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N.S. Reg. 51/2000

Made: March 29, 2000

Filed: March 29, 2000

Summary Offence Tickets Regulations

Order in Council 2000-128 made March 29, 2000
Amendment to regulations made by the Governor in Council
pursuant to Section 8
of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated February 22, 2000, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend:

- (a) Order in Council 1999-99 dated March 10, 1999, by striking out Section 3 of Schedule "A" and substituting the following:
 - 3 The regulations are further amended by striking out "of these regulations" in Sections 2 and 8.
 - 3A The regulations are further amended by adding "municipal by-law or" before "statute" in Section 3.
- (b) the regulations respecting summary offence tickets made by Order in Council 85-187 dated February 28, 1985, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation effective on, from and after March 29, 2000.

SCHEDULE "A"

**Amendments to the regulations respecting summary offence tickets
made by the Governor in Council pursuant to Section 8 of
Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

- 1 Section 4 of the regulations respecting summary offence tickets made by the Governor in Council by Order in Council 85-187 dated February 28, 1985, is repealed and the following Section substituted:
 - 4 The penalty may be paid out of court for those offences listed in the Schedules to these regulations where the amount of the out of court settlement is shown in the applicable Schedule and has been entered by a peace officer on the summons portion of the summary offence ticket.
- 2 Clause 5(a) of the regulations is repealed and the following clause substituted:
 - (a) using the words set out in the applicable Schedule, opposite the number of the Section providing for the offence;

3 Section 8 of the regulations is repealed and the following Section substituted:

8 The amounts of the out of court settlements shown in Schedules 5, 7, 44 through 50, 52, 54 and 55 are each increased by the sum of \$30.00 and the amounts of the out of court settlements shown in Schedule 56 are each increased by the sum of \$10.00.

4 Schedules 8 and 9 of the regulations are repealed and the following Schedule substituted:

**Schedule 8
Forests Act Regulations**

Offence	Section	Out of Court Settlement
Christmas Tree Levy Regulations		
1. Broker or vendor-producer (specify) failing to register with the Christmas Tree Council of Nova Scotia	4(1)	\$280.00
2. Broker buying or vendor-producer selling (specify) Christmas trees without being registered with the Christmas Tree Council of Nova Scotia	4(3)	\$280.00
3. Failing to remit required levy to the Christmas Tree Council of Nova Scotia	5(1)	\$280.00
4. Failing to remit required levy to the Christmas Tree Council of Nova Scotia by February 1, contrary to the regulations	5(2)	\$280.00
5. Failing to remit required record to the Christmas Tree Council of Nova Scotia by February 1, contrary to the regulations	8(1)	\$280.00
6. Failing to make records available, contrary to the regulations	8(2)	\$280.00
Forest Fire Protection Regulations		
1. Setting, starting, kindling, maintaining (specify) fire during fire season without burning permit	3(3)	\$165.00
2. Failing to comply with terms and conditions on burning permit or on annexed sheet	4	\$165.00
3. Failing to immediately extinguish fire after burning permit is cancelled or suspended	5(1)	\$165.00

4.	Failing to forthwith surrender burning permit after permit is cancelled or suspended	5(2)	\$107.50
5.	Failing to provide and maintain fire fighting equipment as required by regulations	6(1)	\$165.00
6.	Failing to maintain fire fighting equipment in proper working order	6(2)	\$107.50
7.	Failing to make fire fighting equipment readily available	6(2)	\$165.00
8.	Failing to ensure prescribed equipment is securely affixed to Class I machine during fire season	7(2)	\$165.00
9.	Failing to ensure prescribed equipment is securely affixed to Class II machine equipped with on-board suppression system, during fire season	7(3)(a)	\$165.00
10.	Failing to ensure prescribed equipment is securely affixed to Class II machine not equipped with on-board suppression system, during fire season	7(3)(b)	\$165.00
11.	Failing to have prescribed equipment at operating site where Class II machine used or operated during fire season	7(4)	\$165.00
12.	Failing to ensure prescribed equipment is in proper working order	7(5)	\$165.00
13.	Operating power saw not equipped with exhaust muffler in functional condition during fire season	8(1)	\$165.00
14.	Operating power saw not equipped with spark arrester in functional condition during fire season	8(1)	\$165.00
15.	Failing to have prescribed fire extinguisher at site where power saw refuelled during fire season	8(2)	\$165.00

Registration and Statistical Returns Regulations

1.	Failing to file prescribed registration form with Minister	4(1)	\$107.50
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2.	Failing to file separate registration for each wood processing facility owned or operated	4(2)	\$107.50
3.	Failing to register within 60 days of regulations coming into force	4(4)	\$107.50
4.	Failing to register within 30 days of becoming registered buyer	4(5)	\$107.50
5.	Failing to notify Minister within 30 days of change in registration information	4(6)	\$107.50
6.	Failing to submit prescribed annual statistical return to Minister	5(1)	\$107.50
7.	Failing to submit separate annual statistical return for each wood processing facility owned or operated	5(2)	\$107.50
8.	Failing to submit additional information in prescribed form where more than 1000 m ³ solid or equivalent of primary forest products processed, exported, imported, sold or acquired and wood processing facility owned or operated	5(4)(a)	\$107.50
9.	Failing to submit additional information in prescribed form where more than 1000 m ³ solid or equivalent of primary forest products exported	5(4)(b)	\$107.50
10.	Failing to submit additional information in prescribed form where more than 1000 m ³ solid or equivalent of primary forest products sold as heating fuel	5(4)(c)	\$107.50
11.	Failing to submit additional information in prescribed form where more than 1000 m ³ solid or equivalent of primary forest products acquired for producing energy	5(4)(d)	\$107.50
12.	Failing to submit annual returns on or before February 28 of immediately following year	5(6)	\$107.50
13.	Failing to file report with annual statistical return	6(1)	\$107.50

14.	Failing to report volume of primary forest products acquired or expected to be acquired on quarterly basis	6(2)	\$107.50
15.	Failing to make records and documents available for inspection and examination by Minister	7	\$107.50
16.	Submitting false return	8	\$107.50
5	Schedule 21 of the regulations is amended by		
(a)	adding the following item immediately after item 7:		
7A.	Failing to re-register for stay longer than 14 days	12(2)	\$107.50
(b)	adding the following item immediately after item 12:		
12A.	Using Cape Chignecto Provincial Park without permit	16A(2)	\$107.50
(c)	repealing items 37 through 40 and substituting the following items:		
37.	Hunting, trapping, taking, destroying or snaring wildlife or attempting to do same in a park without written permission of Minister	27(a)	\$165.00
38.	Possessing or discharging a loaded firearm or bow in a park without written permission of Minister	27(b)	\$165.00
39.	Possessing unloaded firearm or bow that is not in properly fastened case in a park without written permission of Minister	27(c)(i)	\$165.00
40.	Possessing unloaded firearm or bow that is not completely wrapped in a park without written permission of Minister	27(c)(ii)	\$165.00
40A.	Possessing unloaded firearm or bow not in locked compartment of vehicle, inaccessible from inside vehicle, in a park without written permission of Minister	27(c)(iii)	\$165.00

40B.	Possessing in a park, unloaded firearm not rendered inoperable by attachment of trigger lock without written permission of Minister	27(c)(iv)	\$165.00
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6 Schedule 25 of the regulations is amended by

- (a) striking out “\$625.00” in the Out of Court Settlement column in items 31, 32 and 33 and substituting “\$2350.00”;
- (b) striking out “\$165.00” in the Out of Court Settlement column in item 34 and substituting “\$395.00”;
- (c) striking out “\$625.00” in the Out of Court Settlement column in items 55 and 56 and substituting “\$2350.00”;
- (d) repealing item 88 and substituting the following item:

88.	Shining light of more than 4.5 volts at night on wildlife habitat not owned by that person	69(1)	\$2350.00
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- (e) striking out “\$625.00” in the Out of Court Settlement column in items 113 and 114 and substituting “\$2350.00”.

7 Schedule 26 of the regulations is amended by

- (a) striking out “\$625.00” in the Out of Court Settlement column in item 5 under the Bear Harvesting Regulations and substituting “\$2350.00”;
- (b) striking out “9(3)” in the Section column in item 11 under the Bear Harvesting Regulations and substituting “9(2)”;
- (c) repealing items 12 and 13 under the Bear Harvesting Regulations;
- (d) striking out “30.48 m” in the description of the offence in item 15 under the Bear Harvesting Regulations and substituting “100 ft. (30.48 m)”;
- (e) adding the following item immediately after item 19 under the Bear Harvesting Regulations:

19A.	Hunting for bear other than at bait site registered with the Department	10(2)(f)	\$165.00
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- (f) striking out the description of the offence in item 2 under the Deer Hunting Regulations and substituting “Hunting deer without valid authorization required by regulations”;

- (g) repealing items 3 through 9 under the Deer Hunting Regulations and substituting the following items:

3.	Hunting antlerless deer without Antlerless Deer Hunting Stamp	4A(5)	\$165.00
4.	Hunting antlerless deer in Deer Management Zone other than zone prescribed on Antlerless Deer Hunting Stamp	4A(6)	\$165.00
5.	Failing to ensure head of antlered deer remains attached to a front quarter of the deer until the deer is processed	5(3)	\$165.00
6.	Hunting deer during special open season for bow hunting deer without Bow Hunter Stamp	6(2)	\$165.00
7.	Hunting deer with weapon other than bow and arrow fitted with a broadhead during special open season for bow hunting deer	6(4)	\$395.00

- (h) striking out “or snaring” in the description of the offence in item 13 under the Deer Hunting Regulations;

- (i) adding the following item immediately after item 1 under the Deer Registration Station Regulations:

1A.	Failing to register deer in accordance with regulations	5(1)	\$165.00
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- (j) repealing items 4 and 5 under the Dog Hunting and Training Regulations;

- (k) striking out “4 ½” in the description of the offence in item 7 under the Dog Hunting and Training Regulations and substituting “12”;

- (l) repealing item 12 under the Dog Hunting and Training Regulations;

- (m) striking out the description of the offence in item 13 under the Dog Hunting and Training Regulations and substituting “Transporting in vehicle firearm or bow (specify) that is not encased, as defined in the *Firearm and Bow Regulations*”;

- (n) striking out the description of the offence in item 8 under the Firearm and Bow Regulations and substituting “Possessing, in wildlife habitat, a rifle, shot gun slug or ball contrary to regulations”;

- (o) striking out “804.67” in the description of the offence in item 19 under the Firearm and Bow Regulations and substituting “804”;
- (p) striking out “402.34” in the description of the offence in item 20 under the Firearm and Bow Regulations and substituting “402”;
- (q) striking out “182.88” in the description of the offence in item 21 under the Firearm and Bow Regulations and substituting “182”;
- (r) striking out “182.98” in the description of the offence in item 22 under the Firearm and Bow Regulations and substituting “182”;
- (s) striking out “\$625.00” in the Out of Court Settlement column in items 3 and 5 under the Fur Harvesting Regulations and substituting “\$2350.00”;
- (t) repealing item 8 under the Fur Harvesting Regulations and substituting the following item:

8.	Taking greater number of beaver than prescribed for zone	9(2)(d)	\$280.00
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- (u) striking out “\$625.00” in the Out of Court Settlement column in item 9 under the Fur Harvesting Regulations and substituting “\$2350.00”;
- (v) repealing item 15 under the Fur Harvesting Regulations;
- (w) striking out “16.01” in the description of the offence in item 18 under the Fur Harvesting Regulations and substituting “16”;
- (x) striking out the description of the offence in item 23 under the Fur Harvesting Regulations and substituting “Failing to release wildlife accidentally taken or report it to Department Office”;
- (y) striking out “during closed season or” in the description of the offence in item 1 under the General Wildlife Regulations;
- (z) repealing item 2 under the General Wildlife Regulations;
- (aa) adding “or licence” after “permit” in the description of the offence in item 9 under the General Wildlife Regulations;
- (ab) adding the following items immediately after item 21 under the General Wildlife Regulations:

21A.	Failing to report accidental taking of wildlife by captive falcon	6A(6)	\$165.00
21B.	Exporting unsealed bear gallbladder	7(2A)	\$395.00

(ac) adding the following item immediately after item 29 under the General Wildlife Regulations:

29A.	Selling, exposing for sale, offering for sale, processing for sale, trading or bartering (specify) an unsealed bear gallbladder	9(1)(e)	\$395.00
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(ad) repealing item 32 under the General Wildlife Regulations;

(ae) striking out the description of the offence in item 2 under the Guide Regulations and substituting “Holding guide licence or special permit to guide while disqualified”;

(af) repealing item 4 under the Guide Regulations;

(ag) striking out “8(1)” in the Section column of item 5 under the Guide Regulations and substituting “8”;

(ah) adding the following heading and items immediately after item 9 under the Hunter Education, Safety and Training Regulations:

Liscomb Game Sanctuary Regulations

1.	Hunting wildlife in Liscomb Game Sanctuary without written authorization	3(1)(a)	\$165.00
2.	Possessing firearm, bow, crossbow, trap, snare (specify) or any wildlife or part thereof in Liscomb Game Sanctuary without written authorization	3(1)(b)	\$165.00
3.	Hunting within Liscomb Game Sanctuary outside open season	4(2)	\$165.00
4.	Hunting within Liscomb Game Sanctuary without proper licence, tag and stamp (specify)	4(3)	\$165.00
5.	Hunting in Liscomb Game Sanctuary with weapon other than muzzle loaded firearm	4(4)	\$205.00
6.	Failing to comply with Act or regulations while hunting in Liscomb Game Sanctuary	4(6)	\$205.00

- (ai) adding “or valid companion moose hunting stamp” after “Licence” in item 2 under the Moose Hunting Regulations;
- (aj) adding the following item immediately after item 2 under the Moose Hunting Regulations:
- | | | |
|--|-------|----------|
| 2A. Companion licensee hunting moose
without being accompanied by and
within hailing distance of moose
hunting licence holder | 4A(6) | \$280.00 |
|--|-------|----------|
- (ak) striking out “\$625.00” in the Out of Court Settlement column in items 3 and 4 under the Moose Hunting Regulations and substituting “\$2350.00”;
- (al) striking out “Moose Hunting Licence” in item 13 under Moose Hunting Regulations and substituting “valid Moose Hunting Licence or valid companion moose hunting stamp”;
- (am) striking out item 4 under the Pheasant Shooting Preserve Regulations;
- (an) striking out “\$625.00” in the Out of Court Settlement column in item 6 under the Pheasant Shooting Preserve Regulations and substituting “\$2350.00”;
- (ao) striking out “\$625.00” in the Out of Court Settlement column in items 4, 5 and 6 under the Small Game Hunting Regulations and substituting “\$2350.00”;
- (ap) adding the following item immediately after item 3 under the Tobeatic Wildlife Management Area Regulations:
- | | | |
|--|-------|----------|
| 3A. Hunting within Tobeatic Wildlife
Management Area without proper
licence, tag and stamp (specify) | 4(2A) | \$165.00 |
|--|-------|----------|
- 8 Schedules 37, 38, 57 and 78 of the regulations are repealed.

N.S. Reg. 52/2000

Made: March 29, 2000

Filed: March 29, 2000

Occupational Safety General Regulations

Order in Council 2000-130 made March 29, 2000
Amendment to regulations made by the Governor in Council
pursuant to Section 82
of the *Occupational Health and Safety Act*

The Governor in Council on the report and recommendation of the Minister of Labour dated March 16, 2000, pursuant to Section 82 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, is pleased to:

- (a) repeal Order in Council 1999-468 dated September 30, 1999;
- (b) amend Order in Council 1999-195 dated April 28, 1999, by repealing clauses (a), (b) and (c) and substituting the following:
 - (a) repeal the Construction Safety Regulations made by Order in Council 68-104 dated February 12, 1968, effective on, from and after May 1, 2000, except Sections 1, 66, 68 and 82, which are repealed effective on, from and after April 28, 1999, and Sections 65, 85, 205, 226, and 271, which are repealed effective on, from and after November 1, 2000;
 - (b) repeal the Industrial Safety Regulations made by Order in Council 69-127 dated February 11, 1969, effective on, from and after May 1, 2000, except Sections 1 and 249, which are repealed effective on, from and after April 28, 1999, and Sections 13, 14, 16, 19, 21, 119, 120, 122, 173, 236, and 246(l) to (q), which are repealed effective on, from and after November 1, 2000; and
 - (c) make new regulations respecting occupational safety general requirements in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on, from and after May 1, 2000, except Sections 158 and 165 which are effective on, from and after April 28, 1999, and Sections 51, 52, 53, 54, 63, 64, 65, 72, 73, 75, 127, 129, 130, 131, 132, 133, 134, 135, 136 and 137, which are effective on, from and after November 1, 2000;

and

- (c) amend the *Occupational Safety General Regulations* made by Order in Council 1999-195 dated April 28, 1999, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation effective on, from and after May 1, 2000, and for greater certainty, amendments to Sections 51, 52, 53, 54, 63, 64, 65, 72, 73, 75, 127, 129, 130, 131, 132, 133, 134, 135, 136 and 137 are effective on, from and after November 1, 2000.

Schedule “A”**Amendments to the *Occupational Safety General Regulations*
made by the Governor in Council pursuant to Section 82
of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act***

- 1 Section 2 of the *Occupational Safety General Regulations* made by the Governor in Council by Order in Council 1999-195 dated April 28, 1999, is amended by
- (a) relettering clause (b) as clause (ba) and adding the following clause immediately following clause (a):
 - (b) “ALI” means the Automatic Lift Institute;
 - (a) repealing clause (r) and substituting the following clause:
 - (r) “industrial lift truck” means a self-propelled vehicle that
 - (i) is designed primarily to carry, lift, stack or tier material,
 - (ii) is equipped with an elevating mechanism, and
 - (iii) has a lifting capacity that is greater than 450 kg,but does not include a hoist;
 - (c) repealing clause (t);
 - (d) striking out “or recommendations” in subclause (u)(i);
 - (e) adding the following clause immediately following clause (u):
 - (ua) “mobile crane” means a mobile crane to which CSA standard CAN/CSA-Z150-98, “Safety Code on Mobile Cranes” applies;
 - (f) adding the following clause immediately following clause (v):
 - (va) “overhead crane” means any mechanical device or structure that is used to raise, lower and move material that travels overhead and that incorporates a
 - (i) power driven drum, bridge and cable or rope,
 - (ii) single or multiple girder, and
 - (iii) moveable bridge carrying a moveable or fixed hoisting mechanism,but does not include wall cranes, cantilever gantry cranes and semi-gantry cranes;
 - (g) repealing clauses (w), (x) and (z) and substituting the following clauses:

- (w) “power line” means the above-ground or underground wiring that is used to distribute electricity;
 - (x) “power line equipment” means the components that are required to distribute electricity by means of a power line;
 - (z) “powered mobile equipment” means self-propelled equipment that is designed to operate on land in conditions other than a public highway, but does not include equipment primarily designed to transport persons, an industrial lift truck or a power operated elevating work platform;
- (h) repealing clause (ad) and substituting the following clause:
- (ad) “tower crane” means any mechanical device or structure that
 - (i) incorporates a power-driven drum and cable or rope and a vertical mast or tower and a jib,
 - (ii) is of the traveling, fixed or climbing type, and
 - (iii) is used exclusively for raising, lowering and moving material;
 - (i) striking out the period at the end of clause (af) and substituting a semi-colon, and adding the following clause immediately following clause (af):
 - (ag) “worked” means drilled, blasted, extracted, excavated, loaded or subjected to other similar work.
- 2 The regulations are further amended by adding the following Section immediately after Section 8:

Record retention

8A An employer shall keep each record required to be kept under subsections 75(3), 80(9) and 130(10) for a period of 5 years after the date on which the record was made.

- 3 Section 9 of the regulations is repealed and the following Section substituted:
- 9** (1) An employer shall ensure that adequate personal protective equipment or devices required for an assigned task are used, based on
- (a) the nature of the task;
 - (b) the location and conditions of the workplace; and
 - (c) any hazards that may affect the health and safety of people in the workplace.
- (2) Where personal protective equipment or devices are required under the Act or these regulations, an employer shall ensure that

- (a) an employee receives adequate training in the proper use and care of the personal protective equipment or devices; and
 - (b) an employee wears or uses the personal protective equipment or devices in accordance with the instruction and training provided.
 - (3)** An employer shall ensure that all personal protective equipment or devices required under the Act or these regulations are
 - (a) maintained by a competent person; and
 - (b) tested or visually inspected before each use,in accordance with the manufacturer's specifications.
 - (4)** Where a person identifies any defect in personal protective equipment or devices that may impair the adequacy of the equipment or devices, the employer shall ensure that the personal protective equipment or devices are not used until they are repaired.
- 4 The regulations are further amended by adding the following Section immediately after Section 9:
- 9A** An employee shall wear or use personal protective equipment or devices as required under clause 9(2)(b).
- 5 Subsection 10(1) of the regulations is amended by striking out "CAN/CSA-Z94.3-92, "Industrial Eye and Face Protectors"" and substituting "CAN/CSA-Z94.3-99, "Industrial Eye and Face Protectors"".
- 6 Clause 11(a) of the regulations is amended by striking out "CAN/CSA-Z94.1-92" and substituting "CAN/CSA-Z94.1-92 (R1998)".
- 7 Section 13 of the regulations is amended by adding the following subsections immediately after subsection (2):
- (3)** An employer shall ensure compliance with CSA standard CSA Z94.4-93 (R1997), "Selection, Use, and Care of Respirators", in respect of
 - (a) the training of users of self-contained respiratory protective equipment; and
 - (b) the use, maintenance and testing of respiratory protective equipment.
 - (4)** Despite clause 3(b), except as required under Section 196, an employer is not required to ensure the quantitative fit testing of respirators.
- 8 Subsection 15(c) of the regulations is amended by adding "by a competent person" immediately after "manner".

- 9 (1) Clause 16(2)(a) of the regulations is amended by adding “or” immediately after the semi-colon.
- (2) Clauses 16(2)(b) and (c) of the regulations are repealed and the following clause substituted:
- (b) ANSI/IESNA RP-1-1993, “American National Standard Practice for Office Lighting”.
- 10 Subsection 18(1) of the regulations is repealed and the following subsection substituted:
- (1) An employer shall, where reasonably practicable, make accessible sufficient potable water for drinking and hand-cleaning that
- (a) is close enough to the work area that neither drinking nor washing is inhibited;
- (b) is no further away than 200 m from the work place; and
- (c) meets the standards set out in the publication entitled *Guidelines for Canadian Drinking Water Quality*, Sixth Edition, published under the authority of the Minister of Health Canada, 1996.
- 11 (1) Subsection 21(1) of the regulations is amended by adding “enclosed” immediately after “an employer shall provide an”.
- (2) Subsection 21(2) of the regulations is repealed and the following subsection substituted:
- (2) The eating area referred to in subsection (1) shall be
- (a) kept in a sanitary condition; and
- (b) adequately provided with
- (i) light, heat and ventilation,
- (ii) tables and seating sufficient for the number of people who use the eating area at any one time, and
- (iii) garbage receptacles.
- 12 Subsection 22(3) of the regulations is amended by striking out “a person’s” and substituting “an employee’s”.
- 13 (1) Section 26 of the regulations is amended by striking out “health and” and substituting “health or”.

- (2) Clause 26(b) of the regulations is amended by adding “in accordance with the equipment manufacturer’s instructions, or, where there are no equipment manufacturer’s instructions, in accordance with adequate work methods and lifting and moving techniques” immediately after “provided”.
- 14 Subsection 27(2) of the regulations is repealed and the following subsections substituted:
- (2) An employer shall ensure that a chute or other safe method that provides an equivalent degree of protection is used where rubbish or debris is lowered more than 6 m vertically.
- (3) Subsections (1) and (2) do not apply during demolitions if
- (a) a heavy weight suspended by a cable from a crane or other hoist; or
- (b) a power shovel, bulldozer or other powered mobile equipment,
- is used to conduct the demolition.
- 15 Clause 28(c) of the regulations is amended by striking out “to the chute” and substituting “and at the bottom”.
- 16 Section 30 of the regulations is repealed and the following Section substituted:
- 30** An employer shall ensure that a bin, hopper, tank or other similar structure used to store combustible bulk material
- (a) has a lid, an adequate ventilation system and is fire resistant; or
- (b) has alternative measures that provide an equivalent level of safety.
- 17 (1) Subsection 34(1) of the regulations is amended by adding “by a competent person” immediately after “it is inspected”.
- (2) Clause 34(2)(c) of the regulations is repealed and the following clause substituted:
- (c) the work is performed in accordance with written specifications and a written safe work procedure certified by,
- (i) in the case where there is a possibility that the material could collapse onto the equipment or a person, an engineer, following consultation with the committee or representative, if any, or
- (ii) in the case where there is no possibility that the material could collapse onto the equipment or a person, a competent person, following consultation with the committee or representative, if any.
- (3) Subsection 34(3) of the regulations is repealed and the following subsection substituted:

- (3) Where the face of unconsolidated bulk material is undermined or undercut by means of powered mobile equipment, an employer shall ensure that the undermining or undercutting is
- (a) restricted to the depth of the bucket of the powered mobile equipment;
 - (b) permitted only when the approach of the powered mobile equipment is at a 90° angle plus or minus 5° to the face of the material; and
 - (c) performed in accordance with written specifications and a written safe work procedure certified by,
 - (i) in the case where there is a possibility that the material could collapse onto the equipment or a person, an engineer, following consultation with the committee or representative, if any, or
 - (ii) in the case where there is no possibility that the material could collapse onto the equipment or a person, a competent person, following consultation with the committee or representative, if any.

18 Section 35 of the regulations is amended by adding “health or” immediately after “endanger the”.

19 Section 40 of the regulations is repealed and the following Section substituted:

40 (1) An employer shall ensure that piping and associated equipment is

- (a) constituted of material that will not significantly deteriorate because of any hazardous substance contained within it; and
- (b) maintained in adequate operating condition.

(2) For each pipe and associated equipment referred to in subsection (1), an employer shall establish an inspection schedule and conduct inspections according to that schedule.

20 Subsection 42(3) of the regulations is repealed and the following subsection substituted:

(3) Where the assessment referred to in subsection (2) determines that the electric charging of rechargeable storage batteries is likely to cause an explosive mixture of hydrogen or the release of another hazardous substance, an employer shall ensure that

- (a) electric charging is performed in a designated area or room that

- (i) is adequately ventilated to prevent the accumulation of flammable gases,
 - (ii) is marked at the entrance with a notice prohibiting smoking or open flames,
 - (iii) has a floor made of non-sparking material, and
 - (iv) where rechargeable storage batteries are mounted in trays or on racks, has level trays or racks constructed or covered with non-sparking material and of sufficient strength to carry the weight of the batteries; and
- (b) a person who connects or disconnects rechargeable storage batteries for the purpose of electric charging uses non-sparking tools.
- 21 Clause 44(b) of the regulations is amended by striking out “clear” and substituting “unobstructed”.
- 22 Clause 44(c) is repealed and the following clause substituted:
- (c) where it contains an electrolyte and is of no further use, is disposed of in a manner that prevents unintentional spillage of electrolyte.
- 23 Subsection 51(1)(c) of the regulations is amended by striking out “and” immediately after the semi-colon.
- 24 (1) Subclause 52(1)(b)(i) of the regulations is amended by adding “and maintained at” immediately following “is put in”.
- (2) Subclause 52(1)(b)(ii) of the regulations is amended by adding “and” immediately after the comma.
- 25 Section 52 of the regulations is further amended by adding the following subsection immediately after subsection 52(1):
- (1A)** No employee shall perform work on a machine, equipment, tool or electrical installation in the circumstances described in subsection (1) unless the requirements of clause 52(1)(b) are met.
- 26 Section 55 of the regulations is amended by adding “, modified” immediately after “repaired”, and by striking out “, where there are no manufacturer’s specifications,”.
- 27 Clause 56(c) of the regulations is amended by adding “and” immediately after the semi-colon.
- 28 Subsection 57(1) of the regulations is amended by

- (a) striking out “and operation of the equipment” and substituting “of a load, hoist, industrial lift truck or powered mobile equipment” immediately after “safe movement”; and
 - (b) striking out “of a hoist” and substituting “of that hoist”.
- 29 Subsection 58(1) of the regulations is renumbered as Section 58 and amended by striking out “hoist” and substituting “mobile crane”.
- 30 Section 59 of the regulations is repealed and the following Section substituted:
- 59** An employer shall ensure that a hoist or powered mobile equipment that is equipped with outriggers or stabilizers is operated with the outriggers or stabilizers engaged, unless the manufacturer’s specifications permit otherwise.
- 31 Section 60 of the regulations is amended by striking out “designed and installed by the manufacturer”.
- 32 (1) Subsection 62(1) of the regulations is amended by striking out “Where the operator” and substituting “Where an employee who is an operator”.
- (2) Clause 62(1)(b) of the regulations is repealed and the following clause substituted:
- (b) International Organization for Standardization (ISO) 3449:1992, “Earth-moving machinery – Falling-object protective structures – Laboratory tests and performance requirements”;
- (3) Clause 62(1)(d) of the regulations is amended by adding “or” immediately after the semi-colon.
- (4) Clauses 62(1)(e) and (f) of the regulations are repealed and the following clause substituted:
- (e) SAE J1084 APR80, “Operator Protective Structure Performance Criteria for Certain Forestry Equipment”.
- 33 Subsection 63(1) of the regulations is repealed and the following subsection substituted:
- 63 (1)** An employer shall ensure that, where reasonably practicable, powered mobile equipment and industrial lift trucks manufactured on or after January 1, 1974, are equipped with rollover protective structures that meet the minimum safety requirements of the following standards:

- (a) CSA standard B352.0-95, “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial and Mining Machines - Part 1: General Requirements”, or is certified by an engineer or the manufacturer to provide equivalent or better protection;
 - (b) where applicable, CSA standard B352.1-95 (R1999), “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines - Part 2: Testing Requirements for ROPS on Agricultural Tractors”, or is certified by an engineer or the manufacturer to provide equivalent or better protection; and
 - (c) where applicable, CSA standard B352.2-95 (R1999), “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines - Part 3: Testing Requirements for ROPS on Construction, Earthmoving, Forestry, Industrial, and Mining Machines”, or is certified by an engineer or the manufacturer to provide equivalent or better protection.
- 34 Subsection 63(2) of the regulations is amended by striking out “an industrial lift truck manufactured before January 1, 1974 is equipped with a rollover protective structure that meets” and substituting “industrial lift trucks manufactured before January 1, 1974 are equipped with rollover protective structures that meet”.
- 35 (1) Subsection 65(1) of the regulations is amended by striking out “that has been fitted with a rollover protective structure has” and substituting “and industrial lift trucks that have been fitted with rollover protective structures have”.
- (2) Subclause 65(1)(a)(i) of the regulations is repealed and the following subclause substituted:
- (i) SAE J386 NOV97, “Operator Restraint System for Off-Road Work Machines”,
- (3) Subsection 65(2) of the regulations is amended by adding “or an industrial lift truck” immediately after “powered mobile equipment”.
- 36 Subsection 67(1) of the regulations is amended by adding “manufacturer’s specifications for the truck or equipment state that the” immediately after “unless the”.
- 37 Subsection 67(2) of the regulations is repealed and the following subsection substituted:

- (2) An employer shall ensure that powered mobile equipment and industrial lift trucks that have an internal combustion engine are provided with fire protection equipment adequate for the hazards of the equipment or vehicles.
- 38 Section 69 of the regulations is amended by adding “a mobile crane, where applicable,” immediately after “operator of”.
- 39 (1) Section 72 of the regulations is renumbered as subsection 72(1) and amended by striking out the portion before clause (a) and substituting “Subject to subsection (2), an employer shall ensure that a hoist is designed, installed, erected, examined, inspected, tested, operated and maintained by a competent person, in accordance with the applicable CSA or ANSI standard listed below:”
- (2) Clause 72(b) of the regulations is repealed and the following clause substituted:
- (b) CSA standard C22.2 No. 33-M1984 (R1992), “Construction and Test of Electric Cranes and Hoists”;
- (3) Clause 72(e) of the regulations is repealed and the following clause substituted:
- (e) ANSI standard ANSI/ALI ALCTV-1998, “Automotive Lifts - Safety Requirements for Construction, Testing and Validation”;
- (4) Section 72 of the regulations is further amended by adding the following subsection immediately after subsection (1):
- (2) Despite subsection (1), a “crane inspector” described in the standard referred to in clause (1)(a) shall not require 10 000 hours of experience.
- 40 (1) Subsection 73(1) of the regulations is repealed and the following subsection substituted:
- (1) In this Section and Section 74, “rated load” means the maximum load that a hoist is designed to lift or the revised maximum load that a hoist can lift in accordance with subsection (9) or (10).
- (2) Subsection 73(5) of the regulations is amended by
- (a) striking out “by” and substituting “under”; and
- (b) striking out “all of its components are able to operate safely within its safe working load” and substituting “that no component will fail within its rated load”.

- 41 Sections 73 and 74 of the regulations are amended by striking out “safe working load” wherever it appears and substituting “rated load”.
- 42 Clause 75(3)(a) of the regulations is amended by striking out “by these regulations” and substituting “under Sections 72 and 73, and subsection (1)”.
- 43 Section 77 of the regulations is repealed and the following Section substituted:
- 77** An employer shall ensure that a mobile crane has
- (a) installed and maintained in an adequate condition a device that warns the mobile crane operator when continued movement may cause the load attached to a mobile crane to strike the upper sheaves of the mobile crane; and
 - (b) if equipped with a boom that is not articulating, a boom angle indicator.
- 44 Section 80 of the regulations is repealed and the following Section substituted:
- 80** (1) In this Section, “rigging hardware” means a chain, cable, webbing, bucket, grapple, hook, ring, sling or other device used to attach a load to a hoist.
- (2) Every inspection required to be performed under this Section shall be performed by a competent person.
- (3) Subject to subsection (4), an employer shall ensure that rigging hardware is constructed, installed, operated, inspected and maintained in accordance with the applicable ASME standard listed below:
- (a) ASME B30.9-1996, “Slings”;
 - (b) ASME B30.10-1993, “Hooks”; or
 - (c) ASME B30.20-1999, “Below-the-Hook Lifting Devices”.
- (4) Where none of the standards referred to in subsection (3) apply, an employer shall ensure that the rigging hardware complies with an adequate design certified by an engineer.
- (5) Where rigging hardware is commercially manufactured, in addition to the requirements of subsection (3) or (4), an employer shall ensure that rigging hardware is constructed, installed, operated, inspected and maintained in accordance with the manufacturer’s specifications.
- (6) In addition to any inspection required under subsection (5), an employer shall ensure that a person inspects the rigging hardware before each use to ensure that no defect exists that may affect its structural integrity.

- (7) In addition to the requirements of subsections (5) and (6), an employer shall ensure that a person inspects the rigging hardware

 - (a) before it is put into initial service or after one month or more of disuse; and
 - (b) once during every year that it is in operation.
 - (8) Where the competent person conducting an inspection referred to in subsections (3), (5), (6) or (7) identifies a defect that may affect the structural integrity of the rigging hardware, an employer shall ensure that the rigging hardware is removed from service until such time as it is repaired.
 - (9) An employer shall maintain a record of

 - (a) the inspections referred to in subsections (3), (5), (6) or (7); and
 - (b) any repairs to rigging hardware.
 - (10) The record referred to in subsection (9) shall include the date, time, nature and results of the inspection or repair and the name of the person who performed the inspection or repair.
 - (11) An employer shall identify the safe lifting capacity of rigging hardware on the device in a permanent and clearly legible manner.
 - (12) An employer shall ensure that a person using rigging hardware receives adequate training and other information sufficient to ensure that they are knowledgeable about the capacity of the rigging hardware.
 - (13) An employer shall designate a competent person to use rigging hardware.
 - (14) Before a load is raised by a hoist, an employer shall ensure that a competent person ensures that the load is secured to the hoist in an adequate manner by means of appropriate rigging hardware.
- 45 Subsection 84(1) of the regulations is amended by adding “that may be a hazard to the health or safety of a person at the workplace” immediately after “machine”.
- 46 (1) Subsection 87(1) of the regulations is repealed and the following subsection substituted:
- (1) In this Section “safeguard” means a guard, shield, guardrail, fence, gate, barrier, safety net, wire mesh or other protective enclosure or device, but does not include personal protective equipment.

- (2) Subsection 87(8) of the regulations is amended by adding “, where reasonably practicable,” immediately after “ensure”.
 - (3) Section 87 of the regulations is further amended by adding the following subsection immediately after subsection (8):
 - (9) Where it is not reasonably practicable to fit an access door with interlocks in accordance with subsection (8), an employer shall, in consultation with the committee or representative, if any, develop an adequate written work procedure.
- 47 Section 89 of the regulations is repealed and the following Section substituted:
- 89** Where a machine or tool that is not designed to operate unattended creates a hazard to a person in the workplace if it operates unattended, an employer shall ensure that the machine or tool is equipped with a “hold to operate” device that starts it when the device is held in a set position or stops it when the device is released.
- 48 Subsection 92(1) of the regulations is amended by striking out “inflated, to control the hazard of the tire exploding,” and substituting “mounted on a rim and is in the process of being inflated”.
- 49 Clauses 93(2)(b) and (c) of the regulations are repealed and the following clauses substituted:
- (b) pinch points that a person may come into contact with are adequately guarded; and
 - (c) the conveyor cannot feed onto a stopped power-driven conveyor, or that written procedures are developed that provide an equivalent level of safety.
- 50 Section 95 of the regulations is amended by striking out “it is equipped with guards or other adequate protection to prevent the material from falling from the conveyor to the workplace below” and adding the following clauses after “shall ensure that”:
- (a) it is equipped with guards or other adequate protection to prevent the material from falling from the conveyor to the workplace below; or
 - (b) adequate barriers are installed that prevent a person from being under the conveyor while it is running.
- 51 Subsection 97(3) of the regulations is repealed and the following subsection substituted:
- (3) An employer shall ensure that, before the installation of an abrasive wheel, the abrasive wheel is inspected by a designated competent person for flaws, defects or cracks.

- 52 Clause 103(a) is repealed and the following clause substituted:
- (a) the equipment is located on the ground or above a non-combustible floor of sufficient thickness to prevent the transference of enough heat to cause a fire below;
- 53 Clause 104(e) of the regulations is amended by adding “, or, where there are no manufacturer’s specifications, in accordance with adequate work procedures developed by a competent person” immediately after “specifications”.
- 54 Subsection 105(2) of the regulations is repealed and the following subsection substituted:
- (2) Where reasonably practicable, an employer shall ensure that where a person works with a device that is to be struck by a tool used by another person, the device to be struck is held by an adequate holding device.
- 55 Subsection 107(1) of the regulations is repealed and the following subsection substituted:
- (1) Where reasonably practicable, an employer shall ensure that hydraulic, pneumatic, chemical and electrical lines and hoses do not run across aisles, travel ways or work areas.
- 56 (1) Subsection 109(1) of the regulations is amended by adding “including those processes” immediately after “oxy fuel gas welding or cutting process”.
- (2) Subsection 109(2) of the regulations is amended by adding “, where reasonably practicable,” immediately after “shall”.
- 57 (1) Subsection 113(1) of the regulations is amended by striking out “or pipe or a pipe, valve or fitting connected to a container or pipe” and substituting “, pipe, valve or fitting”.
- (2) Subsections 113(2) and (3) of the regulations are repealed and the following subsections substituted:
 - (2) Where a container, pipe, valve or fitting may have held an explosive, flammable or other hazardous substance, an employer shall include in the written work procedure required under subsection (1), provision
 - (a) for disconnecting and blanking off or moving out of alignment pipes or locking out valves in the closed position; and
 - (b) that after ventilation, a designated competent person shall
 - (i) where reasonably practicable, examine the area to be welded or processed to ensure that it is free from residue,

- (ii) test air samples to ensure that explosive, flammable or hazardous amounts of gases or vapours have been reduced to less than 1% of the lower explosive limit in areas to be welded or processed, and
 - (iii) certify, in writing, that work involving the application of heat can be safely undertaken and that the conditions tested in the area to be heated are likely to be maintained within a predicted and recorded range for the entire time the certification is valid.
- (3) The certificate referred to in subclause (2)(b)(iii) shall include
- (a) the signature of the competent person;
 - (b) the date and time the tests were performed;
 - (c) the type of work that
 - (i) can be performed in the area to be heated, and
 - (ii) is explicitly banned in the area to be heated;
 - (d) the means by which the work is to be performed;
 - (e) the expiry date and time of the certificate; and
 - (f) a record of any tests performed and of any test results.
- (4) No certification issued under subclause (2)(b)(iii) shall be valid for longer than 24 hours after the time of the examination and test required to be performed under subclauses (2)(b)(i) and (ii).
- (5) An employer shall ensure that no person uses the exhaust of an internal combustion engine as a means of decreasing the concentration of flammable and explosive gases and vapours in the area to be welded or processed.

58 Subsection 116(1) of the regulations is amended by adding “and its flexible connecting hose” immediately after “regulator”.

59 Section 119 of the regulations is amended by adding “, published by the National Research Council of Canada.” immediately after “1995”.

60 (1) Subsection 120(1) of the regulations is amended by striking out “the latest edition of the Canadian Electric Code published by CSA” and substituting “CSA standard C22.1-98, “Canadian Electrical Code Part 1 (18th edition), Safety Standard for Electrical Installations””.

(2) Subsection 120(2) of the regulations is amended by

- (a) striking out “The employer” and substituting “An employer”; and
 - (b) striking out “compliance with” and substituting “that an electrical installation at the surface mine is designed, installed, assembled, operated, inspected, serviced, tested, maintained, repaired and dismantled in accordance with”.
- 61 (1) Clause 121(1)(a) of the regulations is repealed and the following clause substituted:
- (a) CAN/CSA-C22.3 No. 1-M87 (R1997), “Overhead Systems”;
 - (2) Subsection 121(2) of the regulations is amended by striking out “CSA C235-83-CAN 3, “Preferred Voltage Levels for AC Systems, 0 to 50,000 v”” and substituting “CAN3-C235-83 (R1996), “Preferred Voltage Levels for AC Systems, 0 to 50,000 V””.
- 62 Clause 123(1)(b) of the regulations is repealed and the following clause substituted:
- (b) that comply with the applicable standard listed below:
 - (i) ASTM D120-95, “Standard Specification for Rubber Insulating Gloves”,
 - (ii) ASTM D1051-95, “Standard Specification for Rubber Insulating Sleeves”,
 - (iii) ASTM D1048-99, “Standard Specification for Rubber Insulating Blankets”,
 - (iv) ASTM D1050-90, “Standard Specification for Rubber Insulating Line Hose”,
 - (v) ASTM D1049-98, “Standard Specification for Rubber Insulating Covers”,
 - (vi) ASTM D 178-93 (1998), “Standard Specification for Rubber Insulating Matting”,
 - (vii) ASTM F696-97 (Reapproved 1997), “Standard Specification for Leather Protectors for Rubber Insulating Gloves and Mittens”,
 - (viii) F711-89 (1997), “Standard Specification for Fiberglass-Reinforced Plastic (FRP) Rod and Tube Used in Live Line Tools”.
- 63 Subsection 124(2) of the regulations is amended by
- (a) striking out “Subject to subsection (5), a” and substituting “A”;

- (b) striking out “or below 15 000 v to ground” and substituting “greater than 750 v phase to phase”; and
 - (c) striking out “submitted to the Director by the employer and”.
- 64 (1) Subsection 125(1) of the regulations is repealed and the following subsection substituted:
- (1) In this Section, “switching device” means a device designed for the sole purpose of opening, closing or opening and closing one or more electrical circuits, and includes
 - (a) a circuit breaker capable of making, carrying and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal conditions, such as those of a short circuit;
 - (b) a cutout assembly of a fuse support with either a fuse holder, fuse carrier or disconnecting blade; and
 - (c) a disconnecting or isolating device used for isolating a circuit or equipment from a source of power.
 - (2) Subsection 125(3) of the regulations is repealed and the following subsection substituted:
 - (3) Subsection (2) does not apply to switching work carried out using a switching device where an adequate written procedure has been developed by the employer in consultation with the committee or representative, if any.
- 65 Section 127 of the regulations is repealed and the following Section substituted:
- 127** The owner of a building or structure shall ensure that a competent person
- (a) creates and maintains a plan that includes a line diagram that describes the position and the ratings of the components of the electrical installation; and
 - (b) updates the plan to reflect a repair or alteration to the electrical installation, where an electrical installation utilized in a building or structure
 - (i) is rated at greater than 250 v phase to phase,
 - (ii) is rated at greater than 250 amperes, or
 - (iii) has multiple service entrances.
- 66 Clause 129(2)(b) is repealed and the following clause substituted:

- (b) a firefighter engaged in structural fire-fighting or rescue, if the firefighter has received adequate training for confined space entry and rescue.
- 67 (1) Clause 130(3)(f) of the regulations is repealed and the following clause substituted:
- (f) for the written emergency procedures to be followed in the event of an accident or other emergency in or near the confined space, including
 - (i) immediate evacuation of the confined space when an alarm is activated or there is any significant, unexpected and potentially hazardous change in the concentration, level or percentage referred to in subsection (8),
 - (ii) a determination of whether more than one person is required to be present outside a confined space during the occupancy of any person, and
 - (iii) a written rescue procedure;
- (2) Subsection 130(5) of the regulations is repealed and the following subsection substituted:
- (5)** An employer shall ensure that
- (a) a person who enters a confined space is trained at least once every 2 years in accordance with the procedures set out in clause (3)(b); and
 - (b) a person who undertakes rescue operations is trained at least once every year in accordance with the procedures set out in clause (3)(b).
- 68 (1) Subsection 133(4) of the regulations is amended by adding “, measured at atmospheric conditions containing 20.9% oxygen,” immediately after “lower explosive limit”.
- (2) Clause 133(4)(a) of the regulations is repealed and the following clause substituted:
- (a) the atmosphere is confirmed inert by a competent person after the performance of appropriate tests; and
- 69 (1) Clause 134(2)(b) is amended by striking out “regular” and substituting “adequate”.
- (2) Clause 134(2)(c) is amended by striking out “and”.

- (3) Clause 134(2)(d) of the regulations is repealed and the following clause substituted:
- (d) is adequately trained in the emergency response procedure; and
- (4) Subsection 134(2) of the regulations is further amended by adding the following clause after clause (d):
- (e) maintains a record of who is in the confined space.
- 70 (1) Clause 135(1)(a) of the regulations is amended by striking out “or” after the semi-colon and substituting “and”.
- (2) Clause 135(1)(b) of the regulations is amended by striking out “partial pressure” and substituting “concentration”.
- (3) Subsection 135(2) of the regulations is amended by striking out “subsection (1)” and substituting “clause (1)(b)”.
- 71 (1) Subsection 139(1) of the regulations is amended by striking out “is designed, constructed or” and substituting “is designed, constructed and”.
- (2) Subsection 139(2) of the regulations is amended by
- (a) striking out “because of the work process” and substituting “for any reason except for weather or climatic conditions,”; and
- (b) adding “by employees” immediately after “worn”.
- 72 Subsection 140(4) of the regulations is amended by striking out “Subsection (1)” and substituting “This Section”.
- 73 (1) Section 142 of the regulations is amended by striking out “handrail” wherever it appears and substituting “guardrail”.
- (2) Clause 142(1)(b) of the regulations is amended by striking out “is” and substituting “has treads that are”.
- (3) Clause 142(4)(b) of the regulations is amended by striking out “stairway” and substituting “midpoint of the tread”.
- (4) Clause 142(4)(c) of the regulations is amended by striking out “an intermediate” and substituting “a second”.
- 74 Clause 142(5)(b) of the regulations is repealed and the following clause substituted:
- (b) is made of No. 1 or No. 2 spruce, pine, or fir as graded according to CAN/CSA-0141-91, “Softwood Lumber,” or other lumber that provides an equivalent level of safety.

- 75 The regulations are further amended by adding the following Section immediately before Section 144 under the heading “Ramps”:
- 143A** For purposes of Sections 144 and 145, “ramp” means a ramp designed primarily for pedestrian use.
- 76 Section 145 of the regulations is amended by striking out “handrail” wherever it appears and substituting “guardrail”.
- 77 Subsection 145(3) of the regulations is repealed.
- 78 Section 146 of the regulations is amended by striking out “handrail” wherever it appears and substituting “guardrail”.
- 79 Subsection 146(5) of the regulations is repealed.
- 80 (1) Subsection 148(2) of the regulations is amended by
- (a) striking out “A person” and substituting “An employer shall ensure that a person”; and
 - (b) adding “fixed or portable” immediately before “ladder”.
- (2) Clause 148(2)(b) of the regulations is repealed and the following clause substituted:
- (b) when more than 1 m above a safe surface, maintain adequate contact with the ladder, such as 3-point contact.
- 81 (1) Clause 149(1)(a) of the regulations is repealed and the following clause substituted:
- (b) is made of No. 1 or No. 2 spruce, pine, or fir as graded according to CAN/CSA-0141-91, “Softwood Lumber,” or other lumber that provides an equivalent level of safety;
- (2) Subclause 149(1)(d)(iv) of the regulations is amended by striking out “barbed” and substituting “spiral”.
- 82 Subsection 150(3) of the regulations is amended by
- (a) striking out “and” in clause (a);
 - (b) striking out the period in clause (b) and substituting “; and”; and
 - (c) adding the following clause immediately after clause (b):
- (c) where there is a risk of contact with live electrical conductors, is non-conductive.

- 83 Clause 151(1)(b) of the regulations is repealed and the following clause substituted:
- (b) it is secured in an adequate manner against movement as soon as reasonably practicable;
- 84 Subsection 158(1) of the regulations is repealed and the following subsection substituted:
- (1) Where a project, or any part thereof, being demolished is likely to endanger the safety of a person by its accidental collapse, an employer shall ensure that adequate measures are taken so that the project is adequately shored, braced or otherwise supported.
- 85 Section 165 of the regulations is amended by adding the following subsection immediately after subsection (6):
- (7) Where the demolition involves undercutting structural supports, an employer shall develop an adequate written procedure certified by an engineer for the demolition.
- 86 (1) Subsection 166(1) of the regulations is amended by
- (a) striking out “it is foreseeable that”;
 - (b) striking out “, bracing or caging” and substituting “or bracing, or that an adequate trench cage is used”; and
 - (c) striking out “prove” and substituting “establish”.
- (2) Subsection 166(6) of the regulations is amended by striking out “adequately supported” and substituting “provided adequate support”.
- 87 Clause 168(b) of the regulations is amended by striking out “face” and substituting “edge”.
- 88 (1) Subsection 169(2) of the regulations is repealed and the following subsection substituted:
- (2) Where a person may be exposed to a hazardous substance or to an oxygen rich atmosphere in an excavation or trench, an employer shall ensure that, before the person enters the excavation or trench,
 - (a) testing is performed to determine the concentration of any hazardous gas vapour or dust and the concentration of oxygen in the atmosphere in the immediate area of the excavation or trench where the work is to be performed; and
 - (b) adequate precautions are taken to reduce the risk of injury to a person.

(2) Section 169 of the regulations is further amended by adding the following subsection immediately after subsection (3):

(4) An employer shall provide, at or near the sides of all temporary excavations greater than 1.2 m in depth, fences, guards or barricades that prevent a person from falling into an excavation, and shall keep those fences, guards or barricades in place at all times, except where they interfere with the excavation or other work being done.

89 Section 174 of the regulations is repealed and the following Section substituted:

174 In this Part, "working face" means an area in a surface mine where consolidated or unconsolidated material is worked.

90 Section 177 of the regulations is repealed and the following Section substituted:

177 Where, at the edge of a regularly used roadway in a surface mine, a drop-off greater than 3 m creates a hazard, an employer shall ensure that an adequate shoulder barrier is designed, constructed and maintained to prevent vehicles from inadvertently going off the road.

91 (1) Subsection 178(1) of the regulations is amended by striking out the portion before clause (a) and substituting "An employer shall ensure that the grade on roadways in a surface mine does not exceed 12% on any 300 m portion of the roadway unless".

(2) Clause 178(1)(a) of the regulations is amended by striking out "and".

(3) Subsection 178(2) of the regulations is amended by

- (a) striking out "5%" and substituting "12%"; and
- (b) striking out "100 m" and substituting "300 m".

92 Section 179 of the regulations is repealed and the following Section substituted:

179 An employer shall ensure that every person who is a pedestrian at a surface mine in an area of operating mobile equipment wears high visibility warning clothing to ensure that the pedestrian is visible to a person operating mobile equipment.

93 Section 181 of the regulations is repealed and the following Section substituted:

181 An employer shall ensure that unconsolidated overburden at a surface mine

- (a) is moved a sufficient distance away from the edge of the surface mine to prevent the overburden from falling into the surface mine;

- (b) if less than 7 m away from the edge of a surface mine that is greater than 1.2 m deep and in which a person is or may be present, is approved by an engineer to ensure that the distance is adequate to prevent the overburden from falling into the surface mine; and
 - (c) is sloped to its angle of repose.
- 94 Subsection 183(1) of the regulations is amended by adding “, other than at a stockpile,” immediately after “work.”.
- 95 The regulations are further amended by striking out the heading “Walls” before Section 184 and substituting “Wall or working face”.
- 96 (1) Section 184 of the regulations is amended by striking out “wall” wherever it appears and substituting “wall or working face”.
- (2) Subsection 184(1) of the regulations is amended by striking out “so that there is” and substituting “and having”.
- (3) Clause 184(3)(b) of the regulations is amended by adding “subject to subsection (4),” immediately before “material”.
- (4) Clause 184(3)(c) of the regulations is repealed and the following clause substituted:
 - (c) when work is required to be performed within a radius of 1.3 times the height of the wall or working face, a procedure is developed to ensure the work is performed safely.
- (5) Section 184 of the regulations is further amended by adding the following subsection immediately after subsection (3):
 - (4) An employer shall ensure that no material is removed in accordance with clause (3)(b) where a person is present in a surface mine in an area where they could be struck by an object dislodged by the equipment.
- 97 Section 185 of the regulations is repealed and the following Section substituted:

185 Where unconsolidated material is being worked or removed, an employer shall ensure that the vertical height of the unconsolidated material is not more than 1.5 m above the maximum reach of the equipment being used to work or remove the unconsolidated material, unless the work is done in accordance with written specifications and a written safe work procedure certified by,

 - (a) in the case where there is a possibility that the material could collapse onto the equipment or a person, an engineer, following consultation with the committee or representative, if any; or

- (b) in the case where there is no possibility that the material could collapse onto the equipment or a person, a competent person, following consultation with the committee or representative, if any.

98 Section 186 of the regulations is repealed and the following Section substituted:

- 186 (1)** Where material in a surface mine is being worked by means of powered mobile equipment, an employer shall ensure that the working face is sloped to a maximum grade of one unit of vertical rise for every equal unit of horizontal run during periods of inactivity that exceed a period of 4 months.
- (2)** Where material in a surface mine is being worked by means of powered mobile equipment, an employer shall ensure that
- (a) the working face extends not more than 1.5 m above the maximum reach of the equipment in use; or
 - (b) the work is performed in accordance with written specifications and a written safe work procedure certified by,
 - (i) in the case where there is a possibility that the material could collapse onto the powered mobile equipment, an engineer, following consultation with the committee or representative, if any, or
 - (ii) in the case where there is no possibility that the material could collapse onto the powered mobile equipment, a competent person following consultation with the committee or representative, if any.

99 (1) Section 187 of the regulations is amended by striking out “undercutting” wherever it appears and substituting “undercutting or undermining”.

(2) Subclause 187(b)(ii) of the regulations is amended by

- (a) striking out “done” and substituting “performed”; and
- (b) striking out “an engineer” and substituting “a competent person in consultation with the committee, or representative, if any”.

100 Section 188 of the regulations is repealed and the following Section substituted:

- 188** Where unconsolidated material in a surface mine is being worked by means other than powered mobile equipment, an employer shall ensure that
- (a) the working face is sloped at its angle of repose;

- (b) the vertical portion of the working face does not exceed a maximum grade of one unit of vertical rise for every equal unit of horizontal run; or
- (c) the work is performed in accordance with written specifications and a written safe work procedure certified by,
 - (i) in the case where there is a possibility that the material could collapse onto a person, an engineer, following consultation with the committee or representative, if any, or
 - (ii) in the case where there is no possibility that the material could collapse onto a person, a competent person, following consultation with the committee or representative, if any.

101 Section 189 is repealed and the following Section substituted:

189 Where unconsolidated material is being worked at a working face, an employer shall ensure that no person comes closer to the working face than 1.3 times the height of the working face, unless

- (a) the working face is sloped at its angle of repose;
- (b) the working face is benched to limit the vertical height of the working face to not more than 1.2 m and the grade above the horizontal portion does not exceed one unit of vertical rise for every equal unit of horizontal run; or
- (c) the work is performed in accordance with written specifications and a written safe work procedure certified as adequate by
 - (a) in the case where there is a possibility that the material will collapse onto a person, an engineer, following consultation with the committee or representative, if any, or
 - (b) in the case where there is no possibility that the material will collapse onto a person, a competent person, following consultation with the committee or representative, if any.

102 Section 192 of the regulations is amended by striking out “structural fire-fighting or rescue” and substituting “structural fire-fighting and rescue”.

103 Subsection 195(3) of the regulations is amended by striking out “NFPA 1982, “Standard on Personal Alert Safety Systems (PASS) for Fire Fighters”, 1993 edition” and substituting “NFPA 1982, “Standard on Personal Alert Safety Systems (PASS)”, 1998 edition”.

104 Section 196 of the regulations is repealed and the following Section substituted:

196 An employer shall ensure that firefighters receive annual quantitative fit testing of their self-contained respiratory protective equipment.

105 Section 200 of the regulations is amended by striking out “1994” and substituting “1999”.

106 Section 202 of the regulations is amended by adding “intrinsically safe” immediately after “with 2 portable”.

107 Subsection 203(4) of the regulations is amended by

- (a) striking out “confirms” and substituting “conforms”; and
- (b) striking out “1996” and substituting “2000”.

N.S. Reg. 53/2000

Made: March 28, 2000

Filed: March 29, 2000

Schedule 10 - Total Production Quotas Regulations

Order dated March 28, 2000
made under Section 13 of the
Dairy Commission Act

THE NOVA SCOTIA DAIRY COMMISSION, pursuant to Section 13 of Chapter 117 of the Revised Statutes of Nova Scotia, the *Dairy Commission Act*, on March 28, 2000,

HEREBY ORDERS that ~~Section 7~~ [Schedule 10] - Regulations Respecting Total Production Quotas, made on ~~May 7, 1999~~ [July 18, 1994], be amended effective March 28, 2000.

Schedule 10 - Regulations Respecting Total Production Quotas, made by the Nova Scotia Dairy Commission on ~~May 7, 1999~~ [July 18, 1994], is amended by adding ~~Section~~ [clause] 7(3)(e).

- 7 (3) (e) the Commission may, upon application of the transferor, approve the transfer of the entire quota from one producer to another specific producer where the acquiring producer purchases all of the dairy cattle of the transferor, and where in the opinion of the Commission, the transfer will result in the elimination of a dairy farm which is physically inaccessible by tractor trailer, or located on a road which limits tractor trailer ~~accessability~~ [accessibility].

N.S. Reg. 54/2000

Made: March 30, 2000

Filed: March 31, 2000

Amendment to Ministerial Order re Able Towing
and Recovery Limited, Larry Matthews et al.

Order dated March 30, 2000
made under subsection 131(1) of the
Environment Act

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia 1994-95, the
Environment Act (the "Act")

- and -

IN THE MATTER OF a Ministerial Order issued pursuant to the provisions of the said *Act* to **Able Towing and Recovery Limited** a body corporate, located at or near Highway # 2, East Shubenacadie, Colchester County, Nova Scotia, and individuals **Larry Matthews**, of RR # 2, Shubenacadie, Hants County, Nova Scotia, **Peg Matthews** of RR # 2 Shubenacadie, Hants County, Nova Scotia, **Roger Matthews** of RR # 1 Elmsdale, Hants County, Nova Scotia, **Ronald Matthews** of RR # 1 Elmsdale, Hants County, Nova Scotia, **Natasha Matthews** of Shubenacadie, Hants County, Nova Scotia

AMENDMENT TO MINISTERIAL ORDER

- I. **WHEREAS** a Ministerial Order dated January 14, 2000 and duly filed in the office of the Registrar of Regulations on January 18, 2000 (Reg. 12/2000) and published in the Royal Gazette on February 11, 2000 was issued by the Honourable John Chataway, Minister of the Environment pursuant to the provisions of the *Environment Act* and Regulations to Able Towing and Recovery Limited, Larry Matthews, Peg Matthews, Roger Matthews, Ronald Matthews and Natasha Matthews;
- II. **AND WHEREAS** a request has been made to the Minister of the Environment on behalf of the persons named in the Ministerial Order for an amendment to the Ministerial Order;

IT IS HEREBY ORDERED THAT the following amendments be made to the above-described Ministerial Order:

- 1 Clause 1.0(a) of Schedule "A" of the Ministerial Order is revoked and replaced with the following clause:
 - (a) The persons named in the Ministerial Order shall ensure the underground petroleum tank and associated system is removed from the site on or before June 1, 2000;
- 2 Clause 1.0(c) of Schedule "A" of the Ministerial Order is revoked and replaced with the following clause:

- (c) On or before May 1, 2000 the name of the Registered Installer specified in Paragraph (b) shall be submitted to the contact person for the Department of the Environment identified in Paragraph 7.1; and
- 3 Paragraph 2.1 of Schedule “A” of the Ministerial Order is revoked and replaced with the following paragraph:
- 2.1 On or before June 30, 2000, the Assessment Report specified in Paragraph 2.0(c) shall be submitted to the contact person for the Department of the Environment identified in Paragraph 7.1.

DATED at Halifax, in Halifax Regional Municipality, Province of Nova Scotia, this 30th day of March, 2000.

Signed: *Michael Baker*
The Honourable Michael G. Baker, Q.C.
Acting Minister of the Environment

N.S. Reg. 55/2000

Made: March 31, 2000

Filed: April 5, 2000

Proclamation, S. 23(1), S.N.S. 1999, c. 8

Order in Council 2000-136 made March 31, 2000
Proclamation made by the Governor in Council
pursuant to subsection 23(1)
of the *Justice Administration Amendment (1999) Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated March 22, 2000, pursuant to subsection 23(1) of Chapter 8 of the Acts of 1999 (Second Session), the *Justice Administration Amendment (1999) Act*, is pleased to order and declare by proclamation that Sections 2 to 4, 9 to 12, 14 to 18 and 20 to 22 of Chapter 8 of the Acts of 1999 (Second Session), the *Justice Administration Amendment (1999) Act*, come into force on and not before April 1, 2000.

PROVINCE OF NOVA SCOTIA

Sgd: *J. James Kinley*

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her
Other Realms and Territories, Queen, Head
of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE
SAME MAY IN ANY WISE CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by subsection 23(1) of Chapter 8 of the Acts of 1999 (Second Session), the *Justice Administration Amendment (1999) Act*, it is enacted as follows:

- 23 (1)** Sections 2 to 4, 9 to 12, 14 to 18 and 20 to 22 come into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 2 to 4, 9 to 12, 14 to 18 and 20 to 22 of Chapter 8 of the Acts of 1999 (Second Session), the *Justice Administration Amendment (1999) Act*, come into force on and not before April 1, 2000;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 2 to 4, 9 to 12, 14 to 18 and 20 to 22 of Chapter 8 of the Acts of 1999 (Second Session), the *Justice Administration Amendment (1999) Act*, come into force on and not before April 1, 2000, 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 His Honour
the Honourable J. James Kinley, C.D.,
S.M., D.Eng., P.Eng., F.E.I.C., Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 31st day of March, in the
year of Our Lord two thousand and in the
forty-ninth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 56/2000

Made: April 5, 2000

Filed: April 5, 2000

Proclamation, S. 10, S.N.S. 1998, c. 29

Order in Council 2000-147 made April 5, 2000

Proclamation made by the Governor in Council

pursuant to Section 10 of

An Act to Amend Chapter 179 of the Revised Statutes, 1989, the Forests Act

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 24, 2000, pursuant to Section 10 of Chapter 29 of the Acts of 1998, *An Act to Amend Chapter 179 of the Revised Statutes, 1989, the Forests Act*, is pleased to order and declare by proclamation that Chapter 29 of the Acts of 1998, *An Act to Amend Chapter 179 of the Revised Statutes, 1989, the Forests Act*, come into force on and not before April 12, 2000.

PROVINCE OF NOVA SCOTIA

Sgd: *J. J. Kinley*

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her
Other Realms and Territories, Queen, Head
of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE
SAME MAY IN ANY WISE CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 10 of Chapter 29 of the Acts of 1998, *An Act to Amend Chapter 179 of the Revised Statutes, 1989, the Forests Act*, it is enacted as follows:

- 10** This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 29 of the Acts of 1998, *An Act to Amend Chapter 179 of the Revised Statutes, 1989, the Forests Act*, come into force on on and not before April 12, 2000;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 29 of the Acts of 1998, *An Act to Amend Chapter 179 of the Revised Statutes, 1989, the Forests Act*, come into force on and not before April 12, 2000, 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 His Honour
the Honourable J. James Kinley, C.D.,
S.M., D.Eng., P.Eng., F.E.I.C., Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 5th day of April, in the
year of Our Lord two thousand and in the
forty-ninth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 57/2000

Made: April 5, 2000

Filed: April 5, 2000

Forest Sustainability Regulations

Order in Council 2000-148 made April 5, 2000
Regulations made by the Governor in Council
pursuant to Section 40
of the *Forests Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 24, 2000, pursuant to Section 40 of Chapter 179 of the Revised Statutes of Nova Scotia, 1989, the *Forests Act*, and Section 19 of Chapter 365 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act*, is pleased to make regulations respecting forest sustainability in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on, from and after April 12, 2000.

Schedule “A”

Regulations respecting forest sustainability made by the Governor in Council pursuant to Section 40 of Chapter 179 of the Revised Statutes of Nova Scotia, 1989, the *Forests Act*

Citation

1 These regulations may be cited as the *Forest Sustainability Regulations*.

Definitions

2 In these regulations

- (a) “export” means export from the Province;
- (b) “Fund” means the Sustainable Forestry Fund established under Section 19A of the *Forests Act*;
- (c) “import” means import into the Province;
- (d) “industrial landowner” means a landowner who owns a wood processing facility that processes primary forest products;
- (e) “industrial lands” means lands owned by an industrial landowner;
- (f) “plan” means a wood acquisition plan;
- (g) “private landowner” means a landowner who does not own a wood processing facility;
- (h) “private lands” means lands owned by a private landowner;

- (i) “registered buyer” means a person who
 - (i) is an owner or operator of a wood processing facility in the Province that processes primary forest products,
 - (ii) exports primary forest products from the Province,
 - (iii) imports primary forest products into the Province,
 - (iv) sells or acquires for sale more than 1000 m³ solid primary forest products as a fuel, or
 - (v) acquires primary forest products for producing energy;
- (j) “required value” means the total value of the plan calculated pursuant to subsection 3(5);
- (k) “*RSR Regulations*” means the *Registration and Statistical Returns Regulations* made pursuant to the *Forests Act*;
- (l) “site” means the area where silviculture has been undertaken and completed;
- (m) “third party” means any private landowner, individual, corporation, partnership or organization that administers or implements a silviculture program on behalf of a registered buyer.

Plan submission requirement

- 3 (1)** All registered buyers who have acquired in the previous calendar year primary forest products from within Nova Scotia from industrial landowners or private landowners in an amount equal to or greater than a volume of 5000 m³ solid shall submit a plan to the Minister for approval, on or before February 28 of the immediately following year.
- (2)** A registered buyer who has acquired primary forest products in the previous calendar year as set out in subsection (1) is deemed to intend to acquire primary forest products in the next calendar year.
- (3)** A plan shall consist of
- (a) a calculation of the required value;
 - (b) a selection of options pursuant to Section 5 for meeting the required value;
 - (c) where the option of a silviculture program has been selected, a description of the silviculture program proposed; and

- (d) where there is an approved plan that includes a silviculture program for the year immediately preceding submission of a plan, a report describing the silviculture program completed in compliance with the previous plan.
- (4) A plan shall be in Form C.
- (5) The required value shall be calculated using the following formula:
- $$(A \times B) + (C \times D) = E$$
- (a) where A is the volume of softwood primary forest products acquired in the previous calendar year by the registered buyer from within Nova Scotia from industrial landowners and private landowners and reported in Form B, Part II and III of the *RSR Regulations*;
- (b) where B is the rate of \$3.00 per m³ solid of softwood primary forest products;
- (c) where C is the volume of hardwood primary forest products acquired in the previous calendar year by the registered buyer from within Nova Scotia from industrial landowners and private landowners and reported in Form B, Part II and III of the *RSR Regulations*;
- (d) where D is the rate of \$0.60 per m³ solid of hardwood primary forest products;
- (e) where E is the required value.
- (6) The required value may be decreased
- (a) by carrying forward credits from approved plans submitted by the registered buyer within the previous 4 calendar years in accordance with Section 10; or
- (b) as a result of a credit identified through monitoring in accordance with Section 9.
- (7) The required value shall be increased by
- (a) adding deficiencies carried forward from the approved plan submitted by the registered buyer in the previous calendar year in accordance with Section 10; or
- (b) adding deficiencies identified through monitoring in accordance with Section 9.
- (8) The rates set out in clauses 3(5)(b) and (d) shall be reviewed by the Minister at least every 5 years.

- (9) The Minister shall report periodically on the silviculture completed in association with approved plans and in association with the Fund.

Plan initial phase-in period

- 4 (1) The required value of a plan submitted in the calendar year 2000 pursuant to subsection 3(1) shall be calculated using half of the volumes specified in clauses 3(5)(a) and (c) and shall be submitted on or before May 31, 2000.
- (2) Despite subsection 3(1), a registered buyer who acquired in the calendar year 1999, primary forest products within Nova Scotia from industrial landowners or private landowners in an amount less than a volume of 150 000 m³ solid is not required to submit a plan in respect of the primary forest products acquired in that year.
- (3) The volumes set out in subsection (2) shall be calculated in accordance with the volumes reported by the registered buyer in Form B, Parts II and III of the *RSR Regulations*, for the 1999 calendar year.

Plan options

- 5 (1) The required value shall be met by either of the following options, or a combination of the following options:
- (a) a silviculture program(s) in accordance with Section 6; or
(b) a financial contribution to the Fund in accordance with Section 8.
- (2) The registered buyer shall specify in the plan the amount of the required value to be met by each option set out in subsection (1).

Proposed silviculture program

- 6 (1) Where a registered buyer selects the option of a silviculture program pursuant to Section 5, the plan shall provide that the proposed silviculture program
- (a) be administered by either of the following, or a combination of the following:
- (i) the registered buyer,
- (ii) a registered bargaining agent under the *Nova Scotia Primary Forest Products Marketing Act* who has a collective agreement pertaining to silviculture programs and is administering the silviculture program on behalf of the registered buyer,
- (iii) a third party administering the silviculture program on behalf of the registered buyer;
- (b) be based on the silviculture categories described and set out in Schedule 1;

- (c) have a total silviculture credit that is calculated using the list of silviculture credits established by the Minister for the calendar year in which the plan providing for the silviculture program is submitted;
 - (d) have a total silviculture credit that is greater than or equal to the required value;
 - (e) be carried out so that the silviculture completed adheres to the technical standards set out in Schedule 1;
 - (f) be carried out so that no one site can be submitted for more than one silviculture category except as noted in Schedule 1; and
 - (g) be comprised of silviculture undertaken subsequent to January 1, 1998.
- (2) The Minister may adjust the value of individual silviculture credits on an annual basis and shall notify registered buyers of any adjustments on or before October 31 of the calendar year immediately previous to the submission of the plan for which the adjustment shall apply.
- (3) The total silviculture credit shall be divided proportionally on the basis of the percentages of the required value as calculated in Form C, Part II, which are comprised of the percentages of
- (a) primary forest products acquired from private lands and industrial lands; and
 - (b) softwood and hardwood species acquired.
- (4) A registered buyer shall complete the proposed silviculture program during the calendar year in which the plan providing for the silviculture program is approved.
- (5) The Minister shall allow a credit equivalent to 10% of the amount of the required value to be met by the proposed silviculture program for the purpose of administering the silviculture program.

Reporting for silviculture program

- 7 (1) Where the Minister has approved a plan for which the required value is to be met completely or in part by providing a silviculture program, the registered buyer shall submit a report specifying the silviculture completed in compliance with the approved plan on or before February 28 of the immediately following year.
- (2) The report required pursuant to subsection (1) shall
- (a) be in Form C, Part V and VI; and

- (b) be accompanied by accurate and complete information on the following for each site where silviculture has been completed in compliance with the requirements of the approved plan:
 - (i) the geographical coordinates circumscribing the aerial extent of each site where silviculture has been completed,
 - (ii) the area in hectares, covered by the site where silviculture has been completed,
 - (iii) the silviculture category and information as specified in Schedule I that applies to the silviculture completed,
 - (iv) the name of the landowner and Property Identification Number for the site where silviculture has been completed.
- (3) The information required to be submitted pursuant to clause (2)(b) shall be submitted in a form and format specified by the Minister.
- (4) Despite the deadline required by subsection (1), a registered buyer who acquired in the previous calendar year greater than a volume of 100 000 m³ solid from within Nova Scotia from industrial landowners or private landowners as reported in Form B, Part II and III of the *RSR Regulations* shall submit Form C, Part VI and the information set out in clause (2)(b) respecting each quarter within 30 days of the end of that quarter.

Financial contributions to Fund

- 8** (1) A registered buyer shall make all contributions required to be made to the Fund in accordance with subsection 5(2) no later than at the time of submission of the plan for which the contributions apply.
- (2) A registered buyer may make a contribution to the Fund prior to the submission of the plan for which the contributions apply provided the registered buyer gives the Minister 30 days notice prior to the submission of the initial contribution.
- (3) If a contribution made to the Fund by a registered buyer prior to the submission of the plan exceeds the contribution required to be made by the registered buyer in accordance with subsection 5(2), the Minister shall return any excess contribution to the registered buyer.
- (4) If a contribution made to the Fund by a registered buyer prior to the submission of the plan is less than the contribution required to be made by the registered buyer in accordance with subsection 5(2), the registered buyer shall submit the contribution still owing no later than at the time of submission of the plan for which the contributions apply.

- (5) Where a registered buyer has failed to make all required contributions to the Fund by the time of submission of the plan, the registered buyer shall pay interest on the amount due and payable from time to time at the rate of interest published by the Bank of Canada as the Chartered Bank's Administered Interest Rates-Prime Business Loan in effect in the first week of January for the year in which the interest is payable plus 3%, compounded monthly commencing February 28 of the year in which the plan was required to be submitted.

Monitoring

- 9 (1) Despite the approval of a plan, the Minister shall conduct a monitoring program to verify that silviculture completed and reported by the registered buyer in accordance with Section 7, adheres to the technical standards set out in Schedule 1.
- (2) A registered buyer shall ensure that the silviculture completed and reported in accordance with Section 7, continues to adhere to the technical standards set out in Schedule 1 for 18 months following the submission of the report specified in Section 7.
- (3) Where as a result of the monitoring program it is determined that a site with respect to which a report has been submitted pursuant to Section 7 has failed to adhere to the technical standards set out in Schedule 1, the value of the silviculture credit for that site in effect for the year in which the report was submitted shall be deemed to be a deficiency applied to the most recent approved plan.
- (4) Where the total silviculture credit for the silviculture completed in compliance with an approved plan is less than the total silviculture credit required for the silviculture program proposed in that plan, the difference in silviculture credit shall be deemed to be a deficiency applied to the most recent approved plan.
- (5) The Minister shall give notice of a deficiency applied pursuant to subsection (3) or (4) by personal service on the registered buyer or by registered mail to the address of the registered buyer as noted on Form A of the *RSR Regulations*.

Carry forward and deficiency provisions

- 10 (1) Where the total deficiency referred to in subsection 9(3) or (4) is valued at not more than 20% of the amount of the required value to be met by the proposed silviculture program, the registered buyer shall
- (a) carry forward the deficiency to the next year; or

- (b) pay into the Fund the value of the total deficiency, plus interest on the amount due and payable from time to time at the rate of interest published by the Bank of Canada as the Chartered Bank's Administered Interest Rates-Prime Business Loan in effect in the first week of January of the year in which the interest is payable plus 3%, compounded monthly commencing January 1 of the year in which the report on silviculture completed was submitted.
- (2) Where the total deficiency referred to in subsection 9(3) or (4) is valued at more than 20% of the amount of the required value to be met by the proposed silviculture program, the registered buyer shall
- (a) apply that portion of the deficiency valued at 20% in accordance with subsection (1); and
 - (b) pay into the Fund that portion of the deficiency in excess of 20%, plus interest on the amount due and payable from time to time at the rate of interest published by the Bank of Canada as the Chartered Bank's Administered Interest Rates-Prime Business Loan in effect in the first week of January of the year in which the interest is payable plus 3%, compounded monthly commencing January 1 of the year in which the report on silviculture completed was submitted.
- (3) A registered buyer may carry forward a non-refundable credit for silviculture completed in excess of the silviculture program for an approved plan for a period not greater than 5 years.
- (4) Carry forward credits and deficiencies shall be calculated and applied according to the proportion of the volume of primary forest products acquired and reported in Form B of the *RSR Regulations* for the year in which the plan is submitted for each of private landowners and industrial landowners categories.

Approval of plan

- 11 (1) The Minister shall notify a registered buyer within 60 days of the submission of a plan as to whether the plan is approved.
- (2) The Minister shall give notice pursuant to subsection (1) by personal service on the registered buyer or by registered mail to the address of the registered buyer as noted on Form A of the *RSR Regulations*.
- (3) The Minister may request additional information from a registered buyer in support of a plan.
- (4) A plan shall be approved by the Minister provided that the registered buyer has met the requirements of the regulations.

Revocation of registration

- 12 (1) The Minister may revoke the registration of a registered buyer under the *RSR Regulations*, where the registered buyer

- (a) fails to submit a plan as required by these regulations;
 - (b) submits false information in a plan or report;
 - (c) acquires primary forest products without having an approved plan;
 - (d) fails to adhere to the technical standards set out in Schedule 1; or
 - (e) fails to make required payments to the Fund.
- (2) The Minister shall give notice of a revocation made pursuant to subsection (1) by personal service on the registered buyer or by registered mail to the address of the registered buyer as noted on Form A of the *RSR Regulations*.

Offences

- 13 Every registered buyer who fails to submit a plan is guilty of an offence.
- 14 Every registered buyer who submits false information in a plan or report is guilty of an offence.
- 15 Every registered buyer who acquires primary forest products without having an approved plan is guilty of an offence.

Schedule 1 Technical Standards Forest Sustainability Regulations

General Requirements for all Silviculture Categories

No site where silviculture has been conducted can be submitted under more than one silviculture category in any given year, except for silviculture category 7 where a combination of (a) and (b) or (b) and (c) can be submitted for the same year. Only silviculture undertaken subsequent to January 1, 1998 is eligible.

No site where silviculture has been conducted and the credit has been claimed can be reclaimed in the same silviculture category during the life of the forest stand on that same site, except for category 7(a) and (c) where minimum reclaim periods apply.

For a silviculture program to be considered as a softwood or hardwood program, the following conditions apply:

1. all hardwood silviculture program sites must contain 75% or greater hardwood commercial species of trees on each site;
2. all percent combinations of commercial softwood and hardwood species of trees other than in (1) contained on each site shall be considered as softwood silviculture program sites;
3. hardwood silviculture programs shall be limited to Silviculture Categories 1, 5, 6, and 7;
4. all Silviculture Categories apply to the softwood silviculture program.

Silviculture Category	Technical Standard for Completed Silviculture		
	Minimum	Maximum	Limitations
1. Natural Regeneration Establishment	<ul style="list-style-type: none"> the site must contain at least 1500 commercial crop trees per hectare the minimum acceptable stocking level of commercial crop trees on the site must be equivalent to 80% at 2.4 x 2.4 m spacing the height of commercial crop trees must be 10 cm or greater 		<ul style="list-style-type: none"> commercial crop tree species must be listed for each site
2. Plantation Establishment	<ul style="list-style-type: none"> the site must contain at least 1500 living planted/natural softwood commercial crop trees per hectare the minimum acceptable stocking level of commercial softwood crop trees on the site must be equivalent to 85% at 2.4 x 2.4 m spacing the site must contain at least 1000 living planted trees per hectare to qualify under this category 	<ul style="list-style-type: none"> the maximum acceptable stocking level of naturally regenerated commercial softwood crop trees on the site is equivalent to 50% at 2.4 x 2.4 m spacing 	<ul style="list-style-type: none"> commercial softwood crop tree species must be listed for each site a plantation establishment site may be submitted for a silviculture credit in the year in which it was planted this category can only be claimed for softwood species
3. Early Competition Control	<ul style="list-style-type: none"> the site must contain at least 1500 living planted/natural commercial softwood crop trees per hectare which are released on the site the minimum acceptable stocking level of commercial crop trees on the site must be equivalent to 80% for natural stands and 85% for plantations, at 2.4 x 2.4 m spacing plantation sites must contain a minimum of 1000 planted trees which are released on each site 		<ul style="list-style-type: none"> commercial softwood crop tree species must be listed for each site this category applies to both natural stands and plantations evidence of manual or chemical treatment is required
4. Density Control and Release in Plantations	<ul style="list-style-type: none"> the average height of softwood crop trees on the site must be at least 2 m the number of commercial softwood crop trees on the site must be at least 1500 per hectare the minimum acceptable stocking level for commercial softwood crop trees must be equivalent to 85% at 2.4 x 2.4 m spacing 	<ul style="list-style-type: none"> the average height of trees on the site must not be greater than 6 m the number of commercial softwood crop trees on the site must not be greater than 3500 per hectare 	<ul style="list-style-type: none"> commercial softwood crop tree species must be listed for each site this category can be claimed for a silviculture credit for softwood plantations only

Silviculture Category	Technical Standard for Completed Silviculture		
	Minimum	Maximum	Limitations
5. Density Control and Release in Natural Stands	<p>Tree Height - Softwood:</p> <ul style="list-style-type: none"> the average height of crop trees on the site must be at least 2 m <p>Tree Height - Hardwood:</p> <ul style="list-style-type: none"> the average height of crop trees on the site: 6 m <p>Stand Density:</p> <ul style="list-style-type: none"> the number of commercial crop trees on the site must be at least 1500 per hectare <p>Stocking:</p> <ul style="list-style-type: none"> The acceptable level of stocking of commercial crop trees on the site must be equivalent to 80% at 2.4 x 2.4 m spacing 	<p>Tree Height - Softwood:</p> <ul style="list-style-type: none"> the average height of crop trees on the site must be no greater than 6 m <p>Tree Height - Hardwood:</p> <ul style="list-style-type: none"> the average height of crop trees on the site must be no greater than 9 m <p>Stand Density:</p> <ul style="list-style-type: none"> the number of commercial crop trees on the site must be less than 3500 per hectare 	<ul style="list-style-type: none"> commercial crop tree species must be listed for each site this category can be claimed for a silviculture credit for naturally established stands only, not previously claimed plantation sites
6. Commercial Thinning	<ul style="list-style-type: none"> post treatment residual basal area must be no less than 20 m² per hectare 	<ul style="list-style-type: none"> post treatment residual basal area must be no greater than 30 m² per hectare 	<ul style="list-style-type: none"> commercial crop tree species must be listed for each site the basal area of remaining commercial crop trees shall be comprised of not more than 50% of balsam fir, and not more than 25% of poplar and red maple combined
7. Forest Quality Improvement: a) Crop tree release	<p>a) Crop trees released</p> <ul style="list-style-type: none"> the number of commercial crop trees released must be at least 150 per hectare the diameter breast height of released commercial crop trees must be at least 15 cm 		<p>a) Crop trees released</p> <ul style="list-style-type: none"> commercial crop tree species must be listed for each site acceptable crop tree species include sugar maple, yellow birch, white ash, red oak, eastern white pine, red pine, white birch crop tree crowns must be released on at least 3 sides a silviculture credit cannot be claimed for the same site more than once in a 10 year period released crop trees must be marked for identification on each site

Silviculture Category	Technical Standard for Completed Silviculture		
	Minimum	Maximum	Limitations
b) Crop trees pruning	<p>b) Crop trees pruned</p> <ul style="list-style-type: none"> the number of commercial crop trees pruned must be at least 150 per hectare the pruned height of a crop tree must be at least 5 m the average height of commercial crop trees must be at least 8 m 		<p>b) Crop trees pruned</p> <ul style="list-style-type: none"> commercial crop tree species must be listed for each site acceptable commercial crop tree species include sugar maple, yellow birch, white ash, red oak, eastern white pine, red pine, white birch
c) Selection management in tolerant softwood, mixed wood or hardwood stands	<p>c) Selection management in tolerant softwood, mixed wood or hardwood stands</p> <p>Post treatment basal area:</p> <ul style="list-style-type: none"> must be more than 15 m² per hectare for commercial crop trees on the site <p>Number of height classes post treatment:</p> <ul style="list-style-type: none"> there must be 3 height classes or more on the site with a minimum of 3 m in average height between height classes except for regeneration classes where there must be a difference in average height of at least 2 m <p>Stocking of crop trees:</p> <ul style="list-style-type: none"> the minimum acceptable stocking level for commercial crop trees is 80% at 2.4 x 2.4 m or equivalent spacing for each site <p>Spacing of crop trees:</p> <ul style="list-style-type: none"> the minimum acceptable spacing for softwood species at a height of 2 m or greater is 1.8 m the minimum acceptable spacing for hardwood species at a height of 5 m or greater is 1.8 m 	<p>c) Selection management in tolerant softwood, mixed wood or hardwood stands</p> <p>Post treatment basal area:</p> <ul style="list-style-type: none"> must be less than 26 m² per hectare for commercial crop trees on the site 	<p>c) Selection management in tolerant softwood, mixed wood or hardwood stands</p> <ul style="list-style-type: none"> commercial crop tree species must be listed for each site a silviculture credit cannot be claimed on the same site more than once in a 10 year period

**Form C - Wood Acquisition Plan
Part II - Calculation of Required Value**

Year:	
Registered Buyer ID:	
Registered Buyer Name:	

Calculation of Required Value Based on Primary Forest Products Acquired from within Nova Scotia

Primary Forest Products Acquired From Within Nova Scotia	Volume m3 solid *	Rate	Initial Required Value	Deficiency Total	Credits Claimed Current Year	Total Required Value	Percent of Total
Softwood:		OTH 3.00					
Industrial Lands		OTH 3.00					
Private Lands		OTH 3.00					
Sub Total							
Hardwood		OTH 0.60					
Industrial Lands		OTH 0.60					
Private Lands		OTH 0.60					
Sub Total							
Total							

* volumes are to be converted to cubic meters solid from other units using conversion factors used under the Registrations and Statistical Returns Regulations

Current Year Wood Acquisition Plan Required Value

Adjustments to Required Value Using Credits from Previous Year(s)

	Credits Carried Forward From Prior 4 Year	Credit Available Current Year	Credit Available From Monitoring	Credit Available Total	Credits Claimed Current Year	Remaining Credit Carried Forward
Softwood						
Industrial Lands						
Private Lands						
Sub Total						
Hardwood						
Industrial Lands						
Private Lands						
Sub Total						
Credit						

Deficiencies

	Deficiencies from Previous Year	Deficiencies from Monitoring	Total Deficiencies
Softwood			
Industrial Lands			
Private Lands			
Sub Total			
Hardwood			
Industrial Lands			
Private Lands			
Sub Total			
Deficiencies			

**Form C - Wood Acquisition Plan
Part III - Selection of Options**

Year:	
Registered Buyer ID:	
Registered Buyer Name:	

Selection of Options

Current Year Wood Acquisition Plan Required Value from Form C Part II

<i>Contributions to Sustainable Forestry Fund</i>		<i>Proposed Silviculture Program</i>		<i>Combined Total</i>
Softwood:	Industrial Lands	Industrial Lands	Industrial Lands	
	Private Lands	Private Lands	Private Lands	
	Sub Total	Sub Total	Sub Total	
Hardwood	Industrial Lands	Industrial Lands	Industrial Lands	
	Private Lands	Private Lands	Private Lands	
	Sub Total	Sub Total	Sub Total	
SF Fund Contribution		Silviculture Program Requirement		
Payment Submitted to Date		Less 10% Credit for Administration Cost		
Payment Included		Total Silviculture Credit Required		
Total Payment Submitted				

**Form C - Wood Acquisition Plan
Part VI - Detailed Silviculture Report Submission Form**

Year:	
Registered Buyer ID:	
Registered Buyer Name:	

Data Submitted

Period of Silviculture Completed Included in this Submission	From	To
---	-------------	-----------

	Type	Format	Number Submitted
Form in which data is submitted:	<i>Disk</i>		
	<i>CD</i>		
	<i>E-mail/FTP</i>		
	<i>Tape</i>		
	<i>Other (specify)</i>		

Data submitted must include:

- i) Geographical coordinates circumscribing the site
- ii) Area in hectares of each site
- iii) Identification of silviculture category
- iv) Name and Property Identification Number of site

Format of data submitted:	Type	Number of files
	Arc Info Format: coverage	
	Arc Info Format: export file	
	Other digital file format	

Signature of Registered Buyer _____ **Date** _____

N.S. Reg. 58/2000

Made: April 5, 2000

Filed: April 5, 2000

Small Claims Court Procedure and Forms Regulations

Order in Council 2000-169 made April 5, 2000
Amendment to regulations made by the Governor in Council
pursuant to Section 33
of the *Small Claims Court Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated April 3, 2000, and pursuant to Section 33 of Chapter 430 of the Revised Statutes of Nova Scotia, 1989, the *Small Claims Court Act*, is pleased to amend the regulations respecting Small Claims Court procedures and forms made by Order in Council 93-110 dated February 2, 1993, in the manner set out in Schedule "A" attached to and forming part of the report and recommendation, effective on, from and after April 1, 2000.

Schedule "A"

Amendments to the regulations respecting Small Claims Court procedures and forms made by the Governor in Council pursuant to Section 33 of Chapter 430 of the Revised Statutes of Nova Scotia, 1989, the *Small Claims Court Act*

- 1 Section 1 of the regulations respecting Small Claims Court procedures and forms made by the Governor in Council by Order in Council 93-110 dated February 2, 1993, is amended by striking out "claim" and substituting "Notice of Claim".
- 2 Section 2 of the regulations is repealed and the following Section substituted:
 - 2 The fee for filing a Notice of Claim shall be
 - (a) \$75.00 where the claim is in an amount less than \$5000.00;
 - (b) \$150.00 where the claim is in an amount not less than \$5000.00 and not more than \$10 000.00; or
 - (c) \$75.00 where the claim is for the recovery of personal property only.
- 3 Section 3 of the regulations is repealed and the following Section substituted:
 - 3 (1) The time for serving the Notice of Claim and a form for a Defence/Counterclaim on the defendant shall be within 10 days from the date on which the claim is filed or within any additional time the clerk or adjudicator may allow.
 - (2) The claimant shall serve 3 legible copies of the Notice of Claim and a form for a Defence/Counterclaim at the time of service.

- (3) Service of a Notice of Claim and a form for a Defence/Counterclaim shall be by personal service or such other manner of service as directed by the Court.

- 4 The regulations are further amended by renumbering Section 4 as subsection 4(1) and adding the following subsection immediately after subsection 4(1):
 - (2) The fee for filing a Counterclaim shall be \$50.00.

- 5 The regulations are further amended by renumbering Section 5 as subsection 5(1) and adding the following subsection immediately after subsection (1):
 - (2) Service of a Defence or Counterclaim shall be by registered mail or such other manner of service as directed by the Court.

- 6 Subsection 9(2) of the regulations is amended by striking out “20 cents a mile” and substituting “\$0.20 per kilometre”.

- 7 Subsection 10(1) of the regulations is amended by striking out “\$50.00” and substituting “\$75.00”.

- 8 The regulations are further amended by renumbering Sections 12 to 18 as Sections 15 to 21 respectively, and adding the following Sections immediately after Section 11:
 - 12 Service of a Notice of Adjudication by a court clerk pursuant to Section 11 or any other document served by a court clerk shall be by registered mail or such other manner of service as directed by the Court.

 - 13 The following fees apply in Small Claims Court
 - (a) for copies of any document, per page \$ 0.50
 - (b) certifying any document on file not including copy charge (no charge for 1 certified copy requested at time of filing document) \$10.00
 - (c) searching a file except bulk rate searches (free to parties to the action or their solicitors) \$5.00
 - (d) searching a file where an agreement has been entered into with the Department of Justice for bulk rate search fees \$ 0.50

 - 14 An Application for Quick Judgment shall be in Form 6.

- 9 Clause 15(1)(e) of the regulations is amended by striking out “Regulation” and substituting “Section”.

10 Section 17 of the regulations is repealed and the following Section substituted:

17 An order made by an adjudicator shall be in Form 7(a), (b) or (c).

11 Section 18 of the regulations is repealed and the following Section substituted:

18 (1) The fee payable to the sheriff for an Execution Order shall be \$75.00, including kilometrage, together with any commission or hourly fee for selling or appraising inventory or goods as set out in Schedule “B” of the regulations respecting fees and allowances made under the *Costs and Fees Act*.

(2) The fee payable to the sheriff for a Recovery Order shall be the fee as set out in Schedule “B” of the regulations respecting fees and allowances made under the *Costs and Fees Act*, but shall not in any case exceed \$150.00.

12 Section 19 of the regulations is repealed and the following Section substituted:

19 An Execution Order shall be in Form 11.

13 Section 20 of the regulations is repealed and the following Section substituted:

20 A Recovery Order shall be in Form 12.

14 The regulations are further amended by renumbering Section 21 as Section 23 and by adding the following Sections immediately after Section 20:

21 A Certificate of Judgment shall be in Form 8.

22 (1) A Notice of Appeal shall be in Form 9.

(2) An appeal shall be commenced by the appellant

(a) filing 2 copies of the Notice of Appeal with the prothonotary;
and

(b) serving 1 copy of the Notice of Appeal on the respondent

not later than 30 days after the adjudicator’s order or determination is filed.

(3) Service of the Notice of Appeal on the respondent shall be by personal service or registered mail.

(4) The appellant shall file proof of service of the Notice of Appeal on the respondent with the prothonotary not later than 7 days after the last day for service of the Notice of Appeal.

- (5) Proof of service may consist of a letter certifying the fact of service and the mode of service, and where service is by registered mail, the appellant shall file the Canada Post registration receipt with the prothonotary.
 - (6) Where a Notice of Appeal is filed, the prothonotary shall send 1 copy to the adjudicator who shall within 30 days complete a Summary Report in Form 10 and send 4 copies to the prothonotary.
 - (7) Where the prothonotary has received 4 copies of a Summary Report from the adjudicator, the prothonotary shall immediately
 - (a) send 1 copy to the appellant;
 - (b) send 1 copy to the respondent by Canada Post Corporation Priority Courier;
 - (c) advise the Supreme Court that the appeal is ready for hearing; and
 - (d) set a date for the appeal to be heard and advise the parties of that date by Canada Post Corporation Priority Courier.
 - (8) A judge may direct what additional material may be filed and may request a restatement of the case from an adjudicator.
 - (9) When both parties to an appeal submit briefs, the Court may dispense with oral argument.
 - (10) An appellant's brief shall be submitted at least 4 clear days prior to the date set for the appeal to be heard
 - (11) A respondent's brief shall be submitted at least 2 clear days prior to the date set for the appeal to be heard.
 - (12) Noncompliance with this Section shall not render any proceeding void, but the proceeding may be amended, set aside as irregular or otherwise dealt with as the Court may direct.
- 15 Clause 23(a) of the regulations is amended by striking out "Regulation 12" and substituting "Section 14".
- 16 The regulations are further amended by adding the following Section immediately after Section 23:
- 24** A Certificate of Satisfaction shall be in Form 13.
- 17 The regulations are further amended by repealing Forms 1 through 9 and substituting the attached Forms 1 through 13.

Form 1

NOTICE OF CLAIM

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

For Court Use Only
 Claim No. _____

CLAIMANT(S):

Name _____
 Address _____
 Postal code _____ Phone _____

This matter will take
 longer than 2 hours
 Yes No

DEFENDANTS(S):

Name _____
 Address _____
 Postal code _____ Phone _____

I claim from the Defendant(s) _____ dollars (\$) or the
 delivery to me of _____.

The reason for this claim is:

(If you need more space, attach another sheet of paper)

_____ Date _____ Claimant(s)

To be filled in by the clerk of the Small Claims Court:

This claim must be served on the Defendant(s) within ___ days of _____, 20__

The hearing of this claim is set for _____, 20__ at _____ p.m. at

_____ place of hearing

_____ Clerk of the Small Claims Court

TO THE DEFENDANT(S): This claim has been filed against you in Small Claims Court.

1. **If you do not agree with this claim you must file a defence/counterclaim by filling in the lower half of this form (Form 2) and returning it to the court.** You are also required to serve the defence/counterclaim upon the claimant.
2. You may contact the claimant(s) and try to settle the matter. If you settle, the claimant(s) should tell the Small Claims Court clerk in writing.

IF YOU DO NOT FILE YOUR DEFENCE/COUNTERCLAIM BY RETURNING THIS FORM TO COURT WITHIN 10 DAYS AFTER YOU RECEIVE THE CLAIM, THE COURT MAY MAKE AN ORDER AGAINST YOU WITHOUT HEARING FROM YOU.

Form 2

DEFENCE/COUNTERCLAIM

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

TO _____
Claimant(s)

My reason for disputing the claim is (if you need more space, attach another sheet of paper): _____

I counterclaim for _____

Date

Defendant(s)

Address

To be filled in by the Clerk of the Small Claims Court:
This defence/counterclaim must be served on the Claimant(s)
within _____ days of _____, 20__.

Clerk of the Small Claims Court

Form 3

CLAIM NO. _____

SUBPOENA TO WITNESS

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

BETWEEN:

Name _____ Claimant

- and -

Name _____ Defendant

TO:

You are required to attend the hearing of this proceeding in the Small Claims Court, to be held at _____ in _____, Nova Scotia on _____, 20____, at _____ a.m./p.m. and so on from day to day until the end of the hearing, to give evidence on behalf of the _____.

You are also required to bring with you and to produce at the hearing the following documents or things: _____

Issued on _____, 20 ____.

Clerk of the Small Claims Court of Nova Scotia

AFFIDAVIT

I make oath and say that I did on _____, 20____ serve this subpoena on _____, by leaving a true copy of the same

- (a) with him/her personally,
- (b) at his/her last or usual place of abode with _____, who appeared to be at least 16 years of age, because the witness could not conveniently be found;

and that I necessarily travelled _____ kilometres to do so.

Sworn before me on _____, 20 ____)
_____) _____
Clerk of the Small Claims Court of)
Nova Scotia, Barrister, Commissioner)
of the Supreme Court of Nova Scotia)

This subpoena should be served on witnesses at least 4 days before the date of the hearing together with witness fees of \$5.00 and \$0.20 per kilometre one way.

Form 4

**NOTICE OF ELECTION TO TRANSFER
IN THE SMALL CLAIMS COURT OF NOVA SCOTIA**

BETWEEN:

Name _____ Claimant
Address _____
Phone _____

Name _____ Defendant
Address _____
Phone _____

TAKE NOTICE that _____, a party to the proceeding begun in the Supreme Court as No. _____ elects to have the proceeding adjudicated in the Small Claims Court of Nova Scotia at _____.

DATED _____, 20_____.

Claimant/Defendant

TO: Prothonotary
Claimant/Defendant

Form 5

Claim No: _____

NOTICE OF ADJUDICATION

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

BETWEEN:

Name _____ Claimant
Address _____
Phone _____

Name _____ Defendant
Address _____
Phone _____

WHEREAS _____, a party to a proceeding in the Supreme Court as No. _____, has served notice of election to transfer;

TAKE NOTICE that the hearing of this claim is set for _____, 20____, at _____ a.m./p.m. at _____.

DATED _____, 20____.

Clerk of the Small Claims Court

Form 6

APPLICATION FOR QUICK JUDGMENT

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

County of _____

File No. _____

BETWEEN:

CLAIMANT

- and -

DEFENDANT

AFFIDAVIT IN PROOF OF APPLICATION

I, _____ of _____ in the County of _____, Province of Nova Scotia, make oath and say as follows:

1. ____ That I am the Claimant and Applicant herein.

OR

1. ____ That I am the _____ of the Claimant (if the Claimant is a body corporate).
(Check one of the above)

2. That I served the Claim on the defendant by _____ and
(method of service)
documentation proving service is attached.

3. That 10 days have expired since the date of service.

4. That I have had no communication, either written or oral, from the Defendant to the effect that the Defendant intends to defend this action.

5. ____ That no payments have been credited.

OR

5. ____ That payments of \$ _____ have been credited to my account since the date of the issuance of this Claim.
(Check one of the above)

6. That the following breakdown of my claim is a true and accurate statement of the account owing by the Defendant, and documentation supporting my claim is attached:

Debt (amount claimed before costs)	\$	_____
Credit (if any)	\$	_____
Cost of filing claim	\$	_____
Cost of service	\$	_____
Interest to date (if applicable)	\$	_____
TOTAL	\$	_____

7. That I request judgment be issued in this matter in the amount of \$ _____.

SWORN TO at _____,
in the County of _____,
Province of Nova Scotia, on
_____, 20 ____.

A Commissioner of the Supreme
Court of Nova Scotia

Applicant

Form 7(a)

Claim No: _____

ORDER

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

BETWEEN:

Name _____ Claimant
Address _____
Phone _____

Name _____ Defendant
Address _____
Phone _____

On _____ 20 _____, a hearing was held in the above matter and the following Order is made:

The Claimant having appeared, and the Defendant appearing not appearing;

AND UPON FINDING

- (a) that the Defendant was served with a notice of the claim; and
- (b) that the Defendant did not file a defence and the time for filing a defence has elapsed; and
- (c) that the Claimant has established the merits of the claim,

I THEREFORE ORDER that the Defendant pay to the Claimant the sums as follows:

Debt:
Costs:
Total:

Dated at _____
on _____, 20__

Adjudicator

Original Court File
Copy Claimant(s)
Copy Defendant(s)

Form 7(b)

Claim No: _____

ORDER

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

BETWEEN:

Name _____ Claimant
Address _____
Phone _____

Name _____ Defendant
Address _____
Phone _____

UPON FINDING

- (a) that the Defendant was served with notice of the claim; and
- (b) that the Defendant did not file a defence and the time for filing a defence has elapsed; and
- (c) that the documents filed with the claim establish the merits of the claim,

I THEREFORE ORDER that the Defendant pay to the Claimant the sums as follows:

Debt:
Costs:
Total:

Dated at _____
on _____, 20__

Adjudicator

Original Court File
Copy Claimant(s)
Copy Defendant(s)

Form 7(c)

Claim No: _____

ORDER

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

BETWEEN:

Name _____ Claimant

Address _____

Phone _____

Name _____ Defendant

Address _____

Phone _____

On _____, 20____, a hearing was held in the above matter and the following Order is made:

Dated at _____
on _____, 20____

Adjudicator

Original Court File
Copy Claimant(s)
Copy Defendant(s)

Form 9

20 ____

S ____ No. ____

**NOTICE OF APPEAL
IN THE SUPREME COURT OF NOVA SCOTIA
SMALL CLAIMS COURT**

NAME
ADDRESS

APPELLANT

- and -

NAME
ADDRESS

RESPONDENT

TO: The Prothonotary

The Appellant appeals from an order or determination made by an adjudicator of the Small Claims Court on _____, 20 ____, in the Small Claims Court of Nova Scotia at _____, in the County of _____ on the grounds of

- (a) jurisdictional error;
- (b) error of law;
- (c) failure to follow the requirements of natural justice,

and the particulars of the error or failure which form the grounds of appeal are:

And the Appellant requests that the adjudicator within 30 days, transmit to the court a summary report of the findings of law and fact, including the basis of any findings raised in this Notice of Appeal and any interpretation of documents made by the adjudicator with a copy of any written reasons for the decision to the Court.

DATED at _____, on _____, 20 ____.

Appellant

Form 10

S _____ No. _____

SUMMARY REPORT

IN THE SUPREME COURT OF NOVA SCOTIA

APPELLANT

- and -

RESPONDENT

TO: The Prothonotary
Summary report of findings by _____, an Adjudicator
of the Small Claims Court of Nova Scotia.

1. On _____, 20__ I adjudicated a claim between the above named parties, a copy of which is attached hereto.
2. On the attached pages, I set out for the consideration of this Honourable Court a summary report of the findings of law and fact made in the case on appeal including the basis of any findings raised in the Notice of Appeal and any interpretation of documents made by me, and a copy of the written reasons for my decision, if any.

DATED at _____, on _____, 20__.

Adjudicator

Form 11

Claim No.

EXECUTION ORDER

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

BETWEEN:

CLAIMANT

-and-

DEFENDANT

TO ANY SHERIFF OR INTERESTED PERSON:

UPON being satisfied that the judgment creditor
has entered judgment against the judgment
debtor, on _____, 20__.

Judgment Debt	\$ _____
Judgment Cost	\$ _____
Less Credits	\$ _____
Judgment amount	\$ _____
Registering Judgment	\$ _____
PPS Registry filing fee	\$ _____
Execution	\$ _____
Interest to date	\$ _____
Total Fees & Interest	\$ _____
TOTAL CLAIM	\$ _____

IT IS ORDERED THAT

1. Any sheriff shall seize, accept as a receiver, hold and sell at public auction, any real or personal property in which the judgment debtor has an interest, including any debt, rent, legacy, share, bond, debenture or other security, currency, wages, or other demand, due or accruing due at any time while this order is valid, whether in the possession of the judgment debtor or other person and not exempt by law from seizure, that will satisfy the judgment creditor's claim in the amount of \$ _____ together with interest on the judgment debt at the rate of 5% per annum from the date hereof to the date of satisfaction, and probable costs of \$75.00, and to disburse the proceeds as provided by law.

2. The sheriff, at the time of making a seizure under this order, shall, unless the Court otherwise orders,
 - (a) serve a true copy of this order on the judgment debtor or other person in possession of the property at the time of the seizure; and
 - (b) make forthwith a true inventory and appraisalment of the seized property and the interest of the judgment debtor therein.

Judgment (date) _____. (Execution Order effective for 6 years from the judgment date.)

Order renewed or reissued (date) _____ for 12 months.

3. Where there is any property in the possession of a third person that cannot be seized immediately, the sheriff shall serve a copy of this order on the third person whereupon the property, in an amount as will secure in whole or in part the amount of the judgment creditor's claim against the judgment debtor as stated herein, shall be deemed to have been seized, and the third person shall, within 10 days of the service of the order on him/her and from time to time thereafter as any such additional property is available for delivery,
 - (a) deliver the property to the sheriff and the delivery shall release the third person from any liability to the judgment debtor with respect to the value of the property so delivered or;
 - (b) when delivery is not made under clause (a), or the value of any property so delivered is not sufficient to satisfy the judgment creditor's claim, or when a sheriff in writing demands it,
 - (i) the third person shall file with the sheriff a certificate that describes and gives the location of any such property in the possession of the third person, states the approximate value of the interest of the judgment debtor therein and when any payment in respect thereof becomes payable to the judgment debtor, and gives the name and address of any other person with an interest in the property and the nature of that interest, and
 - (ii) pending further order of the Court, the third person shall retain possession of the property referred to in clause (i) and withhold payment of any debt, rent, legacy, share, bond, debenture or other currency, wages or other demand, and the amount of the claim shall become a lien on the property held by the third person from the time of the service of the order on him/her or of the subsequent acquisition of any such property by him/her.
4. When the sheriff serves this Execution Order on a body corporate with the intention of seizing any share, bond, debenture or other interest of the judgment debtor therein, the body corporate or any transfer agent thereof shall
 - (a) not transfer the title or deliver possession of any such share, bond, debenture or other interest to any person until the Court otherwise orders; and
 - (b) forthwith file with the sheriff a certificate setting out
 - (i) the number and class of any share so seized, with the certificate number and the name and address of any registered owner thereof,
 - (ii) the number, face value and description of any seized bond or debenture, with the serial number and the name and address of any registered owner thereof, and

- (iii) a description of any other seized interest of the judgment debtor in the body corporate so retained.
5. When a sheriff serves this Execution Order on an employer with the intention of seizing any wages of a judgment debtor hereunder, the employer shall
- (a) pay to the sheriff 15% of the gross wages of the judgment debtor, provided that when the payment would reduce the net amount of wages payable to the judgment debtor, after the deduction of all amounts required by law to be deducted from such wages, to an amount of \$315.00 per week payable to a judgment debtor supporting a family or \$210.00 per week to any other judgment debtor, then only the difference by which the payment of 15% exceeds these respective amounts, shall be paid to the sheriff hereunder;
 - (b) pay the wages to the sheriff hereunder once every month or as otherwise agreed upon by the employer and sheriff; and
 - (c) forthwith answer any written interrogatory sent to him by the sheriff with respect to any wages due or accruing due to the judgment debtor.
6. Any person who fails to comply with the provisions of paragraphs 3, 4 and 5 may be deemed to be in contempt of the Court and may be dealt with as the Court thinks just.
7. Where real property is seized under an Execution Order, the sheriff shall proceed to sell the property as provided by the Sale of Land under Execution Act.
8. The sheriff shall file this Execution Order with the Clerk of the Small Claims Court within 10 days after the execution thereof and not later than 12 months from the date of its issue, or when directed by the Court, with his/her report endorsed thereon or attached thereto.

Dated on _____, 20 ____

Clerk of the Small Claims Court

Form 12

Claim No.

RECOVERY ORDER

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

BETWEEN:

CLAIMANT

- and -

DEFENDANT

TO:

Any sheriff or interested person:

Upon reading the order of the Small Claims Court Adjudicator dated _____, 20 _____, the Claimant shall recover from the Defendant the following:

It is ordered that you, as sheriff for the County of _____, enter upon the lands of _____ or wherever the above-described property may be located and cause the Claimant, or as the case may be, to have possession of the above-described property;

It is further ordered that upon the execution of this Order, you shall immediately file it in my office with a report of your doings under the Order endorsed on or attached to it.

Issued at _____, Nova Scotia, on _____, 20 _____.

Clerk of the Small Claims Court

Form 13

Claim No. _____

DATE OF JUDGMENT _____

CERTIFICATE OF SATISFACTION

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

BETWEEN:

CLAIMANT

- and -

DEFENDANT

I certify that a satisfaction piece was filed in full satisfaction of judgment in the above cause for the CLAIMANT against the DEFENDANT, for the sum of \$ _____ (debt) and \$ _____ (costs) and that the judgment is discharged.

Given under the seal of the Court at _____, Nova Scotia, on _____, 20____.

Clerk of the Small Claims Court

N.S. Reg. 59/2000

Made: April 5, 2000

Filed: April 5, 2000

Ministerial Order re Good Earth Organic Resources
Group Limited, Owen Davis & Sons Contracting
Limited, Owen Davis, Shelly Wilcox and
Dietmar Tholen

Order dated April 5, 2000
made under subsection 125(1) of the
Environment Act

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia 1994-95, the
Environment Act (the “Act”)

- and -

IN THE MATTER OF a Ministerial Order issued pursuant to the provisions of
the *Environment Act* to **Good Earth Organic Resources Group Limited**, a
body corporate, located at or near 81 Colonel Joseph Scott, Lower Sackville,
Nova Scotia, **Owen Davis & Sons Contracting Limited**, of Sackville, Nova
Scotia, **Owen Davis**, of Sackville, Nova Scotia, **Shelly Wilcox**, of Sambro,
Nova Scotia and **Dietmar Tholen** of Halifax, Nova Scotia

MINISTERIAL ORDER

- I. **WHEREAS** Good Earth Organic Resources Group Limited, Owen Davis & Sons Contracting Limited, Owen Davis, Shelly Wilcox and Dietmar Tholen, own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a composting facility which is located at or near 81 Colonel Joseph Scott Drive, Lower Sackville, Nova Scotia hereinafter called the “Site”;
- II. **AND WHEREAS** the Minister of the Environment believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened subsection 67(2) and Section 71 of the *Environment Act*;

Environment Act

67 (2) No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.

71 Any person responsible for the release of a substance under this Part shall, at that person’s own cost, and as soon as that person knows or ought to have known of the release of a substance into the environment that has caused, is causing or may cause an adverse effect,

- (a) take all reasonable measures to
 - (i) prevent, reduce and remedy the adverse effects of the substance, and
 - (ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;
- (b) take any other measures required by an inspector or an administrator; and
- (c) rehabilitate the environment to a standard prescribed or adopted by the Department.

III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the persons named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the persons to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to [sub]section 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms and conditions of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to [sub]Section 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, in Halifax Regional Municipality, Province of Nova Scotia, this 5th day of April, 2000.

Signed: *Michael G. Baker*
The Honourable Michael G. Baker, Q.C.
Acting Minister of the Environment

Schedule "A"

Terms and Conditions

Good Earth Organic Resources Group Limited, Owen Davis & Sons Contracting Limited, Owen Davis, Shelly Wilcox and Dietmar Tholen

1. The persons named in this Ministerial Order shall restrict the feedstock accepted at the Site to the following:
 - (a) leaf and yard waste;
 - (b) compostable organic material originating from residential sources.
2. All manure stockpiles shall be removed from the Site within seven (7) days of the signed date of this Order.
3. The persons named in this Ministerial Order shall record the tonnage of all feedstock received at the Site and the source on a daily basis. These records shall be submitted to the Department on a bi-weekly basis.
4. All feedstock delivery doors and man doors at the main composting building and curing building shall remain closed at all times unless feedstock or compost is actively being transferred to or from the building.
5. All exposed surfaces of feedstock and compost situated outside the facility and curing building shall be covered from the elements of the weather within seven (7) days of the date of this Order.
6.
 - (a) Nine (9) samples of unscreened compost shall be analysed for maturity in accordance with conditions of Approval # 99-ATCC-008. Test results shall be submitted to the Department within thirty (30) days of the date of this Order. Samples shall be taken by an independent consultant trained in this field.
 - (b) All compost which is deemed to be improperly cured through analysis shall immediately be re-composted to achieve proper maturity or removed from the Site within seven (7) days of receiving the analysis.
 - (c) All cured compost shall be removed from the Site, for the purpose of screening. The alternate Site for screening of compost shall be approved by the Department.
 - (d) All cured compost shall be removed from the Site within thirty (30) days of leaving the curing building.

7. All leachate or runoff, including that being discharged via groundwater, shall meet the following final discharge limits prior to leaving the property boundaries:

Total Suspended Solids - 25 mg/l

Biological Oxygen Demand (BOD₅) - 30 mg/l

8. The persons named in this Ministerial Order shall install a concrete berm(s) at the delivery door of the main building to prevent the loss of leachate from the main building. The berm(s) shall be installed within fourteen (14) days of the date of this Order.
9. The persons named in this Ministerial Order shall submit results of biofilter performance monitoring in accordance with condition 5 (h) of Approval # 99-ATCC-008. Results shall be submitted to the Department on a weekly basis.
10. The persons named in this Ministerial Order shall submit the Operations and Maintenance Manual in accordance with condition 9(a) of Approval # 99-ATCC-008. The manual shall be submitted to the Department within fourteen (14) days of the date of this Order.
11. The persons named in this Ministerial Order shall retain a professional consultant approved by the Department to prepare a report identifying the potential sources of odour generation on the Site and propose mitigative measures to reduce odours, and the persons named in this Ministerial Order shall implement these mitigative measures to control odour within forty-five days (45) of the date of this order.
12. The persons named in this Ministerial Order shall be required to cease the acceptance of feedstock for the purpose of composting in the event of contravention of any or all of the above terms and conditions and if so directed by the Department.
13. The persons named in this Ministerial Order shall be required to remove any or all quantities of feedstock and compost from the site in the event of contravention of any or all of the above terms and conditions and if so directed by the Department.