. Uniacke
 Nesbitt Connector from Water
 St. to Nesbitt St., Windsor
 Nelson Street, Windsor
 Newport Station
 Sanford Drive, Windsor
 St. Croix
 Shubenacadie
 South Uniacke
 Three Mile Plains

Inverness County

Charles MacLean Rd.
 Chéticamp
 Church St.
 Davis Dr.
 Grant St.
 Hilltop Dr.
 Kings Rd.
 Lovers Lane
 Mabou
 MacKenzie Ct.
 Village of Port Hastings
 Village of Inverness

Kings County

Aldershot
 Alice Dr.
 Auburn
 Blomidon Crescent
 Brandywine Dr.
 Brookside Cres.
 Cambridge
 Centreville
 Coldbrook
 Davlyn Dr.
 Dyke View Rd.
 Elizabeth Dr.
 Folease Park Dr.
 Fred Thomas Rd. from Rt. 341
 north 0.5 km
 Glooscap Lane
 Grand Pré
 Greenwich
 Hants Border
 Harry Dr.
 Kimberley Dr.
 Kingsport
 LeMarchant Dr.
 Merrit Dr.

Montgomery Dr.
 Morris Cres.
 Murray St.
 North Kentville
 North Alton
 Novawood Dr.
 Pine St., White Rock
 Poplar Grove
 Poplar Dr., Highbury
 River Dr.
 Rosalind Dr.
 Stream Ave.
 Sunset Dr.
 Village of Kingston
 Village of New Minas
 Village of Aylesford
 Village of Canning
 Village of Cornwallis Square
 Village of Greenwood
 Village of Port Williams
 Wayne Rd.
 Windermere Dr.

Lunenburg County

Village of Chester
 Western Shore
 Village of New Germany

Pictou County

River John

Queens County

Village of Brooklyn

Richmond County

Arichat
 Hospital Rd., Evanston
 Petit-de-Grat
 Village of St. Peter's

Victoria County

Village of Baddeck

N.S. Reg. 327/2022

Made: December 19, 2022

Filed: December 19, 2022

Petroleum Products Pricing Regulations—amendment

Order in Council 2022-325 dated December 19, 2022
 Amendment to regulations made by the Governor in Council
 pursuant to Section 14 of the *Petroleum Products Pricing Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Climate Change and the Minister of Service Nova Scotia and Internal Services dated December 1, 2022, and pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, is pleased to amend the *Petroleum Products Pricing Regulations*, N.S. Reg. 286/2009, made by the Governor in Council by Order in Council 2009-399 dated September 24, 2009, to make adjustments to the calculation of carbon prices, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after January 1, 2023.

Schedule “A”

**Amendment to the *Petroleum Products Pricing Regulations*
 made by the Governor in Council under Section 14
 of Chapter 11 of the Acts of 2005,
 the *Petroleum Products Pricing Act***

- 1 Section 17 of the *Petroleum Products Pricing Regulations*, N.S. Reg. 286/2009, made by the Governor in Council by Order in Council 2009-399 dated September 24, 2009, is amended by adding the following subsections immediately after subsection (1):
- (1A) On and after 190 days after the final auction held in 2023, the carbon price referred to in clause (1)(e) must be set at 0 cents per litre for both gasoline and ultra-low-sulfur diesel oil.
- (1B) For the purposes of subsection (1A), “auction” has the same meaning as it does in Schedule 1.
- 2 (1) The formula “Formula 1.0—total carbon price per litre” under the heading “Formulas for Calculating Carbon Price for Gasoline” in Schedule 1 to the regulations is repealed and the following formula substituted:

Formula 1.0—total carbon price per litre of gasoline

The formula for calculating the total carbon price per litre of gasoline is as follows:

$$TCL_{gas_t} = SA_{gas_t} \times C$$

in which

TCL_{gas_t} = total carbon price per litre, rounded to the nearest one-hundredth of a cent

SA_{gas_t} = settlement price adjustment as calculated under Formula 1.1, rounded to the nearest one-hundredth of a cent

C = adjustment to account for the number of months between the most recently held auction and the next scheduled auction, as calculated under Formula 1.2, or, after the final auction held in 2023, 6 for 180 days

- (2) Schedule 1 to the regulations is further amended by
- (a) repealing Formula 1.1 and Formula 1.2;
 - (b) redesignating Formula 1.3 as Formula 1.1; and
 - (c) redesignating Formula 1.4 as Formula 1.2.
- (3) The formula “Formula 2.0—total carbon price per litre of ultra-low-sulfur diesel” under the heading “Formulas for Calculating Carbon Price for Ultra-Low-Sulfur Diesel” in Schedule 1 to the regulations is repealed and the following formula substituted:

Formula 2.0—total carbon price per litre of ultra-low-sulfur diesel oil

The formula for calculating the total carbon price per litre of ultra-low-sulfur diesel oil is as follows:

$$TCL_{diesel_t} = SA_{diesel_t} \times C$$

in which

TCL_{diesel_t} = total carbon price per litre, rounded to the nearest one-hundredth of a cent

SA_{diesel_t} = settlement price adjustment as calculated under Formula 2.1, rounded to the nearest one-hundredth of a cent

C = adjustment to account for the number of months between the most recently held auction and the next scheduled auction, as calculated under Formula 2.2, or, after the final auction held in 2023, 6 for 180 days

- (4) Schedule 1 to the regulations is further amended by
- (a) repealing Formula 2.1 and Formula 2.2;
 - (b) redesignating Formula 2.3 as Formula 2.1; and
 - (c) redesignating Formula 2.4 as Formula 2.2.

N.S. Reg. 328/2022 to 329/2022

Made: December 19, 2022

Filed: December 19, 2022

Environmental Assessment Regulations—amendment;
Activities Designation Regulations—amendmentOrder in Council 2022-326 dated December 19, 2022
Amendment to regulations made by the Governor in Council
pursuant to Sections 49 and 66 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Climate Change dated November 10, 2022, and pursuant to Chapter 1 of the Acts of 1994-95, the *Environment Act* (the “Act”), is pleased, effective on and after December 19, 2022, to

- (a) pursuant to Section 49 of the Act, amend the *Environmental Assessment Regulations*, N.S. Reg. 26/1995, made by the Governor in Council by Order in Council 95-220 dated March 21, 1995, to designate hydrogen facilities as a Class I environmental assessment and to add a definition for “hydrogen facility,” in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 66 of the Act, amend the *Activities Designation Regulations*, N.S. Reg. 47/1995, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, to provide clarity that the designated activity of the construction, operation and reclamation of a chemical manufacturing plant includes hydrogen and ammonia, in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation.

N.S. Reg. 328/2022

Environmental Assessment Regulations—amendment

Schedule “A”**Amendment to the *Environmental Assessment Regulations*
made by the Governor in Council under Section 49
of Chapter 1 of the Acts of 1994-95,
the *Environment Act***

- 1 Subsection 2(1) of the *Environmental Assessment Regulations*, N.S. Reg. 26/1995, made by the Governor in Council by Order in Council 95-220 dated March 21, 1995, is amended by adding the following definition immediately after the definition of “environmental health”:

“hydrogen facility” means a facility that produces, generates or stores hydrogen gas or ammonia whether within the facility or in a standalone facility;

- 2 Schedule A to the regulations is amended under the heading “Class I Undertakings” by adding the following Section immediately after Section 5 under “A. Industrial facilities”:

5A. A hydrogen facility, but only if the facility is otherwise designated as a Class I undertaking.

N.S. Reg. 329/2022

Activities Designation Regulations—amendment

Schedule “B”**Amendment to the *Activities Designation Regulations*
made by the Governor in Council under Section 66
of Chapter 1 of the Acts of 1994-95,
the *Environment Act***

Clause 12(a) of the *Activities Designation Regulations*, N.S. Reg. 47/1995, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, is amended by adding “, including hydrogen and ammonia” immediately after “manufactured”.

N.S. Reg. 330/2022 to 336/2022

Made: December 5, 2022 and December 9, 2022

Approved: December 19, 2022

Filed: December 19, 2022

Various regulations under the Motor Vehicle Act and Motor Carrier Act

Order in Council 2022-327 dated December 19, 2022
Regulations and amendment to regulations made by the Governor in Council
Regulations and amendment to regulations made by the
Minister of Public Works and approved by the Governor in Council
Regulations and amendment to regulations made by the
Nova Scotia Utility and Review Board and approved by the Governor in Council
pursuant to Sections 303 and 303G of the *Motor Vehicle Act*
and subsections 27(1) and (3) of the *Motor Carrier Act*

The Governor in Council on the report and recommendation of the Minister of Public Works dated December 7, 2022, is pleased, effective on and after January 1, 2023, to,

- (a) pursuant to Section 303 of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*,
- (i) approve the repeal by the Minister of Public Works of the *Commercial Vehicle Drivers’ Hours of Service Regulations*, N.S. Reg. 332/2009, made by the Minister of Transportation and Infrastructure Renewal and approved by the Governor in Council by Order in Council 2009-517 dated December 15, 2009,
- (ii) approve new regulations respecting commercial vehicle drivers’ hours of service made by the Minister of Public Works in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, and
- (iii) approve amendments made by the Minister of Public Works to the *Commercial Vehicle Trip Inspection Regulations*, N.S. Reg. 26/2018, made by the Minister of Transportation and Infrastructure Renewal and approved by the Governor in Council by Order in Council 2018-36 dated February 13, 2018, to ensure the regulations are consistent with changes made to the *Commercial Vehicle Drivers’ Hours of Service Regulations*, in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation;

- (b) pursuant to Section 303G of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, amend the *Commercial Carrier Safety Fitness Rating and Compliance Regulations*, N.S. Reg. 84/2005, made by the Governor in Council by Order in Council 2005-145 dated March 31, 2005, to update the offence descriptions and demerit point system in the “*Commercial Vehicle Drivers’ Hours of Service Regulations offences*” table, in the manner set forth in Schedule “C” attached to and forming part of the report and recommendation;
- (c) pursuant to subsection 27(1) of Chapter 292 of the Revised Statutes of Nova Scotia, 1989, the *Motor Carrier Act*,
- (i) approve amendments made by the Nova Scotia Utility and Review Board to the *Board Public Passenger Motor Carrier Act Regulations*, N.S. Reg. 283/1992, made by the Nova Scotia Utility and Review Board and approved by the Governor in Council by Order in Council 92-1257 dated December 22, 1992, to incorporate federal regulatory changes regarding electronic logging devices for public passenger vehicles, in the manner set forth in Schedule “D” attached to and forming part of the report and recommendation, and
- (ii) approve new regulations respecting hours of service for motor carriers made by the Nova Scotia Utility and Review Board in the form set forth in Schedule “E” attached to and forming part of the report and recommendation; and
- (d) pursuant to subsection 27(3) of Chapter 292 of the Revised Statutes of Nova Scotia, 1989, the *Motor Carrier Act*,
- (i) amend the *Governor in Council Public Passenger Motor Carrier Act Regulations*, N.S. Reg. 284/1992, made by the Governor in Council by Order in Council 92-1258 dated December 22, 1992, to incorporate federal regulatory changes regarding electronic logging devices for public passenger vehicles, in the manner set forth in Schedule “F” attached to and forming part of the report and recommendation, and
- (ii) make new regulations respecting hours of service for motor carriers in the form set forth in Schedule “G” attached to and forming part of the report and recommendation.

N.S. Reg. 330/2022

Commercial Vehicle Drivers’ Hours of Service Regulations

Schedule “A”

**In the matter of Section 303 of Chapter 293 of the Revised Statutes
of Nova Scotia, 1989, the *Motor Vehicle Act***

-and-

**In the matter of the *Commercial Vehicle Drivers’ Hours of Service Regulations*
made by the Minister of Transportation and Infrastructure Renewal**

Order

I, Kim D. Masland, Minister of Public Works for the Province of Nova Scotia, pursuant to Section 303 of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby

- (a) repeal the *Commercial Vehicle Drivers' Hours of Service Regulations*, N.S. Reg. 332/2009, made by the Minister of Transportation and Infrastructure Renewal and approved by the Governor in Council by Order in Council 2009-517 dated December 15, 2009; and
- (b) make new regulations respecting commercial vehicle drivers' hours of service in the form set forth in the attached.

Dated and made December 9, 2022, at Halifax Regional Municipality, Province of Nova Scotia.

sgd. *K. D. Masland*
Honourable Kim D. Masland
Minister of Public Works

**Regulations Respecting Commercial Vehicle Drivers' Hours of Service
made by the Minister of Public Works under Section 303 of Chapter 293
of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

Citation

1 These regulations may be cited as the *Commercial Vehicle Drivers' Hours of Service Regulations*.

Definitions

2 (1) In these regulations,

“Act” means the *Motor Vehicle Act*;

“adverse driving conditions” means snow, sleet, fog or other adverse weather or road conditions that were not known to a driver or a carrier dispatching a driver immediately before the driver began driving or could not reasonably have been known to them;

“carrier” means a person who owns, leases or is otherwise responsible for the operation of a commercial vehicle;

“co-driver” means a person who is present in a commercial vehicle because they have been or are about to be its driver;

“commercial vehicle” means

- (i) a truck, truck-tractor or trailer, or any combination of them, that exceeds a registered gross vehicle weight of 4500 kg, or
- (ii) a bus that is designed and constructed to have a designated seating capacity of more than 10 persons, including the driver, and is used for transporting passengers for compensation;

“cycle” means 1 of the following periods during which a driver's on-duty time is accumulated:

- (i) cycle 1, under which on-duty time is accumulated over 7 consecutive days,
- (ii) cycle 2, under which on-duty time is accumulated over 14 consecutive days;

“day”, in respect of a driver, means a 24-hour period that begins at the hour designated by the carrier for the duration of the driver’s cycle;

“director” means the person designated by the Minister under Section 4;

“driver” means any of the following and, for the purposes of Section 46, includes a co-driver:

- (i) a person who operates a commercial vehicle,
- (ii) in relation to a carrier, a person who is employed or otherwise engaged by the carrier to operate a commercial vehicle, including a self-employed driver;

“duty status” means any of the following periods of time:

- (i) off-duty time, other than time spent in a sleeper berth,
- (ii) off-duty time spent in a sleeper berth,
- (iii) driving time,
- (iv) on-duty time, other than driving time;

“elapsed time” means the 16-hour period referenced in subsection 7(2);

“electronic logging device” or “ELD” means a device or technology that automatically records a driver’s driving time and facilitates the recording of the driver’s record of duty status, and that is certified by an accredited certification body under Section 79.1 of the Federal regulations;

“electronic recording device” means an electric, electronic or telematic device that is installed in a commercial vehicle and is capable of accurately recording, in accordance with Section 33, each period of duty status, in whole or in part;

“emergency vehicle” means any of the following vehicles:

- (i) a fire-fighting vehicle, ambulance, police vehicle or other vehicle that is used for emergency purposes,
- (ii) a vehicle engaged in snow removal or ice control operated by or on behalf of a government agency,
- (iii) a vehicle operated by or on behalf of a public utility when performing emergency repair services;

“Federal Act” means the *Motor Vehicle Transport Act* (Canada);

“Federal regulations” means the *Commercial Vehicle Drivers Hours of Service Regulations* made under the Federal Act;

“home terminal” means a carrier’s place of business where a driver ordinarily reports for work and, for the purpose of recording information related to the drivers’ record of duty status, includes a temporary work site designated by the carrier;

“inspector” means

- (i) a motor vehicle inspector appointed under Section 6 of the Act, or
- (ii) a peace officer within the meaning of Section 2 of the *Criminal Code* (Canada);

“inter-provincial carrier” means a motor carrier that is engaged in an undertaking that connects a province with any other province or extends beyond the limits of a province;

“Minister” means the Minister of Public Works;

“off-duty time” means any time other than on-duty time;

“oil well service vehicle” means a commercial vehicle that meets all of the following criteria:

- (i) it is specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry,
- (ii) it is used exclusively in the oil or natural gas industry for transporting equipment or materials to and from oil or natural gas facilities or for servicing and repairing oil or natural gas facilities;

“on-duty time” means the time beginning from when a driver starts work or is required by the carrier to be available to work, other than when the driver is waiting to be assigned to work, and ending when the driver stops work or is relieved of responsibility by the carrier, and includes driving time and time spent by the driver doing any of the following activities:

- (i) inspecting, servicing, repairing, conditioning, fuelling or starting a commercial vehicle,
- (ii) travelling in a commercial vehicle as a co-driver, when the time is not spent in the sleeper berth of the vehicle,
- (iii) participating in the loading or unloading of a commercial vehicle,
- (iv) inspecting or checking the load of a commercial vehicle,
- (v) waiting for a commercial vehicle to be serviced, loaded, unloaded or dispatched,
- (vi) waiting for a commercial vehicle or its load to be inspected and the driver’s requirements are assessed, and, if relevant, the time spent taking the required remedial actions,
- (vii) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (viii) performing any work for any carrier,
- (ix) performing yard moves of a commercial vehicle within a terminal, depot or port and that is not on a public road; and
- (x) resting in or occupying a commercial vehicle for any other purpose, except during any of the following times:
 - (A) time counted as off-duty time in accordance with Section 8,

- (B) time spent in the sleeper berth of the vehicle,
- (C) time spent in the vehicle when it is stationary to satisfy the off-duty requirements of Section 9,
- (D) time spent in the vehicle when it is stationary that is in addition to the off-duty requirements of Section 9;

“out-of-service declaration” means a declaration issued by the director or an inspector under Section 43 to a driver for contravention of these regulations;

“personal use” of a commercial vehicle means the use of the vehicle by a driver other than in the course of business as a carrier;

“principal place of business” means the place or places designated by the carrier where records of duty status and supporting documents are stored;

“record of duty status” means a record in which a driver records the information required under Sections 31 to 33 or 37, as the case may be, for each day;

“recreational vehicle” means a vehicle that is designed as mobile accommodation and used as transportation for personal and recreational purposes without compensation, and includes a cabin trailer, collapsible cabin trailer, tent trailer and camping trailer;

“sleeper berth” means a sleeper berth as defined in Schedule 1;

“special permit” means an authorization to operate a commercial vehicle with exceptions and variances to the provisions of these regulations that is granted to a carrier under Section 20, 21 or 22;

“supporting document” means any one of the following documents or information received or prepared by a driver in the course of their duties or received or prepared by the carrier:

- (i) any electronic mobile communication record reflecting communications between a driver and a carrier transmitted through a driver call-in or fleet management system,
- (ii) any payroll record, settlement sheet or equivalent document that indicates payments to the driver,
- (iii) any government-issued document indicating the location of the commercial vehicle,
- (iv) any reports, receipts, records or other documentation relating to the load of the commercial vehicle, including any bill of lading, itinerary, schedule or equivalent document that indicates the origin and destination of each trip,
- (v) any reports, receipts, records or other documentation relating to the servicing, repairing, conditioning, fuelling, inspection or rental of the commercial vehicle,
- (vi) any reports, dispatch or trip records, receipts, or other documentation indicating the date, time, or location of the commercial vehicle during a trip, including arrival and departure times;

“Technical Standard” means the Technical Standard for Electronic Logging Devices, April 11, 2019, published by the Canadian Council of Motor Transport Administrators, as amended from time to time.

- (2) For the purposes of these regulations, every reference to “HOS Regulations” in the Technical Standard must be read as a reference to these regulations.

Application of regulations

3 These regulations apply to all commercial vehicles other than the following vehicles:

- (a) a 2-axle or 3-axle commercial vehicle while it is being used for any of the following when the driver or the carrier is the producer or user of the products:
- (i) a trip to pick up feed grain, fertilizer or the primary products of a farm, forest, sea or lake,
 - (ii) a trip to transport feed grain, fertilizer or the primary products of a farm, forest, sea or lake,
 - (iii) a return trip after transporting an item in subclause (ii), if the vehicle is empty or is transporting a supply item used in the production of a primary product of a farm, forest, sea or lake;
- (b) an emergency vehicle;
- (c) a vehicle engaged in providing relief during a public welfare emergency as defined in the *Emergencies Act* (Canada) or during an emergency as defined in the *Emergency Management Act*;
- (d) a bus that is part of the public transit service that is provided in any of the following:
- (i) a municipality,
 - (ii) 2 or more bordering municipalities,
 - (iii) within 25 km of the boundary of a municipality or 2 or more bordering municipalities that the transit service serves;
- (e) a commercial vehicle when driven for personal use, if all of the following conditions are met:
- (i) the vehicle does not have a load,
 - (ii) no trailers are hitched to the vehicle,
 - (iii) the vehicle does not travel farther than 75 km in a day,
 - (iv) the driver records the odometer reading in the record of duty status at the beginning and end of the personal use,
 - (v) the driver is not the subject of an out-of-service declaration;
- (f) a recreational vehicle.

Director designated by Minister

4 The Minister may designate a person to exercise the duties and functions of the director under these regulations.

Responsibility of carrier, shipper, consignee and driver to restrict driving

5 A carrier, shipper, consignee or other person must not request, require or allow a driver to drive and a driver must not drive in any of the following circumstances:

- (a) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier;
- (b) the driver is the subject of an out-of-service declaration;
- (c) by driving, the driver would not be in compliance with these regulations.

On-duty Time and Off-duty Time**Maximum daily driving time and maximum daily on-duty time**

6 Except as otherwise provided in these regulations, a carrier must not request, require or allow a driver to drive and a driver must not drive again in a day after the driver has accumulated

- (a) 13 hours of driving time in the day; or
- (b) 14 hours of on-duty time in the day.

Mandatory off-duty time

7 (1) Unless a driver has taken at least 8 consecutive hours of off-duty time before driving again, a carrier must not request, require or allow the driver to drive and the driver must not drive again after the driver has accumulated

- (a) 13 hours of driving time; or
- (b) 14 hours of on-duty time.

(2) A carrier must not request, require or allow a driver to drive and a driver must not drive again if 16 hours has elapsed between the end of the driver's most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.

Time spent travelling as passenger is off-duty time

8 Time spent by a driver as a passenger by any mode of transportation is counted as off-duty time if all of the following conditions are met:

- (a) at the request of the carrier who employs or otherwise engages the driver, the time is spent travelling to the destination where the driver will begin driving;
- (b) the driver has taken 8 consecutive hours of off-duty time before the driver begins to drive.

Minimum daily off-duty time

9 (1) Except as otherwise provided in these regulations, a carrier must ensure that a driver takes and the driver must take at least 10 hours of off-duty time in a day and the 10 hours must include

- (a) 8 consecutive hours of off-duty time; and

- (b) at least 2 hours of off-duty time that is not part of the 8 consecutive hours of off-duty time required by clause (a).
- (2) Off-duty time other than the 8 consecutive hours required by clause (1)(b) may be distributed throughout the day in blocks of at least 30 minutes each.

Deferral of daily off-duty time

- 10 (1) Except as prohibited in subsection (2), a driver may defer a maximum of 2 hours of daily off-duty time to the following day if all of the following criteria are met:
- (a) the off-duty time deferred is not part of the daily 8 consecutive hours of off-duty time required by clause 9(1)(a);
 - (b) the total off-duty time taken in the 2 days is at least 20 hours;
 - (c) the deferred off-duty time is taken consecutively with the daily 8 consecutive hours of off-duty time that the driver takes in the 2nd day;
 - (d) the total driving time accumulated by the driver in the 2 days does not exceed 26 hours;
 - (e) the driver adds a declaration in their record of duty status that
 - (i) states that the driver is deferring off-duty time under this Section, and
 - (ii) clearly indicates whether the driver is driving under day 1 or day 2 of the days affected by the deferral.
- (2) The following drivers must not defer their daily off-duty time under this Section:
- (a) a driver who is splitting off-duty time in accordance with Section 12 or 13;
 - (b) a driver operating under an oil well service vehicle special permit granted under Section 22.

Mandatory off-duty time when driver travelling by ferry

- 11 A driver taking a commercial vehicle on a ferry crossing that takes more than 5 hours is not required to take 8 consecutive hours of off-duty time as required by Sections 7 and 9 if all of the following criteria are met:
- (a) all of the following time spent by the driver totals at least 8 hours:
 - (i) time spent in a sleeper berth at the terminal while waiting to board the ferry,
 - (ii) time spent in rest accommodations on the ferry,
 - (iii) time spent in a sleeper berth at a rest stop that is 25 km or less from the point where the vehicle disembarks from the ferry;
 - (b) the times listed in clause (a) are recorded in the record of duty status as off-duty time spent in a sleeper berth;
 - (c) the driver retains the receipt for the crossing and rest accommodation fees as a supporting document, and the receipt coincides with the record of duty status entries.

Single driver splitting daily off-duty time

- 12 (1)** A driver of a commercial vehicle fitted with a sleeper berth may meet the 8 consecutive hours of mandatory off-duty time required by Section 7 and the minimum 10 hours of daily off-duty time required by Section 9 by accumulating off-duty time in 2 periods if all of the following criteria are met:
- (a) neither period of off-duty time is shorter than 2 hours;
 - (b) the total of the 2 periods of off-duty time is at least 10 hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (d) none of the daily off-duty time is deferred to the next day;
 - (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time is not longer than 13 hours;
 - (f) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 14th hour;
 - (g) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty.
- (2)** The 16th hour referred to in clause (1)(g) is calculated as follows:
- (a) by excluding any period spent in the sleeper berth that
 - (i) is 2 hours or longer in duration, and
 - (ii) totals at least 10 hours when added to a subsequent period in the sleeper berth; and
 - (b) by including all of the following:
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 2 hours spent in the sleeper berth,
 - (iv) any time spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this Section.
- (3)** After a driver takes their split daily off-duty time in accordance with subsection (1), a carrier must not request, require or allow the driver to drive again and the driver must not drive again in accordance with the requirements of Sections 7 and 9 without first taking at least 8 consecutive hours of off-duty time.

Team of drivers splitting daily off-duty time

- 13 (1)** A team of drivers of a commercial vehicle fitted with a sleeper berth may meet the 8 consecutive hours of mandatory off-duty time required by Section 7 and the minimum 10 hours of daily off-duty time required by Section 9 by accumulating off-duty time in 2 periods if all of the following criteria are met:

- (a) neither period of off-duty time is shorter than 4 hours;
 - (b) the total of the 2 periods of off-duty time is at least 8 hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (d) none of the daily off-duty time is deferred to the next day;
 - (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time is not longer than 13 hours;
 - (f) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 14th hour;
 - (g) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty.
- (2) The 16th hour referred to in clause (1)(g) is calculated as follows:
- (a) by excluding any period spent in the sleeper berth that
 - (i) is 4 hours or longer in duration, and
 - (ii) totals at least 8 hours when added to a subsequent period in the sleeper berth; and
 - (b) by including all of the following:
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 4 hours spent in the sleeper berth,
 - (iv) any time spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this Section.
- (3) After a team of drivers takes their split daily off-duty time in accordance with subsection (1), a carrier must not request, require or allow the team drivers to drive again and the team drivers must not drive again in accordance with the requirements of Sections 7 and 9 without each driver first taking at least 8 consecutive hours of off-duty time.

Cycles

Driver must follow cycle 1 or cycle 2

14 A carrier must require that a driver follow either cycle 1 or cycle 2 and a driver must follow either cycle 1 or cycle 2.

Mandatory off-duty time in 14-day period

15 Subject to the longer minimums required by Sections 18 and 19 for when a cycle is reset or switched, a carrier must not request, require or allow a driver to drive and a driver must not drive again unless the driver has taken at least 24 consecutive hours of off-duty time in the previous 14 days.

Maximum on-duty time for cycle 1 driver

- 16** A carrier must not request, require or allow a driver who is following cycle 1 to drive and a driver who is following cycle 1 must not drive again after the driver has accumulated 70 hours of on-duty time during any of the following:
- (a) any 7 consecutive days;
 - (b) the cycle that was ended or switched from, for a driver who has reset their cycle in accordance with Section 18 or switched their cycle in accordance with Section 19.

Maximum on-duty time for cycle 2 driver

- 17** A carrier must not request, require or allow a driver who is following cycle 2 to drive and a driver who is following cycle 2 must not drive again in their current cycle after the driver has accumulated
- (a) 120 hours of on-duty time during any of the following:
 - (i) any 14 consecutive days, or
 - (ii) the cycle that was ended or switched from, for a driver who has reset their cycle in accordance with Section 18 or switched their cycle in accordance with Section 19; or
 - (b) 70 hours of on-duty time, unless the driver takes at least 24 consecutive hours of off-duty time.

Off-duty time before cycle reset

- 18 (1)** A driver may end their current cycle and begin a new cycle that is the same as their current cycle if the driver first takes the following off-duty time:
- (a) for cycle 1, at least 36 consecutive hours;
 - (b) for cycle 2, at least 72 consecutive hours.
- (2)** After a driver takes the off-duty time required by subsection (1), the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Off-duty time before cycle switched

- 19 (1)** A carrier must not request, require or allow a driver to switch and a driver must not switch from one cycle to the other without first taking the following off-duty time before driving again:
- (a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours;
 - (b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.
- (2)** After a driver takes the off-duty time required by subsection (1), the driver begins the other cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Special Permits**Special permits for research or pilot projects**

- 20 (1)** The director may issue a special permit to a carrier for the purpose of a research or pilot project if the safety and health of the public, the driver and the employees of the carrier are not jeopardized or are unlikely to be jeopardized.

- (2) An applicant for a special permit under this Section must include a detailed work plan with their application that includes at least all of the following information for the proposed research or pilot project:
- (a) the nature of the project;
 - (b) the objectives of the project;
 - (c) the competence of the applicant to participate in the project;
 - (d) the criteria and method for measuring results;
 - (e) the safety implications and the approach to addressing any possible risks identified;
 - (f) the duration of the project;
 - (g) the manner of and timing for reporting results.
- (3) Sections 6 to 19 and 27 to 42 do not apply to a carrier and its drivers when operating under a special permit issued under this Section, but Sections 23 to 26 apply with any modifications that the circumstances require.

Special permits for commercial vehicles other than oil well service vehicles

- 21 (1) The director may issue a special permit to a carrier for a commercial vehicle other than an oil well service vehicle if all of the following conditions are met:
- (a) off-duty time required under these regulations needs to be reduced or driving time and on-duty time required under these regulations needs to be increased for any of the following purposes:
 - (i) to allow a driver following a regular itinerary to reach their home terminal or destination,
 - (ii) to allow the delivery of perishable goods,
 - (iii) to accommodate a significant temporary increase in the transportation of passengers or goods by the carrier;
 - (b) the safety and health of the public, the driver and the employees of the carrier are not jeopardized or are unlikely to be jeopardized.
- (2) The only deviations from the requirements of these regulations that may be authorized in a special permit issued under this Section are the following:
- (a) reducing the 2 additional hours of daily off-duty time required by clause 9(1)(b); and
 - (b) increasing the maximum daily driving time and on-duty time required by Section 6 by up to a total of 2 hours.

Special permits for oil well service vehicles

- 22 (1) The director may issue a special permit to a carrier for an oil well service vehicle if all of the following conditions are met:

- (a) the driver has successfully completed training directly related to safety requirements associated with operating within the field services sector of the oil or natural gas industry;
 - (b) the safety and health of the public, the driver and the employees of the carrier are not jeopardized or are unlikely to be jeopardized.
- (2) Sections 14 to 19 do not apply to a carrier and its drivers when operating under an oil well service vehicle special permit, but the special permit must require that the driver take, and the driver must take, all of the following off-duty time instead:
- (a) a minimum of 3 periods of off-duty time during any 24 consecutive days that are
 - (i) at least 24 consecutive hours each, and
 - (ii) taken consecutively or separated by on-duty time;
 - (b) a minimum of 72 consecutive hours of off-duty time after the driver finishes driving under the special permit and before the driver begins driving again.
- (3) Waiting time and standby time at an oil or natural gas well site or ancillary facility is not included as on-duty time for a driver operating under an oil well service vehicle special permit if all of the following conditions are met:
- (a) the driver performs no work during the time;
 - (b) the time is fully and accurately recorded in the record of duty status as off-duty time and denoted as waiting or standby time;
 - (c) the time is not included in the 8 consecutive hours of mandatory off-duty time required by Section 7 or the daily 8 consecutive hours of off-duty time required by Section 9.
- (4) When a driver who has been driving under an oil well service vehicle special permit begins to drive again under Sections 14 to 19, they begin to accumulate hours in the cycle.
- (5) None of the daily off-duty time may be deferred to the next day.

Applying for a special permit

- 23 (1)** A carrier may apply to the director for a special permit by providing all of the following information and documents to the director:
- (a) the name of the carrier;
 - (b) all of the following for each driver who will operate a commercial vehicle under the special permit:
 - (i) name,
 - (ii) driver's license number and province where the license was issued;
 - (c) a list of the commercial vehicles which will be operated by the carrier under the special permit;

- (d) a list of all accidents involving the carrier or any of its drivers that occurred during the previous 6 months, if the laws of the province, state or country in which the accidents occurred require the accidents to be reported to police;
 - (e) the duration requested by the carrier for the special permit;
 - (f) the schedule requested by the carrier for operating under the special permit;
 - (g) the reasons for the application and evidence supporting the reasons;
 - (h) a copy of each special permit issued to the carrier under these regulations in the previous 5 years;
 - (i) a signed declaration that discloses all of the following:
 - (i) any application made under these regulations by the carrier for a special permit,
 - (ii) any application for a special permit made by the carrier to any provincial or territorial director in the previous 6 months under any province's regulations respecting commercial drivers hours of service;
 - (j) if trucks will be operated under the special permit, a detailed description of the load for which the permit will apply;
 - (k) if buses will be operated under the special permit, a detailed description of the route for which the permit will apply;
 - (l) for a special permit issued under Section 20, the work plan required by subsection 20(2).
- (2) The director may, at any time after the application has been made, require an applicant to provide additional information in order for the director to evaluate whether the granting of a permit would be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier.
- (3) A carrier applying for a special permit must make all of the following information available to the director on request for each driver who will operate a commercial vehicle under the special permit:
- (a) the records of duty status for the previous 6 months;
 - (b) supporting documents or records of on-duty times for the previous 6 months.

Information specified in special permit

24 The director must specify all of the following in a special permit:

- (a) the reasons for issuing the permit;
- (b) the duration of the permit, which must not exceed 1 year;
- (c) any terms or conditions required for the protection of the safety or health of the public, the driver or the employees of the carrier.

Obligations of special permit holders

25 (1) A carrier to whom a special permit is issued must do all of the following:

- (a) require that a copy of the special permit is placed in each commercial vehicle operating under the permit;
 - (b) provide the director with a list of the commercial vehicles that will be operating under the permit and keep the director informed of any changes to the list;
 - (c) make all of the following information immediately available to the director on request for each driver who operates a commercial vehicle under the permit:
 - (i) record of duty status,
 - (ii) supporting documents and any related relevant records;
 - (d) notify the director without delay of any accidents involving any of the commercial vehicles operating under the permit if the laws of the province, state or country in which the accidents occurred require that the accident be reported to the police.
- (2) A carrier must ensure that a driver driving under a special permit issued to the carrier drives and a driver driving under a special permit must drive in accordance with the terms and conditions of the special permit.

Amending, suspending or cancelling special permits

26 The director may amend, suspend or cancel a carrier's special permit in any of the following circumstances by giving the carrier written notice:

- (a) the carrier or any of its drivers contravenes these regulations or any condition of the special permit;
- (b) the director determines that the safety and health of the public, the driver or the employees of the carrier are jeopardized or are likely to be jeopardized.

Emergencies and Adverse Driving Conditions

Extending driving time in emergencies

27 (1) In this Section and in Section 29, "emergency," in relation to a commercial vehicle, means an unexpected event or situation that constitutes a danger to any of the following:

- (a) the occupants of the commercial vehicle;
 - (b) the security of the commercial vehicle and its load;
 - (c) road users.
- (2) Despite any other provision of these regulations, a driver who requires more driving time in an emergency to avoid the dangers listed in subsection (1) and reach a safe destination may drive longer than the maximum driving times and on-duty times required by these regulations and take less than the off-duty times required by these regulations to reach the safe destination.

Extending driving time in adverse driving conditions

28 A driver who encounters adverse driving conditions while driving a commercial vehicle may drive longer than the maximum 13 hours of driving time and the maximum 14 hours of daily on-duty time required by Sections 6 and 7 and reduce the 2 hours of daily off-duty time required by Section 9 by the amount of time needed to complete the trip if all of the following criteria are met:

- (a) the driving, on-duty and elapsed times in the cycle are not extended more than 2 hours;
- (b) the driver takes the 8 consecutive hours of mandatory off-duty time required by Section 7;
- (c) the trip could have been completed under normal driving conditions without extending the driving, on-duty and elapsed times and reducing off-duty time.

Reason for extending time recorded in record of duty status

29 A driver who exceeds their driving time, on-duty time or elapsed times, or reduces their off-duty time because of an emergency or adverse driving conditions must record the reason for doing so in the record of duty status.

Record Keeping**Time recorded as local time**

30 Time recorded by a driver in a record of duty status must be recorded using the local time at the driver's home terminal.

Requirement to fill out record of duty status

- 31 (1)** Except as provided in subsection (2), a carrier must require a driver to fill out and each driver must fill out a record of duty status each day that accounts for all of the driver's on-duty time and off-duty time for that day.
- (2)** The requirement to fill out a record of duty status in subsection (1) does not apply if all of the following criteria are met:
- (a) the driver is not driving under a special permit;
 - (b) the driver operates or is instructed by the carrier to operate a commercial vehicle within a radius of 160 km of the home terminal;
 - (c) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time;
 - (d) either 1 of the following conditions is met:
 - (i) the carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents relating to those records for a minimum period of 6 months after the day on which each record was recorded,
 - (ii) for at least 6 months after the date the records were created, the carrier maintains accurate and legible records for each driver for each day showing the hour that each on-duty segment starts and ends and the total on-duty time, and all of the following conditions are met:
 - (A) the driver's elapsed time does not exceed 16 hours,
 - (B) the driver's total on-duty time does not exceed 14 hours,
 - (C) the driver maintains accurate and legible records for each day showing the hour that each on-duty segment starts and ends and the total on-duty time, and the records for the previous 7 days are kept in the vehicle for inspection.

Content of record of duty status

- 32 (1)** A carrier must require that a driver enters legibly and the driver must legibly enter all of the following information in a record of duty status for the day at the beginning of the driver's first on-duty time for the day or, if not known, at the first on-duty time of the day as it known:
- (a) the date;
 - (b) their start time, if other than midnight;
 - (c) the driver's name;
 - (d) the names of any co-drivers;
 - (e) the cycle the driver is following, other than for a driver who is driving under an oil well service vehicle special permit;
 - (f) the license plates or unit numbers of each commercial vehicle operated by the driver;
 - (g) for each commercial vehicle operated by the driver, the odometer reading when the driver begins driving;
 - (h) the names and the addresses of
 - (i) the home terminal, and
 - (ii) the principal place of business of each carrier who employs or otherwise engages the driver during the day;
 - (i) if the carrier or driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the previous 14 days;
 - (j) for a driver who has deferred off-duty time under Section 10, a declaration in the record of duty status in accordance with clause 10(1)(e).
- (2)** A carrier must require that a driver records and a driver must record all of the following information in a record of duty status as the information becomes known:
- (a) the time the driver spends in each duty status during the day, in accordance with Schedule 2;
 - (b) if the driver's driving time is interrupted by a number of periods of other on-duty time of less than 1 hour each, the periods of driving time may be combined and the periods of other on-duty time may be combined;
 - (c) the name of the municipality, or the location on a highway or in a community, and the name of the province or state where each of the driver's duty status changes occurred during the day.
- (3)** A carrier must require that a driver records and a driver must record all of the following in a record of duty status at the end of each day:
- (a) the total time the driver spends in each duty status during the day;

- (b) the total distance driven by the driver during the day, excluding any distance driven for the driver's personal use;
 - (c) the odometer reading of each commercial vehicle operated by the driver at the end of the day;
 - (d) the name of the municipality or legal subdivision and the name of the province or state where a change in duty status occurs or, if the change in duty status occurs at a location other than a municipality or legal subdivision, one of the following:
 - (i) the highway number and the nearest kilometre marker as well as the name of the nearest municipality or legal subdivision,
 - (ii) the highway number and the nearest service plaza as well as the name of the nearest municipality or legal subdivision,
 - (iii) the numbers of the highways that meet at the nearest intersection as well as the name of the nearest municipality or legal subdivision.
- (4) A carrier must require that a driver signs and a driver must sign the record of duty status completed by the driver, attesting to the accuracy of the information recorded in it.

Using electronic recording devices

33 A driver may use an electronic recording device for recording their duty status if all of the following criteria are met:

- (a) the information contained in the electronic recording device is the same as the information that would have been provided if it had been submitted as a record of duty status in paper format;
- (b) the driver can immediately provide the information for the previous 14 days to the director or an inspector, when requested, by producing it in any of the following ways or combination of the following ways:
 - (i) on a digital display screen of the electronic recording device,
 - (ii) in handwritten form,
 - (iii) on a print-out or other intelligible output;
- (c) the device is capable of displaying all of the following information:
 - (i) the driving time and other on-duty time for each day the device is used,
 - (ii) the total on-duty time accumulated and the total on-duty time remaining in the cycle the driver is following,
 - (iii) the changes in duty status in chronological order and the time that each change occurred for each day the device is used;
- (d) the driver can prepare a handwritten record of duty status from the information stored in the device for each day the device is used if requested by an inspector;

- (e) the device automatically records the time and date any time it is disconnected and any time it is reconnected and stores the record;
- (f) the device records the time the driver spent in each duty status;
- (g) any hard copy of the record of duty status that is generated from the information stored in the device is signed on each page by the driver, attesting to its accuracy;
- (h) the carrier provides blank record of duty status forms in the commercial vehicle for the driver's use.

Possession of records of duty status and supporting documents by drivers

34 A driver who is required to fill out a record of duty status must not drive and a carrier must not request, require or allow the driver to drive unless the driver has all of the following in their possession:

- (a) a copy of the records of duty status for the previous 14 days;
- (b) for a driver driving under an oil well service vehicle special permit, a copy of the logs for each of the 3 periods of 24-hour off-duty time required by clause 22(2)(a) during any 24 consecutive days;
- (c) the record of duty status for the current day, completed up to the time that the driver's duty status last changed;
- (d) any supporting documents and any related relevant records that the driver received during the current trip.

Distributing and keeping records of duty status

- 35** (1) A driver must, within 20 days after completing a record of duty status, forward the record of duty status and supporting documents relating to that record to the home terminal and the carrier must ensure that the driver does so.
- (2) A driver who is employed or otherwise engaged by more than one carrier in any day must forward, within 20 days after completing a paper record of duty status, and the carriers must ensure that the driver forwards, the original record of duty status to the home terminal of the last carrier for which the driver worked and a copy to the home terminal of each other carrier for which the driver worked, as well as the supporting documents relating to that record to the home terminal of the carrier for which the driver worked during the periods referred to in those supporting documents.
- (3) A carrier must do all of the following with the records of duty status and supporting documents of the drivers it employs or otherwise engages:
- (a) deposit them at its principal place of business no later than 30 days after the date they are received;
 - (b) keep them for at least 6 months, in chronological order for each driver.

Tampering and falsifying record of duty status

- 36** (1) A carrier must not request, require or allow a driver to keep and a driver must not keep more than 1 record of duty status for each day.
- (2) A carrier must not request, require or allow any person to do any of the following and a person must not do any of the following:

- (a) enter inaccurate information in a record of duty status, whether it is handwritten or produced using an electronic recording device;
 - (b) falsify, mutilate or deface a record of duty status or supporting documents.
- (3) A carrier must not request, require or allow any person to, and a person must not, disable, deactivate, disengage, jam or otherwise block or degrade a signal transmission or reception, or re-engineer, reprogram or otherwise tamper with an ELD so that the device does not accurately record and retain the data that is required to be recorded and retained.

Inter-provincial carriers and ELDs

- 37 (1) Despite Sections 31 and 33, an inter-provincial carrier must ensure that each commercial vehicle that it operates is equipped with an ELD that meets the requirements of the Technical Standard, and must ensure that it is mounted in a fixed position during the operation of the commercial vehicle and is visible to the driver when the driver is in the normal driving position, with the exception of commercial vehicles that are
- (a) operated by a carrier under a permit obtained under Section 61 of the Federal regulations;
 - (b) operated by a carrier to which an exemption has been issued under the Act;
 - (c) the subject of a rental agreement of no longer than 30 days that is not an extended or renewed rental of the same vehicle; or
 - (d) manufactured before model year 2000.
- (2) The carrier must require the driver to record, and the driver must record for each day, in accordance with these regulations and the Technical Standard, all the information associated with their record of duty status as their duty status changes.
- (3) Subsections (1) and (2) do not apply if
- (a) the driver drives or is instructed by the carrier to drive a commercial vehicle within a radius of 160 km of the home terminal;
 - (b) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time; and
 - (c) the carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents related to those records for a minimum period of 6 months after the day on which each record was recorded.
- (4) If a carrier authorizes a driver to operate a commercial vehicle for yard moves within a terminal, depot or port and that is not on a public road, the carrier must ensure that the driver's ELD has been configured so that the driver can indicate those moves.
- (5) A driver must manually input or verify all of the following information on the ELD:
- (a) the date and the start time, if different from midnight, and their driver identification number;
 - (b) the cycle that the driver is following;

- (c) the commercial vehicle license plates as well as the unit number or trailer number, if applicable;
 - (d) the names and the addresses of the home terminal and the principal place of business of the carrier by which the driver was employed or otherwise engaged during that day;
 - (e) the commercial vehicle's location description, if it is not automatically drawn from the ELD's geo-location database;
 - (f) if the driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day;
 - (g) any deferral of off-duty time under Section 10;
 - (h) if the driver was working for more than one carrier during the current day or the previous 14 days
 - (i) for each day during the 14 days immediately before the current day, the total number of hours for each duty status that were accumulated by the driver, and the beginning and end time of each 16-hour period referred to in subsection 7(2), and
 - (ii) the start and end times of each duty status in the current day, before the use of the ELD;
 - (i) any annotation necessary to complete the record of duty status.
- (6) A carrier must not request, require or allow a driver to use, and a driver must not use, more than one ELD at the same time for the same period.
- (7) The carrier must ensure that each commercial vehicle that it operates carries an ELD information package containing a current version of the following documents:
- (a) a user's manual;
 - (b) an instruction sheet for the driver describing the data transfer mechanisms supported by the ELD and the steps required to generate and transfer the data with respect to the driver's hours of service to an inspector;
 - (c) an instruction sheet for the driver describing the measures to take in the event that the ELD malfunctions; and
 - (d) a sufficient number of records of duty status to allow the driver to record the information required under Section 32 for at least 15 days.
- (8) The carrier must ensure that the driver records the information related to their record of duty status and the driver is required to record that information in a complete and accurate manner.

Malfunction

- 38 (1)** A carrier must ensure that any ELD that is installed or used in a commercial vehicle that it operates is in good working order and is calibrated and maintained in accordance with the manufacturer's or seller's specifications.

- (2) If a driver of a commercial vehicle becomes aware of the fact that the ELD is displaying a malfunction code set out in Table 4 of Schedule 2 of the Technical Standard, the driver must notify the carrier that is operating the commercial vehicle as soon as the vehicle is parked.
- (3) The driver must record, in the record of duty status on the day on which they noticed the malfunction, the following information:
 - (a) the malfunction as set out in Table 4 of Schedule 2 of the Technical Standard;
 - (b) the date and time when the malfunction was noticed; and
 - (c) the time when notification of the malfunction was transmitted to the carrier.
- (4) The driver must record the code referred to in clause (3)(a) in each record of duty status following the day on which the code was noticed, until the ELD is repaired or replaced.
- (5) A carrier must, within 14 days after the day on which it was notified of an ELD malfunction code by the driver or otherwise became aware of it, or at the latest, upon return of the driver to the home terminal from a planned trip if that return exceeds the 14-day period, repair or replace the ELD.
- (6) The carrier must maintain a register of ELD malfunction codes for ELDs installed or used in commercial vehicles that it operates for which a malfunction was noticed, and that register must contain all of the following information:
 - (a) the name of the driver who noticed the malfunction code;
 - (b) the name of each driver that used the commercial vehicle following the discovery of the malfunction code until the ELD was repaired or replaced;
 - (c) the make, model and serial number of the ELD;
 - (d) the licence plate of the commercial vehicle in which the ELD is installed or used, or the Vehicle Identification Number;
 - (e) the date when the malfunction code was noticed and the location of the commercial vehicle on that date, as well as the date when the carrier was notified or otherwise became aware of the code;
 - (f) the date the ELD was replaced or repaired;
 - (g) a concise description of the actions taken by the carrier to repair or replace the ELD.
- (7) The carrier must retain the information set out in subsection (6) for each ELD for which a malfunction was noticed for a period of 6 months from the day on which the ELD is replaced or repaired.

Accounts

- 39** A carrier must create and maintain a system of accounts for ELDs that is in compliance with the Technical Standard and that
- (a) allows each driver to record their record of duty status in a distinct and personal account; and
 - (b) provides for a distinct account for the driving time of an unidentified driver.

Certification of record of duty status

40 A driver must, immediately after recording the last entry for a day, certify the accuracy of their record of duty status.

Verification of records of duty status

- 41** (1) A carrier must verify the accuracy of the certified records of duty status that are forwarded by the driver according to the supporting documents provided and must require from the driver those changes necessary to ensure the accuracy of the records.
- (2) The driver must either accept or reject the changes required by the carrier, make the necessary changes and recertify the accuracy of their record of duty status and forward the amended records of duty status to the carrier.

Driver Compliance**Monitoring by carriers**

- 42** (1) A carrier must monitor each of its drivers to ensure the driver complies with these regulations.
- (2) A carrier that determines that a driver who is employed or otherwise engaged by the carrier has not complied with these regulations must take immediate remedial action, issue a notice of non-compliance to the driver and record all of the following:
- (a) the dates the non-compliance occurred;
 - (b) the date the notice of non-compliance was issued;
 - (c) the remedial action taken.

Out-of-service declarations

- 43** (1) The director or an inspector may issue an out-of-service declaration for a driver in any of the following circumstances:
- (a) the driver contravenes clause 5(a);
 - (b) the driver fails to comply with any of the driving time or off-duty time requirements
 - (i) in Sections 6 to 19, or
 - (ii) for a special permit;
 - (c) the driver is unable or refuses to produce the record of duty status, supporting documents and any other related relevant records as required by Section 41;
 - (d) there is evidence that shows that the driver has done any of the following in contravention of Section 36:
 - (i) completed more than 1 record of duty status,
 - (ii) entered inaccurate information in a record of duty status,
 - (iii) falsified information in a record of duty status;

- (e) in contravention of Section 36, the driver has mutilated or defaced a record of duty status or a supporting document in such a way that the director or inspector cannot determine whether the driver has complied with the driving time and off-duty time requirements:
 - (i) in Sections 6 to 19, or
 - (ii) for a special permit issued under Section 20, 21 or 22;
 - (f) if the driver uses an ELD, the driver uses an ELD that has a disabled, deactivated, disengaged, jammed or otherwise blocked or degraded signal transmission or reception, or uses an ELD that has been re-engineered, reprogrammed or otherwise tampered with so that it does not accurately record and retain the data that is required to be recorded and retained, in such a way that the director or inspector is unable to determine whether the driver has complied with the driving time and off-duty time requirements of Sections 11 to 19 or of a term or condition of a permit.
- (2) An out-of-service declaration issued under subsection (1) must be issued in writing to both the driver and the carrier who employs or otherwise engages the driver and must include all of the following:
- (a) the reasons the driver has been issued the declaration;
 - (b) the length of time the declaration applies, in accordance with subsection (3).
- (3) An out-of-service declaration issued for a driver prohibits the driver from operating a commercial vehicle, including operating a commercial vehicle for personal use, and applies for the following applicable length of time:
- (a) for 10 consecutive hours, if the driver contravenes clause 5(a) or 5(b);
 - (b) for 10 consecutive hours, if the driver contravenes Section 6;
 - (c) for the number of hours needed to correct the failure, if the driver fails to comply with the off-duty time requirements of any of Sections 6 to 19;
 - (d) subject to any further hours required to comply with subsection (4), for 72 consecutive hours, if the driver contravenes Section 36.
- (4) An out-of-service declaration issued for a driver who contravenes Section 36 continues to apply beyond the 72 hours specified in clause (3)(d) until the driver makes any necessary changes to correct the record of duty status and provides the record of duty status to the director or inspector, and the director or inspector is able to determine whether the driver has complied with these regulations.

Inspections

Authority to enter premises for inspection

- 44 (1) During business hours, an inspector may enter a home terminal or principal place of business, other than living quarters, to inspect records of duty status, supporting documents and any related relevant records.
- (2) At any time, an inspector may stop and enter a commercial vehicle, except for its sleeper berth, to inspect records of duty status and supporting documents.

- (3) At any time, an inspector may stop a commercial vehicle and enter its sleeper berth to verify that the sleeper berth meets the criteria in Schedule 1.

Obstructing inspector or making false statements

45 A person must not obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to an inspector who is engaged in carrying out their duties and functions under these regulations.

Records of duty status and supporting documents produced by driver

- 46** (1) At the request of an inspector, a driver must immediately produce all of the following for inspection for the current trip and the previous 14 days:
- (a) records of duty status;
 - (b) supporting documents and any related relevant records;
 - (c) any special permit that the driver has driven under.
- (2) At the request of an inspector, a driver must retrieve the information stored by any electronic recording device installed in a commercial vehicle for each day the device was used.
- (3) If the records requested by the inspector are in electronic format, the driver must produce either the display or a printout of the records and, if requested by the inspector to transmit the records of duty status, must transmit them by the transfer method identified by the inspector that is provided for in the Technical Standard and is supported by the ELD.
- (4) At the request of an inspector, a driver must immediately give the inspector a copy of all of the following for the previous 14 days, or the originals of all of the following if it is not possible in the circumstances to make copies:
- (a) records of duty status;
 - (b) supporting documents and any related relevant records;
 - (c) any special permit that the driver has driven under;
 - (d) records of driving time of an unidentified driver;
 - (e) the documents referred to in subsection 77(7) of the Federal regulations;
 - (f) the register of ELD malfunction set out in subsection 78(6) of the Federal regulations;
 - (g) the information recorded under subsection 37(2) or under subsection 87(2) of the Federal regulations.
- (5) An inspector must provide a receipt in the form set out in Schedule 3 for any information given to the inspector under subsection (3).
- (6) The carrier must transmit to the inspector the electronic records of duty status in the format, and using one of the transfer methods, prescribed in the Technical Standard.

Records of duty status and supporting documents produced by carrier

- 47 (1)** At the request of an inspector, a carrier must immediately make all of the following available for inspection during business hours at a place specified by the inspector:
- (a) records of duty status;
 - (b) supporting documents and any related relevant records;
 - (c) records of driving time of an unidentified driver;
 - (d) the documents referred to in subsection 37(2);
 - (e) the register of ELD malfunction;
 - (f) any special permit that a driver employed or otherwise engaged by the carrier has been driving under during the period the information is requested for.
- (2)** An inspector must do all of the following with any records of duty status, supporting documents, related relevant records and special permits received by the inspector under subsection (1):
- (a) immediately return any unexpired special permits and provide the carrier with a receipt in the form set out in Schedule 3 for any expired special permits and other information received by the inspector under subsection (1);
 - (b) return all expired special permits and other information received by the inspector under subsection (1) no later than 14 days after the date the inspector received them.

Offences and Penalties**Category B offences**

- 48** Any person who violates clause 34(c) is guilty of an offence and liable on summary conviction to the penalties provided for a category B offence in the *Summary Proceedings Act*.

Category C offences

- 49** Any person who violates any of the following provisions of these regulations is guilty of an offence and liable on summary conviction to the penalties provided for a category C offence in the *Summary Proceedings Act*:

- (a) Section 32;
- (b) subsection 35(1) or (2).

Category D offences

- 50** Any person who violates any of the following provisions of these regulations is guilty of an offence and liable on summary conviction to the penalties provided for a category D offence in the *Summary Proceedings Act*:

- (a) clause 5(c);
- (b) clause 6(a) or (b);
- (c) clause 7(1)(a) or (b) or subsection 7(2);

- (d) subsection 9(1);
- (e) subsection 12(3);
- (f) subsection 13(3);
- (g) Section 14;
- (h) Section 15;
- (i) Section 16;
- (j) clause 17(a) or (b);
- (k) clause 19(1)(a) or (b);
- (l) clause 22(2)(a) or (b);
- (m) Section 29;
- (n) clause 38(3)(a), (b) or (c) or subsection [38](4).

Category E offences

51 Any person who violates any of the following provisions of these regulations is guilty of an offence and liable on summary conviction to the penalties provided for a category E offence in the *Summary Proceedings Act*:

- (a) clause 25(1)(a), (b), (c) or (d);
- (b) subsection 25(2);
- (c) subsection 31(1);
- (d) clause 34(a), (b) or (d);
- (e) clause 35(3)(a) or (b);
- (f) clause 37(5)(a), (b), (c), (d), (e), (f), (g), (h) or (i);
- (g) subsection 41(2);
- (h) clause 46(1)(a), (b) or (c), subsection 46(2), or clause 46(4)(a), (b), (c) or (d).

Category F offences

52 Any person who violates any of the following provisions of these regulations is guilty of an offence and liable on summary conviction to the penalties provided for a category F offence in the *Summary Proceedings Act*:

- (a) clause 5(a) or (b);
- (b) subsection 37(2);
- (c) subsection 37(6);

- (d) clause 37(7)(a), (b), (c) or (d);
- (e) subsection 37(8);
- (f) subsection 38(2);
- (g) Section 40;
- (h) subsection 41(2);
- (i) subsection 42(1) or (2);
- (j) clause 47(1)(a), (b) or (f).

Category G offences

53 Any person who violates any of the following provisions is guilty of an offence and liable on summary conviction to the penalties provided for a category G offence in the *Summary Proceedings Act*:

- (a) subsection 36(1), clause 36(2)(a) or (b) or subsection 36(3);
- (b) subsection 37(4);
- (c) subsection 41(1);
- (d) Section 45.

Category H offences

54 Any person who violates any of the following provisions is guilty of an offence and liable on summary conviction to the penalties provided for a category H offence in the *Summary Proceedings Act*:

- (a) subsection 37(2) or (6);
- (b) subsection 38(1);
- (c) subsection 38(5);
- (d) clause 38(6)(a), (b), (c), (d), (e), (f) or (g);
- (e) subsection 38(7);
- (f) Section 39 or clause 39(b);
- (g) subsection 41(1) or (2);
- (h) clause 46(4)(e), (f) or (g);
- (i) clause 47(1)(c), (d) or (e).

Schedule 1: Criteria for Sleeper Berths

An area of a commercial vehicle is a sleeper berth if it meets all of the following criteria:

- (a) it is designed to be used as sleeping accommodation;

- (b) it is located in the cab of the commercial vehicle or immediately adjacent to the cab and is securely fixed to it;
- (c) it is not located in or on a semi-trailer or a full trailer;
- (d) if it is located in the cargo space, it is securely compartmentalized from the remainder of the cargo space;
- (e) for a bus,
 - (i) it is located in the passenger compartment,
 - (ii) it is at least 1.9 m in length, 60 cm in width and 60 cm in height,
 - (iii) it is separated from the passenger area by a solid physical barrier that is equipped with a door that can be locked,
 - (iv) it provides privacy for the occupant, and
 - (v) it is equipped with a means to significantly limit the amount of light entering the area;
- (f) for a commercial vehicle other than a bus, it is rectangular in shape with the following minimum dimensions:
 - (i) 1.9 m in length, measured on the centre line of the longitudinal axis,
 - (ii) 60 cm in width, measured on the centre line of the transverse axis, and
 - (iii) 60 cm in height, measured from the sleeping mattress to the highest point of the area;
- (g) it is constructed so that there are no impediments to ready entrance to or exit from the berth;
- (h) there is a direct and readily accessible means of passing from it into the driver's seat or compartment;
- (i) it is protected against leaks and overheating from the vehicle's exhaust system;
- (j) it is equipped to provide adequate heating, cooling and ventilation;
- (k) it is reasonably sealed against dust and rain;
- (l) it is equipped with a mattress that is at least 10 cm thick and adequate sheets and blankets so that the occupant can get restful sleep;
- (m) it is equipped with a means of preventing the occupant from being ejected from the berth when the commercial vehicle is decelerating that is designed, installed and maintained to withstand a total force of 2700 kg applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

Schedule 2: Duty Status Information for a Record of Duty Status

Duty Status

Name _____ Date _____
 Cycle 1 (7 days) OR Cycle 2 (14 days)

(Hour that day begins—use local time at home terminal)

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours	
1. Off-duty time other than time spent in a sleeper berth																											
2. Off-duty time spent in a sleeper berth																											
3. Driving time																											
4. On-duty time other than driving time																											
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24		

Remarks _____

Total distance driven _____

Signature _____

Instructions for Recording Duty Status

Filling out grid

Fill out the grid as follows:

- (1) for each duty status,
 - mark the beginning time and the end time

- draw a continuous line between the time markers
- (2) in the last column on the right of the grid, enter the total number of hours of each period of duty status (total of all periods must be 24 hours)

Change in duty status remarks

For each change in duty status, record the following in the Remarks section:

- the name of the municipality where the change occurred

OR

- the location on a highway or in a community and the name of the province or state where the change occurred

Schedule 3: Inspector's Receipt

(subsection 46(5) and subsection 47(2) of the
Commercial Vehicle Drivers' Hours of Service Regulations)

I, _____, an inspector under Section 6 of the *Motor Vehicle Act*, acknowledge that the following records of duty status, supporting documents and other records were provided by

(name of person)

at *(number, street, municipality, location, province of carrier)*

on *(day, month, year)*

namely: *(description of records of duty status, supporting documents and records received)*

(municipality, location) on (day, month, year)

Inspector's signature

N.S. Reg. 331/2022

Commercial Vehicle Trip Inspection Regulations—amendment

Schedule “B”**In the matter of Section 303 of Chapter 293 of the Revised Statutes
of Nova Scotia, 1989, the *Motor Vehicle Act*****-and-****In the matter of an amendment to the
Commercial Vehicle Trip Inspection Regulations
made by the Minister of Public Works****Order**

I, Kim D. Masland, Minister of Public Works for the Province of Nova Scotia, pursuant to Section 303 of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby amend the *Commercial Vehicle Trip Inspection Regulations*, N.S. Reg. 26/2018, made by the Minister of Transportation and Infrastructure Renewal and approved by the Governor in Council by Order in Council 2018-36 dated February 13, 2018, to ensure the regulations are consistent with changes made to the *Commercial Vehicle Drivers’ Hours of Service Regulations*, in the manner set forth in the attached.

Dated and made December 9, 2022, at Halifax Regional Municipality, Province of Nova Scotia.

sgd. *K. D. Masland*

Honourable Kim D. Masland
Minister of Public Works

**Amendment to the *Commercial Vehicle Trip Inspection Regulations*
made by the Minister of Public Works under Section 303
of Chapter 293 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

1 Section 2 of the *Commercial Vehicle Trip Inspection Regulations*, N.S. Reg. 26/2018, made by the Minister of Transportation and Infrastructure Renewal and approved by the Governor in Council by Order in Council 2018-36 dated February 13, 2018, is amended by

(a) adding the following definitions where they belong in alphabetical order:

“electronic logging device” means a device or technology that

- (i) automatically records a driver’s driving time,
- (ii) facilitates the recording of a driver’s record of duty status, and
- (iii) is certified by an accredited certification body under Section 79.1 of the Federal Regulations;

“Federal Regulations” means the *Commercial Vehicle Drivers Hours of Service Regulations* made under the *Motor Vehicle Transport Act* (Canada);

- (b) in the definition of “equivalent electronic record”, adding “or electronic logging device” immediately after “electronic recording device”.

- 2 Subsection 10(2) of the regulations is amended by adding “or electronic logging device” immediately after “electronic recording device”.
- 3 Section 16 of the regulations is amended by striking out “electronic recording device” wherever it appears and substituting “electronic recording device or electronic logging device”.
- 4 (1) Subsection 17(1) of the regulations is amended by striking out “electronic recording device” wherever it appears and substituting “electronic recording device or electronic logging device”.
- (2) Subsection 17(2) of the regulations is amended by striking out “electronic recording device” wherever it appears and substituting “electronic recording device or electronic logging device”.
- (3) Subsection 17(3) of the regulations is amended by adding “or electronic logging devices” immediately after “electronic recording devices”.

N.S. Reg. 332/2022

Commercial Carrier Safety Fitness Rating and Compliance Regulations—amendment

Schedule “C”

**Amendment to the *Commercial Carrier Safety Fitness Rating and Compliance Regulations*
made by the Governor in Council under Section 303G
of Chapter 293 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

- 1 Section 2 of the *Commercial Carrier Safety Fitness Rating and Compliance Regulations*, N.S. Reg. 84/2005, made by the Governor in Council by Order in Council 2005-145 dated March 31, 2005, is amended by adding the following definitions where they belong in alphabetical order:

“ELD” means electronic logging device;

“Federal Regulations” means the *Commercial Vehicle Drivers Hours of Service Regulations* made under the *Motor Vehicle Transport Act* (Canada);

- 2 The regulations are further amended by repealing the table under the heading “*Commercial Vehicle Drivers’ Hours of Service Regulations* offences” under the heading “Driver-related and carrier-related violations” under the heading “Convictions” in Appendix A to the regulations and substituting the following table:

***Commercial Vehicle Drivers’ Hours of Service Regulations* offences:**

1	Driving when driving would jeopardize public health or safety (specify)	5(a)	3
2	Driving when out-of-service	5(b)	3

3	Driving when not in compliance with regulations	5(c)	3
4	Failing to comply with daily driving hours (13 hours)	6(a)	3
5	Failing to comply with daily on-duty hours (14 hours)	6(b)	3
6	Failing to take 8 consecutive off-duty hours after 13 hours of driving time	7(1)(a)	3
7	Failing to take 8 consecutive off-duty hours after 14 hours of on-duty time	7(1)(b)	3
8	Driving after 16 hours have elapsed between off-duty periods	7(2)	3
9	Failing to take 10 off-duty hours in day, including 8 consecutive off-duty hours and 2 off-duty hours	9(1)	3
10	Failing to take 8 consecutive off-duty hours after splitting daily off-duty time (single driver)	12(3)	3
11	Failing to take 8 consecutive off-duty hours after splitting daily off-duty time (team of drivers)	13(3)	3
12	Failing to follow cycle 1 or cycle 2 (specify)	14	3
13	Failing to take 24 consecutive off-duty hours in 14 days	15	3
14	Driving after accumulating excessive on-duty hours while following cycle 1	16	3
15	Driving after accumulating excessive on-duty hours while following cycle 2	17(a)	3
16	Failing to take 24 consecutive off-duty hours after 70 hours on-duty time while following cycle 2	17(b)	3
17	Switching from cycle 1 to cycle 2 without taking 36 consecutive off-duty hours	19(1)(a)	3
18	Switching from cycle 2 to cycle 1 without taking 72 consecutive off-duty hours	19(1)(b)	3
19	Failing to take 3 off-duty periods of 24 consecutive hours during 24 consecutive days (oil well service vehicle special permit)	22(2)(a)	3
20	Failing to take 72 consecutive off-duty hours (oil well service vehicle special permit)	22(2)(b)	3
21	Failing to place copy of special permit in vehicle	25(1)(a)	3
22	Failing to provide updated list of vehicles operating under special permit to director	25(1)(b)	3
23	Failing to make record of duty status of driver operating vehicle under special permit immediately available to director	25(1)(c)(i)	3
24	Failing to make supporting documents of driver operating vehicle under special permit immediately available to director	25(1)(c)(ii)	3
25	Failing to immediately notify director of accident involving vehicle operating under special permit	25(1)(d)	3
26	Failing to comply with terms and conditions of special permit	25(2)	3
27	Failing to record reason for exceeding driving time, on-duty time or elapsed time (specify) in record of duty status	29	2

28	Failing to fill out record of duty status each day	31(1)	2
29	Failing to legibly enter all required information in record of duty status	32	2
30	Driving without records of duty status for previous 14 days in possession	34(a)	2
31	Driving without logs for 3 periods of 24-hour off-duty time during 24 consecutive days in possession (oil well service vehicle special permit)	34(b)	2
32	Driving without record of duty status for current day completed up to last duty status change in possession	34(c)	2
33	Driving without supporting documents of current trip in possession	34(d)	2
34	Failing to forward record of duty status to home terminal no later than 20 days after completed	35(1)	2
35	Failing to forward supporting documents to home terminal no later than 20 days after record of duty status completed	35(1)	2
36	Failing to forward original record of duty status to last carrier worked for no later than 20 days after completed	35(2)	2
37	Failing to forward copy of record of duty status to all carriers worked for other than last carrier worked for no later than 20 days after completed	35(2)	2
38	Failing to forward supporting documents to applicable carrier no later than 20 days after record of duty status completed	35(2)	2
39	Failing to deposit records of duty status at carrier's principal place of business no later than 30 days after received	35(3)(a)	3
40	Failing to deposit supporting documents at carrier's principal place of business no later than 30 days after received	35(3)(a)	3
41	Failing to keep records of duty status in chronological order for 6 months	35(3)(b)	3
42	Failing to keep supporting documents in chronological order for 6 months	35(3)(b)	3
43	Keeping more than 1 record of duty status for day	36(1)	3
44	Entering inaccurate information in record of duty status	36(2)(a)	3
45	Falsifying, mutilating or defacing (specify) record of duty status	36(2)(b)	3
46	Falsifying, mutilating or defacing (specify) supporting documents	36(2)(b)	3
47	Requesting, requiring, or allowing (specify) person to tamper with ELD	36(3)	3
48	Failing to record or require driver to record (specify) information associated with record of duty status as duty status changes	37(2)	3
49	Failing to ensure ELD configured to record yard moves	37(4)	1
50	Failing to input or verify (specify) date and start time on ELD	37(5)(a)	1
51	Failing to input or verify (specify) driver identification number on ELD	37(5)(a)	1

52	Failing to input or verify (specify) cycle on ELD	37(5)(b)	1
53	Failing to input or verify (specify) vehicle license plates, unit number or trailer number (specify) on ELD	37(5)(c)	1
54	Failing to input or verify (specify) name and address of home terminal of carrier on ELD	37(5)(d)	1
55	Failing to input or verify (specify) name and address of principal place of business of carrier on ELD	37(5)(d)	1
56	Failing to input or verify (specify) vehicle's location description on ELD	37(5)(e)	1
57	Failing to input or verify (specify) hours of off-duty and on-duty time for previous 14 days on ELD	37(5)(f)	1
58	Failing to input or verify (specify) any deferred off-duty time under Section 10 of regulations on ELD	37(5)(g)	1
59	Failing to input or verify (specify) total number of accumulated hours for each duty status for previous 14 days on ELD	37(5)(h)(i)	1
60	Failing to input or verify (specify) beginning and end time of each 16-hour period referred to in subsection 7(2) of regulations for previous 14 days on ELD	37(5)(h)(i)	1
61	Failing to input or verify (specify) start and end times of each duty status on ELD before use of ELD	37(5)(h)(ii)	2
62	Failing to input or verify (specify) any annotation necessary to complete record of duty status on ELD	37(5)(i)	2
63	Requesting, requiring or allowing (specify) driver to use more than 1 ELD at same time for same period	37(6)	3
64	Using more than 1 ELD at same time for same period	37(6)	3
65	Failing to ensure vehicle carrying user's manual	37(7)(a)	2
66	Failing to ensure vehicle carrying instruction sheet describing ELD data transfer mechanisms	37(7)(b)	2
67	Failing to ensure vehicle carrying instruction sheet describing steps required to generate and transfer hours of service data	37(7)(b)	2
68	Failing to ensure vehicle carrying instruction sheet describing measures to take if ELD malfunctions	37(7)(c)	2
69	Failing to ensure vehicle carrying sufficient number of records of duty status	37(7)(d)	2
70	Failing to ensure driver records information related to record of duty status	37(8)	2
71	Failing to ensure driver records record of duty status information in complete and accurate manner	37(8)	2
72	Failing to ensure ELD in vehicle in good working order	38(1)	3
73	Failing to ensure ELD in vehicle calibrated according to specifications	38(1)	3
74	Failing to ensure ELD in vehicle maintained according to specifications	38(1)	3

75	Failing to notify carrier of vehicle's ELD malfunction as soon as vehicle parked	38(2)	2
76	Failing to record ELD malfunction in record of duty status	38(3)(a)	2
77	Failing to record date and time of ELD malfunction in record of duty status	38(3)(b)	2
78	Failing to record time when notification of ELD malfunction transmitted to carrier in record of duty status	38(3)(c)	1
79	Failing to record malfunction code in record of duty status from day after noticed until ELD repaired or replaced (specify)	38(4)	2
80	Failing to repair or replace (specify) ELD within 14 days	38(5)	3
81	Failing to repair or replace (specify) ELD after 14 days upon return of driver	38(5)	3
82	Failing to ensure name of driver who noticed malfunction code entered in ELD malfunction register	38(6)(a)	1
83	Failing to ensure name of each driver using vehicle following discovery of malfunction entered in ELD malfunction register until ELD repaired or replaced (specify)	38(6)(b)	1
84	Failing to ensure make, model and serial number of ELD entered in ELD malfunction register	38(6)(c)	1
85	Failing to ensure licence plate or Vehicle Identification Number (specify) of vehicle entered in ELD malfunction register	38(6)(d)	1
86	Failing to ensure date when malfunction noticed entered in ELD malfunction register	38(6)(e)	1
87	Failing to ensure location of vehicle on date malfunction noticed entered in ELD malfunction register	38(6)(e)	1
88	Failing to ensure date carrier became aware of malfunction entered in ELD malfunction register	38(6)(e)	1
89	Failing to ensure date ELD replaced or repaired (specify) entered in ELD malfunction register	38(6)(f)	1
90	Failing to ensure description of actions taken to repair or replace (specify) ELD entered in ELD malfunction register	38(6)(g)	1
91	Failing to retain information in malfunction register for 6 months after ELD repaired or replaced (specify)	38(7)	3
92	Failing to create system of accounts for ELDs in compliance with Technical Standard	39	2
93	Failing to maintain system of accounts for ELDs in compliance with Technical Standard	39	2
94	Failing to create system of accounts for ELDs that allows each driver to record record of duty status in distinct and personal account	39(a)	2
95	Failing to maintain system of accounts for ELDs that allows each driver to record record of duty status in distinct and personal account	39(a)	3

96	Failing to create system of accounts for ELDs that provides distinct account for driving time of unidentified driver	39(b)	2
97	Failing to maintain system of accounts for ELDs that provides distinct account for driving time of unidentified driver	39(b)	2
98	Failing to certify accuracy of record of duty status	40	2
99	Failing to verify accuracy of certified records of duty status forwarded by driver	41(1)	3
100	Failing to require driver to make changes to ensure accuracy of certified records of duty status	41(1)	3
101	Failing to accept or reject (specify) changes to certified record of duty status required by carrier	41(2)	3
102	Failing to make necessary changes to certified record of duty status	41(2)	3
103	Failing to re-certify accuracy of record of duty status	41(2)	3
104	Failing to forward amended records of duty status to carrier	41(2)	2
105	Failing to monitor driver compliance with regulations	42(1)	2
106	Failing to take immediate action to remedy driver non-compliance with regulations	42(2)	2
107	Failing to issue notice of non-compliance with regulations to driver	42(2)	2
108	Failing to record required details of driver non-compliance with regulations	42(2)	2
109	Making false statement to inspector	45	3
110	Failing to immediately produce records of duty status for current trip and previous 14 days for inspection	46(1)(a)	3
111	Failing to immediately produce supporting documents for current trip and previous 14 days for inspection	46(1)(b)	3
112	Failing to immediately produce special permits for current trip and previous 14 days for inspection	46(1)(c)	3
113	Failing to retrieve information on electronic recording device in vehicle at request of inspector	46(2)	3
114	Failing to immediately give inspector records of duty status for previous 14 days	46(4)(a)	3
115	Failing to immediately give inspector supporting documents for previous 14 days	46(4)(b)	3
116	Failing to immediately give inspector special permits for previous 14 days	46(4)(c)	3
117	Failing to immediately give inspector records of driving time of unidentified driver for previous 14 days	46(4)(d)	2
118	Failing to immediately give inspector documents referred to in subsection 77(7) of Federal Regulations for previous 14 days	46(4)(e)	1
119	Failing to immediately give inspector ELD malfunction register set out in subsection 78(6) of Federal Regulations for previous 14 days	46(4)(f)	2

120	Failing to immediately give inspector information recorded under subsection 37(2) or 87(2) of Federal Regulations for previous 14 days	46(4)(g)	2
121	Failing to make records of duty status immediately available to inspector	47(1)(a)	3
122	Failing to make supporting documents immediately available to inspector	47(1)(b)	3
123	Failing to make records of driving time of unidentified driver immediately available to inspector	47(1)(c)	3
124	Failing to make documents referred to in subsection 37(2) immediately available to inspector	47(1)(d)	3
125	Failing to make register of ELD malfunction immediately available to inspector	47(1)(e)	1
126	Failing to make special permits immediately available to inspector	47(1)(f)	3

N.S. Reg. 333/2022

Board Public Passenger Motor Carrier Act Regulations—amendment

Schedule “D”**Order****Nova Scotia Utility and Review Board****In the matter of the *Motor Carrier Act*****- and -**

In the matter of amendments to the *Board Public Passenger Motor Carrier Act Regulations* made pursuant to clause 27(1)(d) of Chapter 292 of the Revised Statutes of Nova Scotia, 1989, the *Motor Carrier Act*

Before: Stephen T. McGrath, LL.B., Chair
 Roland A. Deveau, K.C., Vice Chair
 Roberta J. Clarke, K.C., Member
 Richard J. Melanson, LL.B., Member
 Steven M. Murphy, MBA, P. Eng., Member
 Jennifer L. Nicholson, CPA, CA, Member
 Bruce H. Fisher, MPA, CPA, CMA Member
 Julia E. Clark, LL.B., Member

Order

I, Bruce A. Kiley, Chief Clerk of the Nova Scotia Utility and Review Board, hereby certify that at a meeting of the Board held on November 29, 2022, the Board passed a motion to amend the *Board Public Passenger Motor Carrier Act Regulations*, N.S. Reg. 283/1992, approved by the Governor in Council by Order in Council 92-1257 dated December 22, 1992, in the form [manner] set forth in the attached.

These amendments are effective on and after the date they are approved by the Governor in Council.

Dated at Halifax, Nova Scotia, this 5th day of December, 2022.

sgd. *Bruce A. Kiley*
Bruce Kiley
Clerk of the Board

**Amendment to the *Board Public Passenger Motor Carrier Act Regulations*
made by the Nova Scotia Utility and Review Board under clause 27(1)(d)
of Chapter 292 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Carrier Act***

- 1 Section 2 of the *Board Public Passenger Motor Carrier Act Regulations*, N.S. Reg. 283/1992, made by the Nova Scotia Utility and Review Board and approved by the Governor in Council by Order in Council 92-1257 dated December 22, 1992, is amended by
 - (a) striking out the clause letter before each definition;
 - (b) in the definition of “driver”, striking out “42B to 42G” and substituting “42B to 42E”; and
 - (c) in the definition of “owner or operator”, striking out “42B to 42H” and substituting “42B, 42C, 42D, 42E and 42H”.
- 2
 - (1) Clause 42B(2)(b) of the regulations is amended by striking out “Section 42C to 42H” and substituting “Sections 42C, 42D, 42E and 42H and the *Board Motor Carrier Act Hours of Service Regulations*”.
 - (2) Clause 42B(5)(c) of the regulations is amended by striking out “Sections 42B to 42H” and substituting “these regulations and the *Board Motor Carrier Act Hours of Service Regulations*”.
 - (3) Subsection 42B(6) of the regulations is amended by striking out “Sections 42C to 42H” and substituting “these regulations and the *Board Motor Carrier Act Hours of Service Regulations*”.
- 3
 - (1) Subsection 42C(6) of the regulations is amended by striking out “and Sections 42D to 42H” and substituting “, Sections 42D, 42E and 42H and the *Board Motor Carrier Act Hours of Service Regulations*”.
 - (2) Subsection 42C(7) of the regulations is amended by striking out “and Sections 42D to 42H” and substituting “, Sections 42D, 42E and 42H and the *Board Motor Carrier Act Hours of Service Regulations*”.
 - (3) Subsection 42C(8) of the regulations is amended by striking out “and Sections 42D to 42H” and substituting “, Sections 42D, 42E and 42H and the *Board Motor Carrier Act Hours of Service Regulations*”.
 - (4) Section 42C of the regulations is further amended by repealing subsection (9) and substituting the following subsection:
 - (9) An inspector may, for the purpose of ensuring compliance with this Section, Sections 42D, 42E and 42H, the *Board Motor Carrier Act Hours of Service Regulations* and any order made pursuant to those Sections or the *Board Motor Carrier Act Hours of Service Regulations*, do any of the following:

- (a) inspect, examine and investigate any records, books or documents required by this Section, Sections 42D, 42E and 42H or the *Board Motor Carrier Act Hours of Service Regulations* and remove them temporarily for the purpose of making copies;
 - (b) make any examination, investigation or inquiry that the inspector considers necessary to ascertain whether there is compliance with this Section, Sections 42D, 42E and 42H or the *Board Motor Carrier Act Hours of Service Regulations*.
- (5) Subsection 42C(11) of the regulations is amended by striking out “and Sections 42D to 42H” and substituting “, Sections 42D, 42E and 42H and the *Board Motor Carrier Act Hours of Service Regulations*”.
- (6) Subsection 42C(13) of the regulations is amended by striking out “42B to 42H” and substituting “42B, 42C, 42D, 42E and 42H and the *Board Motor Carrier Act Hours of Service Regulations*”.
- (7) Subsection 42C(14) of the regulations is amended by striking out “42B to 42H” and substituting “42B, 42C, 42D, 42E and 42H and the *Board Motor Carrier Act Hours of Service Regulations*”.
- 4 Sections 42F and 42G of the regulations are repealed.
- 5 Section 51B of the regulations is amended by
- (a) striking out “42B to 42H” in clause (a) and substituting “42B, 42C, 42D, 42E and 42H”;
 - (b) striking out “; and” in clause (c);
 - (c) striking out the period at the end of clause (d) and substituting a semicolon; and
 - (d) adding the following clauses immediately after clause (d):
 - (e) the provisions of the *Governor in Council Motor Carrier Act Hours of Service Regulations* respecting commercial vehicles; and
 - (f) the provisions of the *Board Motor Carrier Act Hours of Service Regulations* respecting commercial vehicles.
- 6 Appendix “B” to the regulations is repealed.

N.S. Reg. 334/2022

Board Motor Carrier Act Hours of Service Regulations

Schedule “E”**Order****Nova Scotia Utility and Review Board****In the matter of the *Motor Carrier Act*****- and -****In the matter of the approval of the *Board Motor Carrier Act Hours of Service Regulations* made pursuant to clause 27(1)(d) of Chapter 292 of the Revised Statutes of Nova Scotia, 1989, the *Motor Carrier Act***

Before: Stephen T. McGrath, LL.B., Chair
Roland A. Deveau, K.C., Vice Chair
Roberta J. Clarke, K.C., Member
Richard J. Melanson, LL.B., Member
Steven M. Murphy, MBA, P. Eng., Member
Jennifer L. Nicholson, CPA, CA, Member
Bruce H. Fisher, MPA, CPA, CMA Member
Julia E. Clark, LL.B., Member

Order

I, Bruce A. Kiley, Chief Clerk of the Nova Scotia Utility and Review Board, hereby certify that at a meeting of the Board held on November 29, 2022, the Board passed a motion to approve the *Board Motor Carrier Act Hours of Service Regulations*, in the form set forth in the attached.

This approval is effective on and after the date the regulations are approved by the Governor in Council.

Dated at Halifax, Nova Scotia, this 5th day of December, 2022.

sgd. *Bruce A. Kiley*
Bruce Kiley
Clerk of the Board

**Regulations Respecting Board Motor Carrier Act Hours of Service
made by the Nova Scotia Utility and Review Board under subsection 27(1)
of Chapter 292 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Carrier Act***

Citation

1 These regulations may be cited as the *Board Motor Carrier Act Hours of Service Regulations*.

Definitions

2 (1) In these regulations

“Act” means the *Motor Carrier Act*;

“adverse driving conditions” means snow, sleet, fog or other adverse weather or road conditions that were not known to a driver or a carrier dispatching a driver immediately before the driver began driving or could not reasonably have been known to them;

“Board Regulations” means the *Board Public Passenger Motor Carrier Act Regulations* made under the Act;

“carrier” means a person who owns, leases or is responsible for the operation of a commercial vehicle;

“co-driver” means a person who is present in a commercial vehicle because they have been or are about to be its driver;

“commercial vehicle” means

- (i) a public passenger vehicle as defined in the Act, but does not include a school bus, and
- (ii) a commercial vehicle as defined in Section 2 of the Board Regulations;

“cycle” means 1 of the following periods during which a driver’s on-duty time is accumulated:

- (i) cycle 1, under which on-duty time is accumulated over 7 consecutive days,
- (ii) cycle 2, under which on-duty time is accumulated over 14 consecutive days;

“day”, in respect of a driver, means a 24-hour period that begins at the hour designated by the carrier for the duration of the driver’s cycle;

“driver” means any of the following and, for the purposes of Section 38, includes a co-driver:

- (i) a person who operates a commercial vehicle,
- (ii) in relation to a carrier, a person who is employed or otherwise engaged by the carrier to operate a commercial vehicle;

“duty status” means any of the following periods of time:

- (i) off-duty time, other than time spent in a sleeper berth,
- (ii) off-duty time spent in a sleeper berth,
- (iii) driving time, and
- (iv) on-duty time, other than driving time;

“elapsed time” means the 16-hour period referenced in subsection 6(2);

“electronic logging device” or “ELD” means a device or technology that automatically records a driver’s driving time and facilitates the recording of the driver’s record of duty status, and that is certified by an accredited certification body under Section 79.1 of the Federal regulations;

“electronic recording device” means an electric, electronic or telematic device that is installed in a commercial vehicle and is capable of accurately recording, in accordance with Section 27, each period of duty status, in whole or in part;

“Federal Act” means the *Motor Vehicle Transport Act* (Canada);

“Federal regulations” means the *Commercial Vehicle Drivers Hours of Service Regulations* made under the Federal Act;

“home terminal” means a carrier’s place of business where a driver ordinarily reports for work and, for the purpose of recording information related to the drivers’ record of duty status, includes a temporary work site designated by the carrier;

“inspector” means an inspector appointed under the Act;

“inter-provincial carrier” means a motor carrier that is engaged in an undertaking that connects a province with any other province or extends beyond the limits of a province;

“Minister” means the Minister of Public Works;

“motor carrier” means a motor carrier as defined in the Act;

“off-duty time” means all of the following:

- (i) any time other than on-duty time;
- (ii) time spent by a driver as a passenger, provided that all of the following conditions are met:
 - (A) at the request of the carrier who employs or otherwise engages the driver, the time is spent travelling to the destination where the driver will begin driving,
 - (B) the driver has taken 8 consecutive hours of off-duty time before the driver begins to drive;

“on-duty time” means the time beginning from when a driver starts work or is required by the carrier to be available to work, other than when the driver is waiting to be assigned to work, and ending when the driver stops work or is relieved of responsibility by the carrier, and includes driving time and time spent by the driver doing any of the following activities:

- (i) inspecting, servicing, repairing, conditioning, fuelling or starting a commercial vehicle,
- (ii) travelling in a commercial vehicle as a co-driver, when the time is not spent in the sleeper berth of the vehicle,
- (iii) participating in the loading or unloading of a commercial vehicle,
- (iv) inspecting or checking the load of a commercial vehicle,
- (v) waiting for a commercial vehicle to be serviced, loaded, unloaded or dispatched,

- (vi) waiting for a commercial vehicle or its load to be inspected and the driver's requirements are assessed, and, if relevant, the time spent taking the required remedial actions,
- (vii) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (viii) performing any work for any carrier,
- (ix) performing yard moves of a commercial vehicle within a terminal, depot or port and that is not on a public road,
- (x) resting in or occupying a commercial vehicle for any other purpose, except during any of the following times:
 - (A) time counted as off-duty time,
 - (B) time spent in the sleeper berth of the vehicle,
 - (C) time spent in the vehicle when it is stationary to satisfy the off-duty requirements of Section 7,
 - (D) time spent in the vehicle when it is stationary that is in addition to the off-duty requirements of Section 7;

"out-of-service declaration" means a declaration issued by an inspector under Section 39 to a driver for contravention of these regulations;

"personal use" of a commercial vehicle means the use of the vehicle by a driver other than in the course of business for a carrier;

"principal place of business" means the place or places designated by the carrier where records of duty status and supporting documents are stored;

"record of duty status" means a record in which a driver records the information required under Sections 25 to 27 or 31, as the case may be, for each day;

"sleeper berth" means a sleeper berth as defined in Schedule 1;

"special permit" means an authorization to operate a commercial vehicle with exceptions and variances to the provisions of these regulations that is granted to a carrier under Section 18;

"supporting document" means any one of the following documents or information received or prepared by a driver in the course of their duties or received or prepared by the carrier:

- (i) any electronic mobile communication record reflecting communications between a driver and a carrier transmitted through a driver call-in or fleet management system,
- (ii) any payroll record, settlement sheet or equivalent document that indicates payments to the driver,
- (iii) any government-issued document indicating the location of the commercial vehicle,

- (iv) any reports, receipts, records or other documentation relating to the load of the commercial vehicle, including any bill of lading, itinerary, schedule or equivalent document that indicates the origin and destination of each trip,
- (v) any reports, receipts, records or other documentation relating to the servicing, repairing, conditioning, fuelling, inspection or rental of the commercial vehicle,
- (vi) any reports, dispatch or trip records, receipts, or other documentation indicating the date, time, or location of the commercial vehicle during a trip, including arrival and departure times;

“Technical Standard” means the Technical Standard for Electronic Logging Devices, April 11, 2019, published by the Canadian Council of Motor Transport Administrators, as amended from time to time.

- (2) For the purposes of these regulations, every reference to “HOS Regulations” in the Technical Standard must be read as a reference to these regulations.

Personal use of commercial vehicle

3 These regulations do not apply to a commercial vehicle when driven for personal use, if all of the following conditions are met:

- (a) the vehicle does not have a load;
- (b) no trailers are hitched to the vehicle;
- (c) the vehicle does not travel farther than 75 km in a day;
- (d) the driver records the odometer reading in the record of duty status at the beginning and end of the personal use;
- (e) the driver is not the subject of an out-of-service declaration.

Responsibility of carrier to restrict driving

4 A carrier must not request, require or allow a driver to drive in any of the following circumstances:

- (a) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier;
- (b) the driver is the subject of an out-of-service declaration;
- (c) by driving, the driver would not be in compliance with these regulations.

On-duty time and off-duty time

Maximum daily driving time and maximum daily on-duty time

5 Except as otherwise provided in these regulations, a carrier must not request, require or allow a driver to drive in a day after the driver has accumulated

- (a) 13 hours of driving time in the day; or
- (b) 14 hours of on-duty time in the day.

Mandatory off-duty time

- 6 (1) Unless a driver has taken at least 8 consecutive hours of off-duty time before driving again, a carrier must not request, require or allow the driver to drive after the driver has accumulated
- (a) 13 hours of driving time; or
 - (b) 14 hours of on-duty time.
- (2) A carrier must not request, require or allow a driver to drive if 16 hours has elapsed between the end of the driver's most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.

Minimum daily off-duty time

- 7 (1) Except as otherwise provided in these regulations, a carrier must ensure that a driver takes at least 10 hours of off-duty time in a day and the 10 hours must include
- (a) 8 consecutive hours of off-duty time; and
 - (b) at least 2 hours of off-duty time that is not part of the 8 consecutive hours of off-duty time required by clause (a).
- (2) Off-duty time other than the 8 consecutive hours required by clause (1)(b) may be distributed throughout the day in blocks of at least 30 minutes each.

Mandatory off-duty time when driver travelling by ferry

- 8 A driver taking a commercial vehicle on a ferry crossing that takes more than 5 hours is not required to take 8 consecutive hours of off-duty time as required by Sections 6 and 7 if all of the following criteria are met:
- (a) all of the following time spent by the driver totals at least 8 hours:
 - (i) time spent in a sleeper berth at the terminal while waiting to board the ferry,
 - (ii) time spent in rest accommodations on the ferry,
 - (iii) time spent in a sleeper berth at a rest stop that is 25 km or less from the point where the vehicle disembarks from the ferry;
 - (b) the times listed in clause (a) are recorded in the record of duty status as off-duty time spent in a sleeper berth;
 - (c) the driver retains the receipt for the crossing and rest accommodation fees as a supporting document, and the receipt coincides with the record of duty status entries.

Deferral of daily off-duty time

- 9 (1) Except as prohibited in subsection (2), a driver may defer a maximum of 2 hours of daily off-duty time to the following day if all of the following criteria are met:
- (a) the off-duty time deferred is not part of the daily 8 consecutive hours of off-duty time required by clause 7(1)(a);
 - (b) the total off-duty time taken in the 2 days is at least 20 hours;

- (c) the deferred off-duty time is taken consecutively with the daily 8 consecutive hours of off-duty time that the driver takes in the 2nd day;
 - (d) the total driving time accumulated by the driver in the 2 days does not exceed 26 hours;
 - (e) the driver adds a declaration in their record of duty status that
 - (i) states that the driver is deferring off-duty time under this Section, and
 - (ii) clearly indicates whether the driver is driving under day 1 or day 2 of the days affected by the deferral.
- (2) A driver who is splitting off-duty time in accordance with Section 10 or 11 must not defer their daily off-duty time under this Section.

Single driver splitting daily off-duty time

- 10 (1) A driver of a commercial vehicle fitted with a sleeper berth may meet the 8 consecutive hours of mandatory off-duty time required by Section 6 and the minimum 10 hours of daily off-duty time required by Section 7 by accumulating off-duty time in 2 periods if all of the following criteria are met:
- (a) neither period of off-duty time is shorter than 2 hours;
 - (b) the total of the 2 periods of off-duty time is at least 10 hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (d) none of the daily off-duty time is deferred to the next day;
 - (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time is not longer than 13 hours;
 - (f) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 14th hour;
 - (g) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty.
- (2) The 16th hour referred to in clause (1)(g) is calculated as follows:
- (a) by excluding any period spent in the sleeper berth that
 - (i) is 2 hours or longer in duration, and
 - (ii) totals at least 10 hours when added to a subsequent period in the sleeper berth; and
 - (b) by including all of the following:
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 2 hours spent in the sleeper berth,

- (iv) any time spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this Section.
- (3) After a driver takes their split daily off-duty time in accordance with subsection (1), a carrier must not request, require or allow the driver to drive again in accordance with the requirements of Sections 6 and 7 without first taking at least 8 consecutive hours of off-duty time.

Team of drivers splitting daily off-duty time

- 11 (1) A team of drivers of a commercial vehicle fitted with a sleeper berth may meet the 8 consecutive hours of mandatory off-duty time required by Section 6 and the minimum 10 hours of daily off-duty time required by Section 7 by accumulating off-duty time in 2 periods if all of the following criteria are met:
- (a) neither period of off-duty time is shorter than 4 hours;
 - (b) the total of the 2 periods of off-duty time is at least 8 hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (d) none of the daily off-duty time is deferred to the next day;
 - (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time is not longer than 13 hours;
 - (f) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 14th hour;
 - (g) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty.
- (2) The 16th hour referred to in clause (1)(g) is calculated as follows:
- (a) by excluding any period spent in the sleeper berth that
 - (i) is 4 hours or longer in duration, and
 - (ii) totals at least 8 hours when added to a subsequent period in the sleeper berth; and
 - (b) by including all of the following:
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 4 hours spent in the sleeper berth,
 - (iv) any time spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this Section.
- (3) After a team of drivers takes their split daily off-duty time in accordance with subsection (1), a carrier must not request, require or allow the team drivers to drive again in accordance with the requirements of Sections 6 and 7 without each driver first taking at least 8 consecutive hours of off-duty time.

Cycles

Driver must follow cycle 1 or cycle 2

12 A carrier must require that a driver follow either cycle 1 or cycle 2.

Mandatory off-duty time in 14-day period

13 Subject to the longer minimums required by Sections 16 and 17 for when a cycle is reset or switched, a carrier must not request, require or allow a driver to drive again unless the driver has taken at least 24 consecutive hours of off-duty time in the previous 14 days.

Maximum on-duty time for cycle 1 driver

14 A carrier must not request, require or allow a driver who is following cycle 1 to drive again after the driver has accumulated 70 hours of on-duty time during any of the following:

- (a) any 7 consecutive days;
- (b) the cycle that was ended or switched from, for a driver who has reset their cycle in accordance with Section 16 or switched their cycle in accordance with Section 17.

Maximum on-duty time for cycle 2 driver

15 A carrier must not request, require or allow a driver who is following cycle 2 to drive again in their current cycle after the driver has accumulated

- (a) 120 hours of on-duty time during any of the following:
 - (i) any 14 consecutive days, or
 - (ii) the cycle that was ended or switched from, for a driver who has reset their cycle in accordance with Section 16 or switched their cycle in accordance with Section 17; or
- (b) 70 hours of on-duty time, unless the driver takes at least 24 consecutive hours of off-duty time.

Off-duty time before cycle reset

16 (1) A driver may end their current cycle and begin a new cycle that is the same as their current cycle if the driver first takes the following off-duty time:

- (a) for cycle 1, at least 36 consecutive hours;
- (b) for cycle 2, at least 72 consecutive hours.

(2) After a driver takes the off-duty time required by subsection (1), the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Off-duty time before cycle switched

17 (1) A carrier must not request, require or allow a driver to switch from one cycle to the other without first taking the following off-duty time before driving again:

- (a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours;
- (b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

- (2) After a driver takes the off-duty time required by subsection (1), the driver begins the other cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Special Permits

Special permits

18 (1) The Board may issue a special permit to a carrier if all of the following conditions are met:

- (a) off-duty time required under these regulations needs to be reduced or driving time and on-duty time required under these regulations needs to be increased for any of the following purposes:
- (i) to allow a driver following a regular itinerary to reach their home terminal or destination,
 - (ii) to allow the delivery of perishable goods,
 - (iii) to accommodate a significant temporary increase in the transportation of passengers or goods by the carrier;
- (b) the safety and health of the public, the driver and the employees of the carrier are not jeopardized or are unlikely to be jeopardized.
- (2) The only deviations from the requirements of these regulations that may be authorized in a special permit issued under this Section are the following:
- (a) reducing the 2 additional hours of daily off-duty time required by clause 7(1)(b); and
 - (b) increasing the maximum daily driving time and on-duty time required by Section 6 by up to a total of 2 hours.

Applying for special permit

19 (1) A carrier may apply to the Board for a special permit by providing all of the following information and documents to the Board:

- (a) the name of the carrier;
- (b) all of the following for each driver who will operate a commercial vehicle under the special permit:
 - (i) name,
 - (ii) driver's license number and province where the license was issued;
- (c) a list of the commercial vehicles which will be operated by the carrier under the special permit;
- (d) a list of all accidents involving the carrier or any of its drivers that occurred during the previous 6 months, if the laws of the province, state or country in which the accidents occurred require the accidents to be reported to police;
- (e) the duration requested by the carrier for the special permit;

- (f) the schedule requested by the carrier for operating under the special permit;
 - (g) the reasons for the application and evidence supporting the reasons;
 - (h) a copy of each special permit issued to the carrier under these regulations in the previous 5 years;
 - (i) a signed declaration that discloses all of the following:
 - (i) any application made under these regulations by the carrier for a special permit,
 - (ii) any application for a special permit made by the carrier to any provincial or territorial director in the previous 6 months under any province's regulations respecting commercial drivers hours of service;
 - (j) a detailed description of the load for which the permit will apply.
- (2) The Board may, at any time after the application has been made, require an applicant to provide additional information in order for the Board to evaluate whether the granting of a permit would be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier.
- (3) A carrier applying for a special permit must make all of the following information available to the Board on request for each driver who will operate a commercial vehicle under the special permit:
- (a) the records of duty status for the previous 6 months;
 - (b) supporting documents or records of on-duty times for the previous 6 months.

Information specified in special permit

20 The Board must specify all of the following in a special permit:

- (a) the reasons for issuing the permit;
- (b) the duration of the permit, which must not exceed 1 year;
- (c) any terms or conditions required for the protection of the safety or health of the public, the driver or the employees of the carrier.

Obligations of special permit holders

21 (1) A carrier to whom a special permit is issued must do all of the following:

- (a) require that a copy of the special permit is placed in each commercial vehicle operating under the permit;
- (b) provide the Board with a list of the commercial vehicles that will be operating under the permit and keep the Board informed of any changes to the list;
- (c) make all of the following information immediately available to the Board on request for each driver who operates a commercial vehicle under the permit:
 - (i) record of duty status,
 - (ii) supporting documents and any related relevant records;

- (d) notify the Board without delay of any accidents involving any of the commercial vehicles operating under the permit if the laws of the province, state or country in which the accidents occurred require that the accident be reported to the police.
- (2) A carrier must ensure that a driver driving under a special permit issued to the carrier drives in accordance with the terms and conditions of the special permit.

Amending, suspending or cancelling special permits

22 The Board may amend, suspend or cancel a carrier's special permit in any of the following circumstances by giving the carrier written notice:

- (a) the carrier or any of its drivers contravenes these regulations or any condition of the special permit;
- (b) the Board determines that the safety and health of the public, the driver or the employees of the carrier are jeopardized or are likely to be jeopardized.

Emergencies and Adverse Driving Conditions

Extending driving time in emergencies

23 (1) In this Section, "emergency," in relation to a commercial vehicle, means an unexpected event or situation that constitutes a danger to any of the following:

- (a) the occupants of the commercial vehicle;
 - (b) the security of the commercial vehicle and its load;
 - (c) road users.
- (2) Despite any other provision of these regulations, a driver who requires more driving time in an emergency to avoid the dangers listed in subsection (1) and reach a safe destination may drive longer than the maximum driving times and on-duty times required by these regulations and take less than the off-duty times required by these regulations to reach the safe destination.

Extending driving time in adverse driving conditions

24 A driver who encounters adverse driving conditions while driving a commercial vehicle may drive longer than the maximum 13 hours of driving time and the maximum 14 hours of daily on-duty time required by Sections 5 and 6 and reduce the 2 hours of daily off-duty time required by Section 7 by the amount of time needed to complete the trip if all of the following criteria are met:

- (a) the driving, on-duty and elapsed times in the cycle are not extended more than 2 hours;
- (b) the driver takes the 8 consecutive hours of mandatory off-duty time required by Section 6;
- (c) the trip could have been completed under normal driving conditions without extending the driving, on-duty and elapsed times and reducing off-duty time.

Record Keeping

Requirement to fill out record of duty status

25 (1) Except as provided in subsection (2), a carrier must require a driver to fill out a record of duty status each day that accounts for all of the driver's on-duty time and off-duty time for that day.

- (2) The requirement to fill out a record of duty status in subsection (1) does not apply if all of the following criteria are met:
- (a) the driver is not driving under a special permit;
 - (b) the driver operates or is instructed by the carrier to operate a commercial vehicle within a radius of 160 km of the home terminal;
 - (c) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time;
 - (d) either 1 of the following conditions is met:
 - (i) the carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents relating to those records for a minimum period of 6 months after the day on which each record was recorded,
 - (ii) for at least 6 months after the date the records were created, the carrier maintains accurate and legible records for each driver for each day showing the hour that each on-duty segment starts and ends and the total on-duty time, and all of the following conditions are met:
 - (A) the driver's elapsed time does not exceed 16 hours,
 - (B) the driver's total on-duty time does not exceed 14 hours,
 - (C) the driver maintains accurate and legible records for each day showing the hour that each on-duty segment starts and ends and the total on-duty time, and the records for the previous 7 days are kept in the vehicle for inspection.

Content of record of duty status

- 26 (1) A carrier must require that a driver enters legibly all of the following information in a record of duty status for the day at the beginning of the driver's first on-duty time for the day or, if not known, at the first on-duty time of the day as it known:
- (a) the date;
 - (b) their start time, if other than midnight;
 - (c) the driver's name;
 - (d) the names of any co-drivers;
 - (e) the cycle the driver is following;
 - (f) the license plates or unit numbers of each commercial vehicle operated by the driver;
 - (g) for each commercial vehicle operated by the driver, the odometer reading when the driver begins driving;
 - (h) the names and the addresses of

- (i) the home terminal, and
 - (ii) the principal place of business of each carrier who employs or otherwise engages the driver during the day;
 - (i) if the carrier or driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the previous 14 days;
 - (j) for a driver who has deferred off-duty time under Section 9, a declaration in the record of duty status in accordance with clause 9(1)(e).
- (2) A carrier must require that a driver records all of the following information in a record of duty status as the information becomes known:
- (a) the time the driver spends in each duty status during the day, in accordance with Schedule 2;
 - (b) if the driver's driving time is interrupted by a number of periods of other on-duty time of less than 1 hour each, the periods of driving time may be combined and the periods of other on-duty time may be combined;
 - (c) the name of the municipality, or the location on a highway or in a community, and the name of the province or state where each of the driver's duty status changes occurred during the day.
- (3) A carrier must require that a driver records all of the following in a record of duty status at the end of each day:
- (a) the total time the driver spends in each duty status during the day;
 - (b) the total distance driven by the driver during the day, excluding any distance driven for the driver's personal use;
 - (c) the odometer reading of each commercial vehicle operated by the driver at the end of the day;
 - (d) the name of the municipality or legal subdivision and the name of the province or state where a change in duty status occurs or, if the change in duty status occurs at a location other than a municipality or legal subdivision, one of the following:
 - (i) the highway number and the nearest kilometre marker as well as the name of the nearest municipality or legal subdivision,
 - (ii) the highway number and the nearest service plaza as well as the name of the nearest municipality or legal subdivision,
 - (iii) the numbers of the highways that meet at the nearest intersection as well as the name of the nearest municipality or legal subdivision.
- (4) A carrier must require that a driver signs the record of duty status completed by the driver, attesting to the accuracy of the information recorded in it.

Using electronic recording devices

27 A driver may use an electronic recording device for recording their duty status if all of the following criteria are met:

- (a) the information contained in the electronic recording device is the same as the information that would have been provided if it had been submitted as a record of duty status in paper format;
- (b) the driver can immediately provide the information for the previous 14 days to an inspector, when requested, by producing it in any of the following ways or combination of the following ways:
 - (i) on a digital display screen of the electronic recording device,
 - (ii) in handwritten form,
 - (iii) on a print-out or other intelligible output;
- (c) the device is capable of displaying all of the following information:
 - (i) the driving time and other on-duty time for each day the device is used,
 - (ii) the total on-duty time accumulated and the total on-duty time remaining in the cycle the driver is following,
 - (iii) the changes in duty status in chronological order and the time that each change occurred for each day the device is used;
- (d) the driver can prepare a handwritten record of duty status from the information stored in the device for each day the device is used if requested by an inspector;
- (e) the device automatically records the time and date any time it is disconnected and any time it is reconnected and stores the record;
- (f) the device records the time the driver spent in each duty status;
- (g) any hard copy of the record of duty status that is generated from the information stored in the device is signed on each page by the driver, attesting to its accuracy;
- (h) the carrier provides blank record of duty status forms in the commercial vehicle for the driver's use.

Possession of records of duty status and supporting documents by drivers

28 A carrier must not request, require or allow a driver who is required to fill out a record of duty status to drive unless the driver has all of the following in their possession:

- (a) a copy of the records of duty status for the previous 14 days;
- (b) the record of duty status for the current day, completed up to the time that the driver's duty status last changed;
- (c) any supporting documents and any related relevant records that the driver received during the current trip.

Distributing and keeping records of duty status

- 29** (1) A carrier must ensure that a driver, within 20 days after completing a record of duty status, forwards the record of duty status and supporting documents relating to that record to the driver's home terminal.
- (2) A carrier must ensure that a driver who is employed or otherwise engaged by more than one carrier in any day must forward, within 20 days after completing a paper record of duty status, the original record of duty status to the home terminal of the last carrier for which the driver worked and a copy to the home terminal of each other carrier for which the driver worked, as well as the supporting documents relating to that record to the home terminal of the carrier for which the driver worked during the periods referred to in those supporting documents.
- (3) A carrier must do all of the following with the records of duty status and supporting documents of the drivers it employs or otherwise engages:
- (a) deposit them at its principal place of business no later than 30 days after the date they are received;
 - (b) keep them for at least 6 months, in chronological order for each driver.

Tampering and falsifying record of duty status

- 30** (1) A carrier must not request, require or allow a driver to keep more than 1 record of duty status for each day.
- (2) A carrier must not request, require or allow any person to do any of the following:
- (a) enter inaccurate information in a record of duty status, whether it is handwritten or produced using an electronic recording device;
 - (b) falsify, mutilate or deface a record of duty status or supporting documents.
- (3) A carrier must not request, require or allow any person to disable, deactivate, disengage, jam or otherwise block or degrade a signal transmission or reception, or re-engineer, reprogram or otherwise tamper with an ELD so that the device does not accurately record and retain the data that is required to be recorded and retained.

Inter-provincial carriers and ELDs

- 31** (1) Despite Sections 25 and 27, an inter-provincial carrier must ensure that each commercial vehicle that it operates is equipped with an ELD that meets the requirements of the Technical Standard, and must ensure that it is mounted in a fixed position during the operation of the commercial vehicle and is visible to the driver when the driver is in the normal driving position, with the exception of commercial vehicles that are
- (a) operated by a carrier under a permit obtained under Section 61 of the Federal regulations;
 - (b) operated by a carrier to which an exemption has been issued under the Act;
 - (c) the subject of a rental agreement of no longer than 30 days that is not an extended or renewed rental of the same vehicle; or
 - (d) manufactured before model year 2000.

- (2) The carrier must require the driver to record, for each day, in accordance with these regulations and the Technical Standard, all the information associated with their record of duty status as their duty status changes.
- (3) Subsections (1) and (2) do not apply if
 - (a) the driver drives or is instructed by the carrier to drive a commercial vehicle within a radius of 160 km of the home terminal;
 - (b) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time; and
 - (c) the carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents related to those records for a minimum period of 6 months after the day on which each record was recorded.
- (4) If a carrier authorizes a driver to operate a commercial vehicle for yard moves within a terminal, depot or port and that is not on a public road, the carrier must ensure that the driver's ELD has been configured so that the driver can indicate those moves.
- (5) A carrier must not request, require or allow a driver to use more than one ELD at the same time for the same period.
- (6) The carrier must ensure that each commercial vehicle that it operates carries an ELD information package containing a current version of the following documents:
 - (a) a user's manual;
 - (b) an instruction sheet for the driver describing the data transfer mechanisms supported by the ELD and the steps required to generate and transfer the data with respect to the driver's hours of service to an inspector;
 - (c) an instruction sheet for the driver describing the measures to take in the event that the ELD malfunctions; and
 - (d) a sufficient number of records of duty status to allow the driver to record the information required under Section 26 for at least 15 days.
- (7) The carrier must ensure that the driver records the information related to their record of duty status in a complete and accurate manner.

Malfunction

- 32** (1) A carrier must ensure that any ELD that is installed or used in a commercial vehicle that it operates is in good working order and is calibrated and maintained in accordance with the manufacturer's or seller's specifications.
- (2) A carrier must, within 14 days after the day on which it is notified of an ELD malfunction code by the driver or otherwise becomes aware of it, or at the latest, upon return of the driver to the home terminal from a planned trip if that return exceeds the 14-day period, repair or replace the ELD.

- (3) A carrier must maintain a register of ELD malfunction codes for ELDs installed or used in commercial vehicles that it operates for which a malfunction was noticed, and that register must contain all of the following information:
- (a) the name of the driver who noticed the malfunction code;
 - (b) the name of each driver that used the commercial vehicle following the discovery of the malfunction code until the ELD was repaired or replaced;
 - (c) the make, model and serial number of the ELD;
 - (d) the licence plate of the commercial vehicle in which the ELD is installed or used, or the Vehicle Identification Number;
 - (e) the date when the malfunction code was noticed and the location of the commercial vehicle on that date, as well as the date when the carrier was notified or otherwise became aware of the code;
 - (f) the date the ELD was replaced or repaired;
 - (g) a concise description of the actions taken by the carrier to repair or replace the ELD.
- (4) A carrier must retain the information set out in subsection (3) for each ELD for which a malfunction was noticed for a period of 6 months from the day on which the ELD is replaced or repaired.

Accounts

- 33** A carrier must create and maintain a system of accounts for ELDs that is in compliance with the Technical Standard and that
- (a) allows each driver to record their record of duty status in a distinct and personal account; and
 - (b) provides for a distinct account for the driving time of an unidentified driver.

Verification of records of duty status

- 34** A carrier must verify the accuracy of the certified records of duty status that are forwarded by the driver according to the supporting documents provided and must require from the driver those changes necessary to ensure the accuracy of the records.

Inspections and Compliance

Monitoring by carriers

- 35** (1) A carrier must monitor each of its drivers to ensure the driver complies with these regulations.
- (2) A carrier that determines that a driver who is employed or otherwise engaged by the carrier has not complied with these regulations must take immediate remedial action, issue a notice of non-compliance to the driver and record all of the following:
- (a) the dates the non-compliance occurred;
 - (b) the date the notice of non-compliance was issued;
 - (c) the remedial action taken.

Authority to enter premises for inspection

- 36 (1) During business hours, an inspector may enter a home terminal or principal place of business, other than living quarters, to inspect records of duty status, supporting documents and any related relevant records.
- (2) At any time, an inspector may stop and enter a commercial vehicle, except for its sleeper berth, to inspect records of duty status and supporting documents.
- (3) At any time, an inspector may stop a commercial vehicle and enter its sleeper berth to verify that the sleeper berth meets the criteria in Schedule 1.

Obstructing inspector or making false statements

- 37 A carrier must not obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to an inspector who is engaged in carrying out their duties and functions under these regulations.

Records of duty status and supporting documents produced by carrier

- 38 (1) At the request of an inspector, a carrier must immediately produce all of the following for inspection during business hours at a place specified by the inspector:
- (a) records of duty status;
 - (b) supporting documents and any related relevant records;
 - (c) records of driving time of an unidentified driver;
 - (d) the register of ELD malfunction;
 - (e) any special permit that a driver employed or otherwise engaged by the carrier has been driving under during the period the information is requested for.
- (2) The carrier must transmit to an inspector the electronic records of duty status in the format, and using one of the transfer methods, prescribed in the Technical Standard.

Out-of-service declarations

- 39 (1) An inspector may issue an out-of-service declaration for a driver in any of the following circumstances:
- (a) the driver contravenes clause 4(a);
 - (b) the driver fails to comply with any of the driving time or off-duty time requirements in these regulations;
 - (c) the driver is unable or refuses to produce the record of duty status, supporting documents and any other related relevant records as required by these regulations;
 - (d) there is evidence that shows that the driver has done any of the following in contravention of these regulations:
 - (i) completed more than 1 record of duty status,
 - (ii) entered inaccurate information in a record of duty status,

- (iii) falsified information in a record of duty status;
 - (e) the driver has mutilated or defaced a record of duty status or a supporting document in such a way that the inspector cannot determine whether the driver has complied with the driving time and off-duty time requirements described in these regulations;
 - (f) if the driver uses an ELD, the driver uses an ELD that has a disabled, deactivated, disengaged, jammed or otherwise blocked or degraded signal transmission or reception, or uses an ELD that has been re-engineered, reprogrammed or otherwise tampered with so that it does not accurately record and retain the data that is required to be recorded and retained, in such a way that the inspector is unable to determine whether the driver has complied with the driving time and off-duty time requirements of these regulations or of a term or condition of a special permit.
- (2) An out-of-service declaration issued under subsection (1) must be issued in writing to both the driver and the carrier who employs or otherwise engages the driver and must include all of the following:
- (a) the reasons the driver has been issued the declaration;
 - (b) the length of time the declaration applies, in accordance with subsection (3).
- (3) An out-of-service declaration issued for a driver prohibits the driver from operating a commercial vehicle, including operating a commercial vehicle for personal use, and applies for the following applicable length of time:
- (a) for 10 consecutive hours, if the driver contravenes clause 4(a);
 - (b) for 10 consecutive hours, if the driver contravenes Section 5;
 - (c) for the number of hours needed to correct the failure, if the driver fails to comply with the off-duty time requirements of any of Sections 5 to 17; and
 - (d) subject to any further hours required to comply with subsection (4), for 72 consecutive hours, if the driver contravenes Section 30.
- (4) An out-of-service declaration issued for a driver who contravenes Section 30 continues to apply beyond the 72 hours specified in clause (3)(d) until the driver makes any necessary changes to correct the record of duty status and provides the record of duty status to the inspector, and the inspector is able to determine whether the driver has complied with these regulations.

Schedule 1: Criteria for Sleeper Berths

An area of a commercial vehicle is a sleeper berth if it meets all of the following criteria:

- (a) it is designed to be used as sleeping accommodation;
- (b) it is located in the cab of the commercial vehicle or immediately adjacent to the cab and is securely fixed to it;
- (c) it is not located in or on a semi-trailer or a full trailer;

- (d) if it is located in the cargo space, it is securely compartmentalized from the remainder of the cargo space;
- (e) it is rectangular in shape with the following minimum dimensions:
 - (i) 1.9 m in length, measured on the centre line of the longitudinal axis,
 - (ii) 60 cm in width, measured on the centre line of the transverse axis, and
 - (iii) 60 cm in height, measured from the sleeping mattress to the highest point of the area;
- (f) it is constructed so that there are no impediments to ready entrance to or exit from the berth;
- (g) there is a direct and readily accessible means of passing from it into the driver's seat or compartment;
- (h) it is protected against leaks and overheating from the vehicle's exhaust system;
- (i) it is equipped to provide adequate heating, cooling and ventilation;
- (j) it is reasonably sealed against dust and rain;
- (k) it is equipped with a mattress that is at least 10 cm thick and adequate sheets and blankets so that the occupant can get restful sleep;
- (l) it is equipped with a means of preventing the occupant from being ejected from the berth when the commercial vehicle is decelerating that is designed, installed and maintained to withstand a total force of 2700 kg applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

Schedule 2: Duty Status Information for a Record of Duty Status

Duty Status

Name _____ Date _____

Cycle 1 (7 days) OR Cycle 2 (14 days)
 (Hour that day begins—use local time at home terminal)

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours
1. Off-duty time other than time spent in a sleeper berth																										
2. Off-duty time spent in a sleeper berth																										
3. Driving time																										
4. On-duty time other than driving time																										
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	

Remarks _____

Total distance driven _____

Signature _____

Instructions for Recording Duty Status

Filling out grid

Fill out the grid as follows:

- (1) for each duty status,
 - mark the beginning time and the end time
 - draw a continuous line between the time markers
- (2) in the last column on the right of the grid, enter the total number of hours of each period of duty status (total of all periods must be 24 hours)

Change in duty status remarks

For each change in duty status, record the following in the Remarks section:

- the name of the municipality where the change occurred

OR

- the location on a highway or in a community and the name of the province or state where the change occurred

N.S. Reg. 335/2022

Governor in Council Public Passenger Motor Carrier Act Regulations—amendment

Schedule “F”

**Amendment to the Governor in Council Public Passenger Motor Carrier Act Regulations
made by the Governor in Council under subsection 27(3)
of Chapter 292 of the Revised Statutes of Nova Scotia, 1989,
the Motor Carrier Act**

- 1 (1) Subsection 26A(3) of the *Governor in Council Public Passenger Motor Carrier Act Regulations*, N.S. Reg. 284/1992, made by the Governor in Council by Order in Council 92-1258 dated December 22, 1992, is amended by striking out “26C” and substituting “the *Governor in Council Motor Carrier Act Hours of Service Regulations*”.
- (2) Subsection 26A(7) of the regulations is amended by striking out “26C” and substituting “the *Governor in Council Motor Carrier Act Hours of Service Regulations*”.
- 2 Sections 26C and 26D of the regulations are repealed.
- 3 Appendix “B” to the regulations is repealed.

N.S. Reg. 336/2022

Governor in Council Motor Carrier Act Hours of Service Regulations

Schedule “G”

**Regulations Respecting Governor in Council Motor Carrier Act Hours of Service
made by the Governor in Council under Section 27
of Chapter 292 of the Revised Statutes of Nova Scotia, 1989,
the Motor Carrier Act**

Citation

- 1 These regulations may be cited as the *Governor in Council Motor Carrier Act Hours of Service Regulations*.

Definitions

- 2 (1) In these regulations

“Act” means the *Motor Carrier Act*;

“adverse driving conditions” means snow, sleet, fog or other adverse weather or road conditions that were not known to a driver or a carrier dispatching a driver immediately before the driver began driving or could not reasonably have been known to them;

“Board Regulations” means the *Board Public Passenger Motor Carrier Act Regulations* made under the Act;

“carrier” means a person who owns, leases or is responsible for the operation of a commercial vehicle;

“co-driver” means a person who is present in a commercial vehicle because they have been or are about to be its driver;

“commercial vehicle” means

- (i) a public passenger vehicle as defined in the Act, but does not include a school bus, and
- (ii) a commercial vehicle as defined in Section 2 of the Board Regulations;

“cycle” means 1 of the following periods during which a driver’s on-duty time is accumulated:

- (i) cycle 1, under which on-duty time is accumulated over 7 consecutive days,
- (ii) cycle 2, under which on-duty time is accumulated over 14 consecutive days;

“day”, in respect of a driver, means a 24-hour period that begins at the hour designated by the carrier for the duration of the driver’s cycle;

“driver” means any of the following and, for the purposes of Section 35, includes a co-driver:

- (i) a person who operates a commercial vehicle,
- (ii) in relation to a carrier, a person who is employed or otherwise engaged by the carrier to operate a commercial vehicle;

“duty status” means any of the following periods of time:

- (i) off-duty time, other than time spent in a sleeper berth,
- (ii) off-duty time spent in a sleeper berth,
- (iii) driving time,
- (iv) on-duty time, other than driving time;

“elapsed time” means the 16-hour period referenced in subsection 6(2);

“electronic logging device” or “ELD” means a device or technology that automatically records a driver’s driving time and facilitates the recording of the driver’s record of duty status, and that is certified by an accredited certification body under Section 79.1 of the Federal regulations;

“electronic recording device” means an electric, electronic or telematic device that is installed in a commercial vehicle and is capable of accurately recording, in accordance with Section 24, each period of duty status, in whole or in part;

“Federal Act” means the *Motor Vehicle Transport Act* (Canada);

“Federal regulations” means the *Commercial Vehicle Drivers Hours of Service Regulations* made under the Federal Act;

“home terminal” means a carrier’s place of business where a driver ordinarily reports for work and, for the purpose of recording information related to the drivers’ record of duty status, includes a temporary work site designated by the carrier;

“inspector” means an inspector appointed under the Act;

“inter-provincial carrier” means a motor carrier that is engaged in an undertaking that connects a province with any other province or extends beyond the limits of a province;

“Minister” means the Minister of Public Works;

“motor carrier” means a motor carrier as defined in the Act;

“off-duty time” means all of the following:

- (i) any time other than on-duty time,
- (ii) time spent by a driver as a passenger, provided that all of the following conditions are met:
 - (A) at the request of the carrier who employs or otherwise engages the driver, the time is spent travelling to the destination where the driver will begin driving,
 - (B) the driver has taken 8 consecutive hours of off-duty time before the driver begins to drive;

“on-duty time” means the time beginning from when a driver starts work or is required by the carrier to be available to work, other than when the driver is waiting to be assigned to work, and ending when the driver stops work or is relieved of responsibility by the carrier, and includes driving time and time spent by the driver doing any of the following activities:

- (i) inspecting, servicing, repairing, conditioning, fuelling or starting a commercial vehicle,
- (ii) travelling in a commercial vehicle as a co-driver, when the time is not spent in the sleeper berth of the vehicle,
- (iii) participating in the loading or unloading of a commercial vehicle,
- (iv) inspecting or checking the load of a commercial vehicle,
- (v) waiting for a commercial vehicle to be serviced, loaded, unloaded or dispatched,
- (vi) waiting for a commercial vehicle or its load to be inspected and the driver’s requirements are assessed, and, if relevant, the time spent taking the required remedial actions,
- (vii) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (viii) performing any work for any carrier,

- (ix) performing yard moves of a commercial vehicle within a terminal, depot or port and that is not on a public road,
- (x) resting in or occupying a commercial vehicle for any other purpose, except during any of the following times:
 - (A) time counted as off-duty time,
 - (B) time spent in the sleeper berth of the vehicle,
 - (C) time spent in the vehicle when it is stationary to satisfy the off-duty requirements of Section 7,
 - (D) time spent in the vehicle when it is stationary that is in addition to the off-duty requirements of Section 7;

“out-of-service declaration” means a declaration issued by an inspector under Section 36 to a driver for contravention of these regulations;

“personal use” of a commercial vehicle means the use of the vehicle by a driver other than in the course of business for a carrier;

“principal place of business” means the place or places designated by the carrier where records of duty status and supporting documents are stored;

“record of duty status” means a record in which a driver records the information required under Sections 23 to 25 or 29, as the case may be, for each day;

“sleeper berth” means a sleeper berth as defined in Schedule 1;

“special permit” means an authorization to operate a commercial vehicle with exceptions and variances to the provisions of these regulations that is granted to a carrier under the *Board Motor Carrier Act Hours of Service Regulations*;

“supporting document” means any one of the following documents or information received or prepared by a driver in the course of their duties or received or prepared by the carrier:

- (i) any electronic mobile communication record reflecting communications between a driver and a carrier transmitted through a driver call-in or fleet management system,
- (ii) any payroll record, settlement sheet or equivalent document that indicates payments to the driver,
- (iii) any government-issued document indicating the location of the commercial vehicle,
- (iv) any reports, receipts, records or other documentation relating to the load of the commercial vehicle, including any bill of lading, itinerary, schedule or equivalent document that indicates the origin and destination of each trip,
- (v) any reports, receipts, records or other documentation relating to the servicing, repairing, conditioning, fuelling, inspection or rental of the commercial vehicle,

- (vi) any reports, dispatch or trip records, receipts, or other documentation indicating the date, time or location of the commercial vehicle during a trip, including arrival and departure times;

“Technical Standard” means the Technical Standard for Electronic Logging Devices, April 11, 2019, published by the Canadian Council of Motor Transport Administrators, as amended from time to time.

- (2) For the purposes of these regulations, every reference to “HOS Regulations” in the Technical Standard must be read as a reference to these regulations.

Personal use of commercial vehicle

3 These regulations do not apply to a commercial vehicle when driven for personal use, if all of the following conditions are met:

- (a) the vehicle does not have a load;
- (b) no trailers are hitched to the vehicle;
- (c) the vehicle does not travel farther than 75 km in a day;
- (d) the driver records the odometer reading in the record of duty status at the beginning and end of the personal use;
- (e) the driver is not the subject of an out-of-service declaration.

Responsibility of driver for safe driving

4 A driver must not drive in any of the following circumstances:

- (a) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of a carrier;
- (b) the driver is the subject of an out-of-service declaration;
- (c) by driving, the driver would not be in compliance with these regulations.

On-duty time and off-duty time

Maximum daily driving time and maximum daily on-duty time

5 Except as otherwise provided in these regulations, a driver must not drive again in a day after the driver has accumulated

- (a) 13 hours of driving time in the day; or
- (b) 14 hours of on-duty time in the day.

Mandatory off-duty time

6 (1) Unless a driver has taken at least 8 consecutive hours of off-duty time before driving again, the driver must not drive again after the driver has accumulated

- (a) 13 hours of driving time; or
- (b) 14 hours of on-duty time.

- (2) A driver must not drive again if 16 hours has elapsed between the end of the driver's most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.

Minimum daily off-duty time

- 7 (1) Except as otherwise provided in these regulations, a driver must take at least 10 hours of off-duty time in a day and the 10 hours must include
- (a) 8 consecutive hours of off-duty time; and
 - (b) at least 2 hours of off-duty time that is not part of the 8 consecutive hours of off-duty time required by clause (a).
- (2) Off-duty time other than the 8 consecutive hours required by clause (1)(b) may be distributed throughout the day in blocks of at least 30 minutes each.

Mandatory off-duty time when driver travelling by ferry

- 8 A driver taking a commercial vehicle on a ferry crossing that takes more than 5 hours is not required to take 8 consecutive hours of off-duty time as required by Sections 6 and 7 if all of the following criteria are met:
- (a) all of the following time spent by the driver totals at least 8 hours:
 - (i) time spent in a sleeper berth at the terminal while waiting to board the ferry,
 - (ii) time spent in rest accommodations on the ferry,
 - (iii) time spent in a sleeper berth at a rest stop that is 25 km or less from the point where the vehicle disembarks from the ferry;
 - (b) the times listed in clause (a) are recorded in the record of duty status as off-duty time spent in a sleeper berth;
 - (c) the driver retains the receipt for the crossing and rest accommodation fees as a supporting document, and the receipt coincides with the record of duty status entries.

Deferral of daily off-duty time

- 9 (1) Except as prohibited in subsection (2), a driver may defer a maximum of 2 hours of daily off-duty time to the following day if all of the following criteria are met:
- (a) the off-duty time deferred is not part of the daily 8 consecutive hours of off-duty time required by clause 7(1)(a);
 - (b) the total off-duty time taken in the 2 days is at least 20 hours;
 - (c) the deferred off-duty time is taken consecutively with the daily 8 consecutive hours of off-duty time that the driver takes in the 2nd day;
 - (d) the total driving time accumulated by the driver in the 2 days does not exceed 26 hours;
 - (e) the driver adds a declaration in their record of duty status that
 - (i) states that the driver is deferring off-duty time under this Section, and

- (ii) clearly indicates whether the driver is driving under day 1 or day 2 of the days affected by the deferral.
- (2) A driver who is splitting off-duty time in accordance with Section 10 or 11 must not defer their daily off-duty time under this Section.

Single driver splitting daily off-duty time

- 10 (1) A driver of a commercial vehicle fitted with a sleeper berth may meet the 8 consecutive hours of mandatory off-duty time required by Section 6 and the minimum 10 hours of daily off-duty time required by Section 7 by accumulating off-duty time in 2 periods if all of the following criteria are met:
- (a) neither period of off-duty time is shorter than 2 hours;
 - (b) the total of the 2 periods of off-duty time is at least 10 hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (d) none of the daily off-duty time is deferred to the next day;
 - (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time is not longer than 13 hours;
 - (f) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 14th hour;
 - (g) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty.
- (2) The 16th hour referred to in clause (1)(g) is calculated as follows:
- (a) by excluding any period spent in the sleeper berth that
 - (i) is 2 hours or longer in duration, and
 - (ii) totals at least 10 hours when added to a subsequent period in the sleeper berth; and
 - (b) by including all of the following:
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 2 hours spent in the sleeper berth,
 - (iv) any time spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this Section.
- (3) After a driver takes their split daily off-duty time in accordance with subsection (1), the driver must not drive again in accordance with the requirements of Sections 6 and 7 without first taking at least 8 consecutive hours of off-duty time.

Team of drivers splitting daily off-duty time

- 11 (1)** A team of drivers of a commercial vehicle fitted with a sleeper berth may meet the 8 consecutive hours of mandatory off-duty time required by Section 6 and the minimum 10 hours of daily off-duty time required by Section 7 by accumulating off-duty time in 2 periods if all of the following criteria are met:
- (a) neither period of off-duty time is shorter than 4 hours;
 - (b) the total of the 2 periods of off-duty time is at least 8 hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (d) none of the daily off-duty time is deferred to the next day;
 - (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time is not longer than 13 hours;
 - (f) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 14th hour;
 - (g) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty.
- (2)** The 16th hour referred to in clause (1)(g) is calculated as follows:
- (a) by excluding any period spent in the sleeper berth that
 - (i) is 4 hours or longer in duration, and
 - (ii) totals at least 8 hours when added to a subsequent period in the sleeper berth; and
 - (b) by including all of the following:
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 4 hours spent in the sleeper berth,
 - (iv) any time spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this Section.
- (3)** After a team of drivers takes their split daily off-duty time in accordance with subsection (1), the team drivers must not drive again in accordance with the requirements of Sections 6 and 7 without each driver first taking at least 8 consecutive hours of off-duty time.

Cycles**Driver must follow cycle 1 or cycle 2**

- 12** A driver must follow either cycle 1 or cycle 2.

Mandatory off-duty time in 14-day period

13 Subject to the longer minimums required by Sections 16 and 17 for when a cycle is reset or switched, a driver must not drive again unless the driver has taken at least 24 consecutive hours of off-duty time in the previous 14 days.

Maximum on-duty time for cycle 1 driver

14 A driver who is following cycle 1 must not drive again after the driver has accumulated 70 hours of on-duty time during any of the following:

- (a) any 7 consecutive days;
- (b) the cycle that was ended or switched from, for a driver who has reset their cycle in accordance with Section 16 or switched their cycle in accordance with Section 17.

Maximum on-duty time for cycle 2 driver

15 A driver who is following cycle 2 must not drive again in their current cycle after the driver has accumulated

- (a) 120 hours of on-duty time during any of the following:
 - (i) any 14 consecutive days, or
 - (ii) the cycle that was ended or switched from, for a driver who has reset their cycle in accordance with Section 16 or switched their cycle in accordance with Section 17; or
- (b) 70 hours of on-duty time, unless the driver takes at least 24 consecutive hours of off-duty time.

Off-duty time before cycle reset

16 (1) A driver may end their current cycle and begin a new cycle that is the same as their current cycle if the driver first takes the following off-duty time:

- (a) for cycle 1, at least 36 consecutive hours;
- (b) for cycle 2, at least 72 consecutive hours.

(2) After a driver takes the off-duty time required by subsection (1), the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Off-duty time before cycle switched

17 (1) A driver must not switch from one cycle to the other without first taking the following off-duty time before driving again:

- (a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours;
- (b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

(2) After a driver takes the off-duty time required by subsection (1), the driver begins the other cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Special Permits

Driving under special permit

18 A driver driving under a special permit issued to a carrier must drive in accordance with the terms and conditions of the special permit.

Emergencies and Adverse Driving Conditions

Extending driving time in emergencies

19 (1) In this Section and in Section 21, “emergency,” in relation to a commercial vehicle, means an unexpected event or situation that constitutes a danger to any of the following:

- (a) the occupants of the commercial vehicle;
- (b) the security of the commercial vehicle and its load;
- (c) road users.

(2) Despite any other provision of these regulations, a driver who requires more driving time in an emergency to avoid the dangers listed in subsection (1) and reach a safe destination may drive longer than the maximum driving times and on-duty times required by these regulations and take less than the off-duty times required by these regulations to reach the safe destination.

Extending driving time in adverse driving conditions

20 A driver who encounters adverse driving conditions while driving a commercial vehicle may drive longer than the maximum 13 hours of driving time and the maximum 14 hours of daily on-duty time required by Sections 5 and 6 and reduce the 2 hours of daily off-duty time required by Section 7 by the amount of time needed to complete the trip if all of the following criteria are met:

- (a) the driving, on-duty and elapsed times in the cycle are not extended more than 2 hours;
- (b) the driver takes the 8 consecutive hours of mandatory off-duty time required by Section 6;
- (c) the trip could have been completed under normal driving conditions without extending the driving, on-duty and elapsed times and reducing off-duty time.

Reason for extending driving time recorded in record of duty status

21 A driver who exceeds their driving time, on-duty time or elapsed times, or reduces their off-duty time because of an emergency or adverse driving conditions must record the reason for doing so in the record of duty status.

Record-Keeping

Time recorded as local time

22 Time recorded by a driver in a record of duty status must be recorded using the local time at the driver’s home terminal.

Requirement to fill out record of duty status

- 23 (1)** Except as provided in subsection (2), a driver must fill out a record of duty status each day that accounts for all of the driver’s on-duty time and off-duty time for that day.
- (2)** The requirement to fill out a record of duty status in subsection (1) does not apply if all of the following criteria are met:

- (a) the driver is not driving under a special permit;
- (b) the driver operates or is instructed by the carrier to operate a commercial vehicle within a radius of 160 km of the home terminal;
- (c) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time;
- (d) either 1 of the following conditions is met:
 - (i) the carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents relating to those records for a minimum period of 6 months after the day on which each record was recorded,
 - (ii) for at least 6 months after the date the records were created, the carrier maintains accurate and legible records for each driver for each day showing the hour that each on-duty segment starts and ends and the total on-duty time, and all of the following conditions are met:
 - (A) the driver's elapsed time does not exceed 16 hours,
 - (B) the driver's total on-duty time does not exceed 14 hours,
 - (C) the driver maintains accurate and legible records for each day showing the hour that each on-duty segment starts and ends and the total on-duty time, and the records for the previous 7 days are kept in the vehicle for inspection.

Content of record of duty status

- 24 (1)** A driver must enter legibly all of the following information in a record of duty status for the day at the beginning of the driver's first on-duty time for the day or, if not known, at the first on-duty time of the day as it becomes known:
- (a) the date;
 - (b) their start time, if other than midnight;
 - (c) the driver's name;
 - (d) the names of any co-drivers;
 - (e) the cycle the driver is following;
 - (f) the license plates or unit numbers of each commercial vehicle operated by the driver;
 - (g) for each commercial vehicle operated by the driver, the odometer reading when the driver begins driving;
 - (h) the names and the addresses of
 - (i) the home terminal, and

- (ii) the principal place of business of each carrier who employs or otherwise engages the driver during the day;
 - (i) if the carrier or driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the previous 14 days;
 - (j) for a driver who has deferred off-duty time under Section 9, a declaration in the record of duty status in accordance with clause 9(1)(e).
- (2) A driver must record all of the following information in a record of duty status as the information becomes known:
- (a) the time the driver spends in each duty status during the day, in accordance with Schedule 2;
 - (b) if the driver's driving time is interrupted by a number of periods of other on-duty time of less than 1 hour each, the periods of driving time may be combined and the periods of other on-duty time may be combined;
 - (c) the name of the municipality, or the location on a highway or in a community, and the name of the province or state where each of the driver's duty status changes occurred during the day.
- (3) A driver must record all of the following in a record of duty status at the end of each day:
- (a) the total time the driver spends in each duty status during the day;
 - (b) the total distance driven by the driver during the day, excluding any distance driven for the driver's personal use;
 - (c) the odometer reading of each commercial vehicle operated by the driver at the end of the day;
 - (d) the name of the municipality or legal subdivision and the name of the province or state where a change in duty status occurs or, if the change in duty status occurs at a location other than a municipality or legal subdivision, one of the following:
 - (i) the highway number and the nearest kilometre marker as well as the name of the nearest municipality or legal subdivision,
 - (ii) the highway number and the nearest service plaza as well as the name of the nearest municipality or legal subdivision,
 - (iii) the numbers of the highways that meet at the nearest intersection as well as the name of the nearest municipality or legal subdivision.
- (4) A driver must sign the record of duty status completed by the driver, attesting to the accuracy of the information recorded in it.

Using electronic recording devices

25 A driver may use an electronic recording device for recording their duty status if all of the following criteria are met:

- (a) the information contained in the electronic recording device is the same as the information that would have been provided if it had been submitted as a record of duty status in paper format;
- (b) the driver can immediately provide the information for the previous 14 days to an inspector, when requested, by producing it in any of the following ways or combination of the following ways:
 - (i) on a digital display screen of the electronic recording device,
 - (ii) in handwritten form,
 - (iii) on a print-out or other intelligible output;
- (c) the device is capable of displaying all of the following information:
 - (i) the driving time and other on-duty time for each day the device is used,
 - (ii) the total on-duty time accumulated and the total on-duty time remaining in the cycle the driver is following,
 - (iii) the changes in duty status in chronological order and the time that each change occurred for each day the device is used;
- (d) the driver can prepare a handwritten record of duty status from the information stored in the device for each day the device is used if requested by an inspector;
- (e) the device automatically records the time and date any time it is disconnected and any time it is reconnected and stores the record;
- (f) the device records the time the driver spent in each duty status;
- (g) any hard copy of the record of duty status that is generated from the information stored in the device is signed on each page by the driver, attesting to its accuracy;
- (h) the carrier provides blank record of duty status forms in the commercial vehicle for the driver's use.

Possession of records of duty status and supporting documents by drivers

26 A driver who is required to fill out a record of duty status must not drive unless the driver has all of the following in their possession:

- (a) a copy of the records of duty status for the previous 14 days;
- (b) the record of duty status for the current day, completed up to the time that the driver's duty status last changed;
- (c) any supporting documents and any related relevant records that the driver received during the current trip.

Distributing and keeping records of duty status

27 (1) A driver must, within 20 days after completing a record of duty status, forward the record of duty status and supporting documents relating to that record to the home terminal.

- (2) A driver who is employed or otherwise engaged by more than one carrier in any day must forward, within 20 days after completing a paper record of duty status, the original record of duty status to the home terminal of the last carrier for which the driver worked and a copy to the home terminal of each other carrier for which the driver worked, as well as the supporting documents relating to that record to the home terminal of the carrier for which the driver worked during the periods referred to in those supporting documents.

Tampering and falsifying record of duty status

- 28** (1) A driver must not keep more than 1 record of duty status for each day.
- (2) A driver must not do any of the following:
 - (a) enter inaccurate information in a record of duty status, whether it is handwritten or produced using an electronic recording device;
 - (b) falsify, mutilate or deface a record of duty status or supporting documents.
 - (3) A driver must not disable, deactivate, disengage, jam or otherwise block or degrade a signal transmission or reception, or re-engineer, reprogram or otherwise tamper with an ELD so that the device does not accurately record and retain the data that is required to be recorded and retained.

Inter-provincial carriers and ELDs

- 29** (1) Despite Sections 23 and 25, an inter-provincial carrier must ensure that each commercial vehicle that it operates is equipped with an ELD that meets the requirements of the Technical Standard, and must ensure that it is mounted in a fixed position during the operation of the commercial vehicle and is visible to the driver when the driver is in the normal driving position, with the exception of commercial vehicles that are
- (a) operated by a carrier under a permit obtained under Section 61 of the Federal regulations;
 - (b) operated by a carrier to which an exemption has been issued under the Act;
 - (c) the subject of a rental agreement of no longer than 30 days that is not an extended or renewed rental of the same vehicle; or
 - (d) manufactured before model year 2000.
- (2) The driver must record, for each day, in accordance with these regulations and the Technical Standard, all the information associated with their record of duty status as their duty status changes.
- (3) Subsections (1) and (2) do not apply if
- (a) the driver drives or is instructed by the carrier to drive a commercial vehicle within a radius of 160 km of the home terminal;
 - (b) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time; and
 - (c) the carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents related to those records for a minimum period of 6 months after the day on which each record was recorded.

- (4) A driver must manually input or verify all of the following information on the ELD:
- (a) the date and the start time, if different from midnight, and their driver identification number;
 - (b) the cycle that the driver is following;
 - (c) the commercial vehicle license plates as well as the unit number or trailer number, if applicable;
 - (d) the names and the addresses of the home terminal and the principal place of business of the carrier by which the driver was employed or otherwise engaged during that day;
 - (e) the commercial vehicle's location description, if it is not automatically drawn from the ELD's geo-location database;
 - (f) if the driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day;
 - (g) any deferral of off-duty time under Section 9;
 - (h) if the driver was working for more than one carrier during the current day or the previous 14 days
 - (i) for each day during the 14 days immediately before the current day, the total number of hours for each duty status that were accumulated by the driver, and the beginning and end time of each 16-hour period referred to in subsection 6(2), and
 - (ii) the start and end times of each duty status in the current day, before the use of the ELD;
 - (i) any annotation necessary to complete the record of duty status.
- (5) A driver must not use more than one ELD at the same time for the same period.
- (6) A driver must record the information related to their record of duty status in a complete and accurate manner.

Malfunction

- 30 (1) If a driver of a commercial vehicle becomes aware of the fact that the ELD is displaying a malfunction code set out in Table 4 of Schedule 2 of the Technical Standard, the driver must notify the carrier that is operating the commercial vehicle as soon as the vehicle is parked.
- (2) The driver must record, in the record of duty status on the day on which they noticed the malfunction, the following information:
- (a) the malfunction as set out in Table 4 of Schedule 2 of the Technical Standard;
 - (b) the date and time when the malfunction was noticed; and
 - (c) the time when notification of the malfunction was transmitted to the carrier.
- (3) The driver must record the code referred to in clause (2)(a) in each record of duty status following the day on which the code was noticed, until the ELD is repaired or replaced.

Certification of record of duty status

31 A driver must, immediately after recording the last entry for a day, certify the accuracy of their record of duty status.

Verification of records of duty status

- 32 (1) A carrier must verify the accuracy of the certified records of duty status that are forwarded by the driver according to the supporting documents provided and must require from the driver those changes necessary to ensure the accuracy of the records.
- (2) The driver must either accept or reject the changes required by the carrier, make the necessary changes and recertify the accuracy of their record of duty status and forward the amended records of duty status to the carrier.

Inspections and Compliance**Authority to enter premises for inspection**

- 33 (1) During business hours, an inspector may enter a home terminal or principal place of business, other than living quarters, to inspect records of duty status, supporting documents and any related relevant records.
- (2) At any time, an inspector may stop and enter a commercial vehicle, except for its sleeper berth, to inspect records of duty status and supporting documents.
- (3) At any time, an inspector may stop a commercial vehicle and enter its sleeper berth to verify that the sleeper berth meets the criteria in Schedule 1.

Obstructing inspector or making false statements

34 A driver must not obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to an inspector who is engaged in carrying out their duties and functions under these regulations.

Records of duty status and supporting documents produced by driver

- 35 (1) At the request of an inspector, a driver must immediately produce all of the following for inspection for the current trip and the previous 14 days:
- (a) records of duty status;
 - (b) supporting documents and any related relevant records;
 - (c) any special permit that the driver has driven under.
- (2) At the request of an inspector, a driver must retrieve the information stored by any electronic recording device installed in a commercial vehicle for each day the device was used.
- (3) If the records requested by the inspector are in electronic format, the driver must produce either the display or a printout of the records and, if requested by the inspector to transmit the records of duty status, must transmit them by the transfer method identified by the inspector that is provided for in the Technical Standard and is supported by the ELD.
- (4) At the request of an inspector, a driver must immediately give the inspector a copy of all of the following for the previous 14 days, or the originals of all of the following if it is not possible in the circumstances to make copies:

- (a) records of duty status;
- (b) supporting documents and any related relevant records;
- (c) any special permit that the driver has driven under;
- (d) records of driving time of an unidentified driver;
- (e) the documents referred to in subsection 77(7) of the Federal regulations;
- (f) the register of ELD malfunction set out in subsection 78(6) of the Federal regulations;
- (g) the information recorded under subsection 29(2) or under subsection 87(2) of the Federal regulations.

Out-of-service declarations

36 (1) An inspector may issue an out-of-service declaration for a driver in any of the following circumstances:

- (a) the driver contravenes clause 4(a);
 - (b) the driver fails to comply with any of the driving time or off-duty time requirements in these regulations;
 - (c) the driver is unable or refuses to produce the record of duty status, supporting documents and any other related relevant records as required by these regulations;
 - (d) there is evidence that shows that the driver has done any of the following in contravention of these regulations:
 - (i) completed more than 1 record of duty status,
 - (ii) entered inaccurate information in a record of duty status,
 - (iii) falsified information in a record of duty status;
 - (e) the driver has mutilated or defaced a record of duty status or a supporting document in such a way that the inspector cannot determine whether the driver has complied with the driving time and off-duty time requirements described in these regulations;
 - (f) if the driver uses an ELD, the driver uses an ELD that has a disabled, deactivated, disengaged, jammed or otherwise blocked or degraded signal transmission or reception, or uses an ELD that has been re-engineered, reprogrammed or otherwise tampered with so that it does not accurately record and retain the data that is required to be recorded and retained, in such a way that the inspector is unable to determine whether the driver has complied with the driving time and off-duty time requirements of these regulations or of a term or condition of a special permit.
- (2)** An out-of-service declaration issued under subsection (1) must be issued in writing to both the driver and the carrier who employs or otherwise engages the driver and must include all of the following:
- (a) the reasons the driver has been issued the declaration;

- (b) the length of time the declaration applies, in accordance with subsection (3).
- (3) An out-of-service declaration issued for a driver prohibits the driver from operating a commercial vehicle, including operating a commercial vehicle for personal use, and applies for the following applicable length of time:
- (a) for 10 consecutive hours, if the driver contravenes clause 4(a);
 - (b) for 10 consecutive hours, if the driver contravenes Section 5;
 - (c) for the number of hours needed to correct the failure, if the driver fails to comply with the off-duty time requirements of any of Sections 5 to 17; and
 - (d) subject to any further hours required to comply with subsection (4), for 72 consecutive hours, if the driver contravenes Section 28.
- (4) An out-of-service declaration issued for a driver who contravenes Section 28 continues to apply beyond the 72 hours specified in clause (3)(d) until the driver makes any necessary changes to correct the record of duty status and provides the record of duty status to the inspector, and the inspector is able to determine whether the driver has complied with these regulations.

Schedule 1: Criteria for Sleeper Berths

An area of a commercial vehicle is a sleeper berth if it meets all of the following criteria:

- (a) it is designed to be used as sleeping accommodation;
- (b) it is located in the cab of the commercial vehicle or immediately adjacent to the cab and is securely fixed to it;
- (c) it is not located in or on a semi-trailer or a full trailer;
- (d) if it is located in the cargo space, it is securely compartmentalized from the remainder of the cargo space;
- (e) it is rectangular in shape with the following minimum dimensions:
 - (i) 1.9 m in length, measured on the centre line of the longitudinal axis,
 - (ii) 60 cm in width, measured on the centre line of the transverse axis, and
 - (iii) 60 cm in height, measured from the sleeping mattress to the highest point of the area;
- (f) it is constructed so that there are no impediments to ready entrance to or exit from the berth;
- (g) there is a direct and readily accessible means of passing from it into the driver's seat or compartment;
- (h) it is protected against leaks and overheating from the vehicle's exhaust system;
- (i) it is equipped to provide adequate heating, cooling and ventilation;
- (j) it is reasonably sealed against dust and rain;

- (k) it is equipped with a mattress that is at least 10 cm thick and adequate sheets and blankets so that the occupant can get restful sleep;
- (l) it is equipped with a means of preventing the occupant from being ejected from the berth when the commercial vehicle is decelerating that is designed, installed and maintained to withstand a total force of 2700 kg applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

Schedule 2: Duty Status Information for a Record of Duty Status

Duty Status

Name _____ Date _____

Cycle 1 (7 days) OR Cycle 2 (14 days)
 (Hour that day begins—use local time at home terminal)

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours
1. Off-duty time other than time spent in a sleeper berth																										
2. Off-duty time spent in a sleeper berth																										
3. Driving time																										
4. On-duty time other than driving time																										
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	

Remarks _____

Total distance driven _____

Signature _____

Instructions for Recording Duty Status

Filling out grid

Fill out the grid as follows:

- (1) for each duty status,
 - mark the beginning time and the end time
 - draw a continuous line between the time markers

- (2) in the last column on the right of the grid, enter the total number of hours of each period of duty status (total of all periods must be 24 hours)

Change in duty status remarks

For each change in duty status, record the following in the Remarks section:

- the name of the municipality where the change occurred

OR

- the location on a highway or in a community and the name of the province or state where the change occurred

N.S. Reg. 337/2022

Made: December 19, 2022

Filed: December 19, 2022

Regulations Respecting Part-time Judges of the Provincial Court—amendment

Order in Council 2022-328 dated December 19, 2022
Amendment to regulations made by the Governor in Council
pursuant to subsection 6A(4) of the *Provincial Court Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated December 12, 2022, and pursuant to subsection 6A(4) of Chapter 238 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Court Act*, is pleased to amend the *Regulations Respecting Part-time Judges of the Provincial Court*, N.S. Reg. 185/1991, made by the Governor in Council by Order in Council 91-936 dated August 15, 1991, to extend the term of office of the part-time judge appointed for the purpose of the Desmond Inquiry, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after December 19, 2022.

Schedule “A”

**Amendment to the *Regulations Respecting Part-time Judges of the Provincial Court*
made by the Governor in Council under subsection 6A(4)
of Chapter 238 of the Revised Statutes of Nova Scotia, 1989,
the *Provincial Court Act***

Subsection 3(2) of the *Regulations Respecting Part-time Judges of the Provincial Court*, N.S. Reg. 185/1991, made by the Governor in Council by Order in Council 91-936 dated August 15, 1991, is amended by striking out “December 31, 2022” and substituting “March 31, 2023”.

N.S. Reg. 338/2022

Made: December 19, 2022

Filed: December 19, 2022

Renewable Electricity Regulations—amendment

Order in Council 2022-330 dated December 19, 2022
Amendment to regulations made by the Governor in Council
pursuant to Section 5 of the *Electricity Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources and Renewables dated December 1, 2022, and pursuant to Section 5 of Chapter 25 of the Acts of 2004, the *Electricity Act*, is pleased to amend the *Renewable Electricity Regulations*, N.S. Reg. 155/2010, made by the Governor in Council by Order in Council 2010-381 dated October 12, 2010, to establish a new renewable electricity standard requiring Nova Scotia Power Incorporated to acquire at least 135 GWh of dispatchable renewable electricity each year from 2023 to 2025, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after December 19, 2022.

Schedule “A”

**Amendment to the *Renewable Electricity Regulations*
made by the Governor in Council under Section 5
of Chapter 25 of the Acts of 2004,
the *Electricity Act***

The *Renewable Electricity Regulations*, N.S. Reg. 155/2010, made by the Governor in Council by Order in Council 2010-381 dated October 12, 2010, are amended by adding the following Section immediately after Section 6A:

Renewable electricity standard 2023

- 6AA**
- (1) In each of the calendar years 2023, 2024 and 2025, NSPI must acquire at least 135 GWh of dispatchable renewable electricity from a renewable low-impact electricity generation facility located in the Province.
 - (2) NSPI must meet the renewable electricity standard in subsection (1) by continuing to meet the requirements in clauses 6A(2)(a), (b) and (c) and any alternative compliance plans already in force.
 - (3) In meeting its obligation under subsection (1), NSPI
 - (a) may only acquire dispatchable renewable electricity from a biomass generation facility if the electricity is produced from secondary waste by-products that result from the processing of untreated organic material; and
 - (b) must pay \$30/MWh for all dispatchable renewable electricity acquired from a biomass generation facility in addition to any price specified in any existing power purchase agreement, up to a maximum of \$4.05 million per year.

N.S. Reg. 339/2022

Made: December 15, 2022

Filed: December 19, 2022

Prescribed Petroleum Products Prices

Order dated December 15, 2022
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Decision and Order**M10906**

Nova Scotia Utility and Review Board
In the matter of the *Petroleum Products Pricing Act*

- and -

**In the matter of prescribing prices for petroleum products
under Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Jennifer L. Nicholson, CPA, CA, Member**Decision and Order**

Under S. 16 of the *Petroleum Products Pricing Regulations*, the Board must prescribe a benchmark price for specified petroleum products every Friday.

The benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices (in Canadian cents) since the last benchmark price adjustment for the petroleum product.

The Board must also prescribe retail mark-ups and calculate wholesale margins considering any factors the Board finds relevant, including transportation adjustments. The Board last set wholesale margins in its decision, 2021 NSUARB 146; retail mark-ups in its decision, 2021 NSUARB 50; and transportation adjustments in its decision, 2016 NSUARB 168.

The Board also issued an Order on September 12, 2022 (2022 NSUARB 140), approving an adjustment mechanism to retail mark-ups for gasoline and diesel oil to account for the impact of credit card fees charged to retailers.

At each price setting, the Board may apply a forward-averaging correction, based on historical prices, to achieve revenue neutrality.

At appropriate times of the year, the Board may also require an additional margin for winter blending of ultra-low-sulfur diesel oil.

Based on the foregoing and other requirements in the *Petroleum Products Pricing Act* and regulations, the Board finds it appropriate to prescribe the benchmark prices and adjustments in Table “A,” the credit card fee retail mark-up adjustments in Table “B,” and the prices for petroleum products in Schedule “A” effective on and after 12:01 A.M. December 16, 2022:

Table “A”
(cents per litre)

Petroleum Product	Benchmark Price	Forward Averaging (+/-)	Winter Blending
Gasoline (Grade 1)	78.82	Nil	

Gasoline (Grade 2)	81.82		
Gasoline (Grade 3)	84.82		
Ultra-Low-Sulfur Diesel Oil	107.24	Nil	+44.59

Table "B"
(cents per litre)

Credit Card Fee Retail Mark-up Adjustment	
Gasoline Minimum Self-Service and Full-Service	+0.2
Gasoline Maximum Self-Service	+0.2
Ultra-Low-Sulfur Diesel Minimum Self-Service and Full-Service	+0.7
Ultra-Low-Sulfur Diesel Maximum Self-Service	+0.7

Dated at Halifax, Nova Scotia, this 15th day of December, 2022.

sgd. *Bruce A. Kiley*
Clerk of the Board

Schedule "A"

Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the *Petroleum Products Pricing Regulations*
effective on and after 12:01 a.m. on December 16, 2022

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	90.53	10.0	15.5	116.03	139.9	142.2	139.9	999.9
Mid-Grade Unleaded	93.53	10.0	15.5	119.03	143.3	145.6	143.3	999.9
Premium Unleaded	96.53	10.0	15.5	122.03	146.8	149.1	146.8	999.9
Ultra-Low-Sulfur Diesel	164.94	4.0	15.4	184.34	219.0	221.3	219.0	999.9
Zone 2								
Regular Unleaded	91.03	10.0	15.5	116.53	140.4	142.7	140.4	999.9
Mid-Grade Unleaded	94.03	10.0	15.5	119.53	143.9	146.2	143.9	999.9
Premium Unleaded	97.03	10.0	15.5	122.53	147.3	149.6	147.3	999.9
Ultra-Low-Sulfur Diesel	165.44	4.0	15.4	184.84	219.6	221.9	219.6	999.9
Zone 3								
Regular Unleaded	91.43	10.0	15.5	116.93	140.9	143.2	140.9	999.9
Mid-Grade Unleaded	94.43	10.0	15.5	119.93	144.4	146.7	144.4	999.9
Premium Unleaded	97.43	10.0	15.5	122.93	147.8	150.1	147.8	999.9
Ultra-Low-Sulfur Diesel	165.84	4.0	15.4	185.24	220.0	222.3	220.0	999.9
Zone 4								
Regular Unleaded	91.53	10.0	15.5	117.03	141.0	143.3	141.0	999.9
Mid-Grade Unleaded	94.53	10.0	15.5	120.03	144.5	146.8	144.5	999.9
Premium Unleaded	97.53	10.0	15.5	123.03	147.9	150.2	147.9	999.9
Ultra-Low-Sulfur Diesel	165.94	4.0	15.4	185.34	220.2	222.5	220.2	999.9

Zone 5								
Regular Unleaded	91.53	10.0	15.5	117.03	141.0	143.3	141.0	999.9
Mid-Grade Unleaded	94.53	10.0	15.5	120.03	144.5	146.8	144.5	999.9
Premium Unleaded	97.53	10.0	15.5	123.03	147.9	150.2	147.9	999.9
Ultra-Low-Sulfur Diesel	165.94	4.0	15.4	185.34	220.2	222.5	220.2	999.9
Zone 6								
Regular Unleaded	92.23	10.0	15.5	117.73	141.8	144.1	141.8	999.9
Mid-Grade Unleaded	95.23	10.0	15.5	120.73	145.3	147.6	145.3	999.9
Premium Unleaded	98.23	10.0	15.5	123.73	148.7	151.0	148.7	999.9
Ultra-Low-Sulfur Diesel	166.64	4.0	15.4	186.04	221.0	223.3	221.0	999.9

N.S. Reg. 340/2022

Made: December 16, 2022

Filed: December 19, 2022

Prescribed Petroleum Products Prices

Order dated December 16, 2022
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Decision and Order**M10910**

Nova Scotia Utility and Review Board
In the matter of the *Petroleum Products Pricing Act*
- and -
In the matter of prescribing prices for petroleum products
under Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Before: Richard J. Melanson, LL.B., Member**Decision and Order**

Under S. 16 of the *Petroleum Products Pricing Regulations*, the Board must prescribe a benchmark price for specified petroleum products every Friday. However, the Board may prescribe a benchmark price any time, and due to significant changes in the price of petroleum products, the Board has determined that it is appropriate to adjust its most recently prescribed weekly prices.

The benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices (in Canadian cents) since the last benchmark price adjustment for the petroleum product.

The Board must also prescribe retail mark-ups and calculate wholesale margins considering any factors the Board finds relevant, including transportation adjustments. The Board last set wholesale margins in its decision, 2021 NSUARB 146; retail mark-ups in its decision, 2021 NSUARB 50; and transportation adjustments in its decision, 2016 NSUARB 168.

The Board also issued an Order on September 12, 2022 (2022 NSUARB 140), approving an adjustment mechanism to retail mark-ups for gasoline and diesel oil to account for the impact of credit card fees charged to retailers.

At each price setting, the Board may apply a forward-averaging correction, based on historical prices, to achieve revenue neutrality.

At appropriate times of the year, the Board may also require an additional margin for winter blending of ultra-low-sulfur diesel oil.

Based on the foregoing and other requirements in the *Petroleum Products Pricing Act* and regulations, the Board finds it appropriate to prescribe the benchmark prices and adjustments in Table “A,” the credit card fee retail mark-up adjustments in Table “B,” and the prices for petroleum products in Schedule “A” effective on and after 12:01 A.M. December 17, 2022:

Table “A”
(cents per litre)

Petroleum Product	Benchmark Price	Forward Averaging (+/-)	Winter Blending
Ultra-Low-Sulfur Diesel Oil	117.86	-2.60	+24.66

Table “B”
(cents per litre)

Credit Card Fee Retail Mark-up Adjustment	
Ultra-Low-Sulfur Diesel Minimum Self-Service and Full-Service	+0.6
Ultra-Low-Sulfur Diesel Maximum Self-Service	+0.6

Dated at Halifax, Nova Scotia, this 16th day of December, 2022.

sgd. *Lisa Wallace*
Clerk of the Board

Schedule “A”

Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the *Petroleum Products Pricing Regulations*
effective on and after 12:01 a.m. on December 17, 2022

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	90.53	10.0	15.5	116.03	139.9	142.2	139.9	999.9
Mid-Grade Unleaded	93.53	10.0	15.5	119.03	143.3	145.6	143.3	999.9
Premium Unleaded	96.53	10.0	15.5	122.03	146.8	149.1	146.8	999.9
Ultra-Low-Sulfur Diesel	153.03	4.0	15.4	172.43	205.2	207.5	205.2	999.9
Zone 2								
Regular Unleaded	91.03	10.0	15.5	116.53	140.4	142.7	140.4	999.9
Mid-Grade Unleaded	94.03	10.0	15.5	119.53	143.9	146.2	143.9	999.9
Premium Unleaded	97.03	10.0	15.5	122.53	147.3	149.6	147.3	999.9
Ultra-Low-Sulfur Diesel	153.53	4.0	15.4	172.93	205.8	208.1	205.8	999.9

Zone 3								
Regular Unleaded	91.43	10.0	15.5	116.93	140.9	143.2	140.9	999.9
Mid-Grade Unleaded	94.43	10.0	15.5	119.93	144.4	146.7	144.4	999.9
Premium Unleaded	97.43	10.0	15.5	122.93	147.8	150.1	147.8	999.9
Ultra-Low-Sulfur Diesel	153.93	4.0	15.4	173.33	206.2	208.5	206.2	999.9
Zone 4								
Regular Unleaded	91.53	10.0	15.5	117.03	141.0	143.3	141.0	999.9
Mid-Grade Unleaded	94.53	10.0	15.5	120.03	144.5	146.8	144.5	999.9
Premium Unleaded	97.53	10.0	15.5	123.03	147.9	150.2	147.9	999.9
Ultra-Low-Sulfur Diesel	154.03	4.0	15.4	173.43	206.3	208.6	206.3	999.9
Zone 5								
Regular Unleaded	91.53	10.0	15.5	117.03	141.0	143.3	141.0	999.9
Mid-Grade Unleaded	94.53	10.0	15.5	120.03	144.5	146.8	144.5	999.9
Premium Unleaded	97.53	10.0	15.5	123.03	147.9	150.2	147.9	999.9
Ultra-Low-Sulfur Diesel	154.03	4.0	15.4	173.43	206.3	208.6	206.3	999.9
Zone 6								
Regular Unleaded	92.23	10.0	15.5	117.73	141.8	144.1	141.8	999.9
Mid-Grade Unleaded	95.23	10.0	15.5	120.73	145.3	147.6	145.3	999.9
Premium Unleaded	98.23	10.0	15.5	123.73	148.7	151.0	148.7	999.9
Ultra-Low-Sulfur Diesel	154.73	4.0	15.4	174.13	207.1	209.4	207.1	999.9