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N.S. Reg. 143/2000

Made: August 28, 2000

Filed: August 31, 2000

Ministerial Education Act Regulations

Order dated August 28, 2000
Amendment to regulations made under Section 145
of the *Education Act*

**IN THE MATTER OF SECTION 145 OF CHAPTER 1 OF THE ACTS OF
1995-96, THE *EDUCATION ACT***

- and -

**IN THE MATTER OF THE *MINISTERIAL EDUCATION ACT
REGULATIONS MADE BY THE MINISTER OF EDUCATION
PURSUANT TO SECTION 145 OF THE *EDUCATION ACT****

ORDER

I, Jane Purves, Minister of Education for the Province of Nova Scotia, pursuant to Section 145 of Chapter 1 of the Acts of 1995-96, the *Education Act*, do hereby amend Section 14 of the *Ministerial Education Act Regulations*, made by the Minister of Education on June 24, 1997, by repealing subsection (3) and substituting the following subsection:

- (3) Despite subsection (1), this Section and Sections 15 to 23 shall not apply to a school that is replaced by
- (a) a newly constructed school; or
 - (b) another school provided by the Province in respect of a direction, request or order of a court,
- to house the students from the school that is to be closed.

DATED AND MADE at Halifax, Nova Scotia, August 28, 2000.

(Signed) *Jane Purves*
Jane Purves
Minister of Education

N.S. Reg. 144/2000

Made: August 30, 2000

Filed: September 1, 2000

Amherst Shore Provincial Park Designation

Order in Council 2000-432 made August 30, 2000

Designation made by the Governor in Council

pursuant to Section 8

of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated July 13, 2000, and pursuant to Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, is pleased, with respect to the designation of provincial parks, to:

- (a) designate land at Amherst Shore, Cumberland County, owned by Her Majesty in right of the Province of Nova Scotia, to be a provincial park, the said land being described in Schedule "A" and shown outlined in bold line on a copy of Provincial Crown Lands Record Centre Plan No. E-15-23 marked Schedule "B", both schedules attached to and forming part of the report and recommendation;
- (b) declare that the provincial park is to be known by the name "Amherst Shore Provincial Park"; and
- (c) authorize the Minister of Natural Resources to execute such documents as may be necessary to achieve the purposes of this Order.

Schedule "A"

ALL those three certain lots, pieces or parcels of land and land covered by water situate, lying and being at Amherst Shore Provincial Park in the County of Cumberland, Province of Nova Scotia, shown as Lands and Lands Covered by Water at Amherst Shore Provincial Park on a Compiled Plan (Field Plot No. P-096/89A) and filed in the Department of Natural Resources Office, Halifax, Nova Scotia, the said lots of land and land covered by water being more particularly described as follows:

1. Crown Land (Document Nos. 862 & 3045-2)

BEGINNING at Survey Marker (S.M.) No. C2374 marking the northeast corner of land now or formerly of Lloyd Greeno and situate (by grid azimuth referenced to the Nova Scotia 3° Modified Transverse Mercator Projection, Zone 5, Central Meridian 64° 30' west longitude) 357° 38' 43", 359.01 feet from Nova Scotia Control Monument (N.S.C.M.) No. 13657 having coordinates of 16, 704, 454.69 feet (northing) and 18, 201, 823.41 feet (easting);

THENCE (from the place of beginning) along the northeast boundary of land now or formerly of Lloyd Greeno 297° 32' 49", 150.06 feet to S.M. No. C2375;

THENCE along the northwest boundary of land now or formerly of Lloyd Greeno $206^{\circ} 43' 30''$, 250.00 feet to S.M. No. C2376 situate on a northeast boundary of Highway No. 366;

THENCE along the northeast boundary of Highway No. 366 following an arc of a curve to the right northwesterly 195.89 feet to S.M. No. C2389 marking the southeast corner of a 16 foot wide right-of-way and situate $302^{\circ} 52' 31''$, 195.80 feet from S.M. No. C2376;

THENCE along a southeast boundary of the 16 foot wide right-of-way $28^{\circ} 59' 22''$, 461.26 feet to S.M. No. C2390;

THENCE along a southeast boundary of the 16 foot wide right-of-way following an arc of a curve to the right northeasterly 197.59 feet to S.M. No. C2391 marking the end of the curve and situate $34^{\circ} 59' 20''$, 197.24 feet from S.M. No. C2390;

THENCE along a southeast boundary of the 16 foot wide right-of-way $40^{\circ} 59' 33''$, 36.53 feet to S.M. No. C2392 situate on a southeast boundary of land now or formerly of Theresa Barnes;

THENCE along the southeast boundary of land now or formerly of Theresa Barnes $70^{\circ} 45' 35''$, 50.31 feet to S.M. No. C2387;

THENCE along a southwest boundary of land now or formerly of Theresa Barnes $120^{\circ} 29' 18''$, 243.34 feet to S.M. No. C2388;

THENCE along a southeast boundary of land now or formerly of Theresa Barnes $32^{\circ} 24' 16''$, 97.41 feet to an Iron Bar (I.B.);

THENCE $27^{\circ} 42' 43''$, 99.65 feet to a S.M.;

THENCE $27^{\circ} 44' 08''$, 199.87 feet to a S.M.;

THENCE $27^{\circ} 43' 58''$, 89.98 feet to an I.B.;

THENCE $25^{\circ} 48' 18''$, 91.05 feet to an Iron Pipe (I.P.);

THENCE $26^{\circ} 07' 20''$, 118.63 feet to an I.P.;

THENCE $25^{\circ} 58' 23''$, 91.75 feet to an I.P.;

THENCE $24^{\circ} 01' 39''$, 89.49 feet to a S.M.;

THENCE $28^{\circ} 22' 23''$, 89.16 feet to an I.P.;

THENCE $26^{\circ} 07' 36''$, 603.87 feet to an I.B.;

THENCE $26^{\circ} 54' 15''$, 149.19 feet to S.M. No. C2397;

THENCE 26° 54' 15", 34 feet to a point on the Ordinary High Water Mark (O.H.W.M.) of Northumberland Strait;

THENCE 26° 54' 15", 450 feet more or less to a point;

THENCE parallel to and 300 feet from the O.H.W.M. of Northumberland Strait easterly and southeasterly 2560 feet more or less to a point;

THENCE southwesterly 300' more or less to a point on the O.H.W.M. of Northumberland Strait;

THENCE along a westerly boundary of Black Brook southerly 1810 feet more or less to a point on a northern boundary of Highway No. 366;

THENCE along the northern boundary of Highway No. 366 northwesterly 1630 feet more or less to C1232dl marking the southeast corner of land now or formerly of Lloyd Greeno;

THENCE along the southeast boundary of land now or formerly of Lloyd Greeno 26° 43' 30", 250.00 feet to the **PLACE OF BEGINNING**.

The above described lot of land contains 110 acres more or less.

2. Crown Land (Document Nos. 932-1, 1686-2, 1787 and 3045-1)

BEGINNING at S.M. No. C2367 marking the northwest corner of land now or formerly of Marion Arnold and situate (by grid azimuth referenced to the Nova Scotia 3° Modified Transverse Mercator Projection, Zone 5, Central Meridian 64° 30 west longitude) 285° 06' 03", 180.25 feet from N.S.C.M. No. 13657 and also situate on a southwest boundary of Highway No. 366;

THENCE (from the place of beginning) along the northwest boundary of land now or formerly of Marion Arnold 207° 51' 19", 158.89 feet to S.M. No. C1224;

THENCE along the southwest boundary of land now or formerly of Marion Arnold (by magnetic bearing 1970) S 45° 25' E, 275.22 feet to S.M. No. C1228;

THENCE along the southeast boundary of land now or formerly of Marion Arnold N 51° 30' E (1970), 159.06 feet to S.M. No. C1229 situate on a southwest boundary of Highway No. 366;

THENCE along the southwest boundary of Highway No. 366 southeasterly 1735 feet more or less to S.M. No. C1227 marking the northwest corner of land of the estate of G. R. Trenholm;

THENCE along a northwest boundary of land of the estate of G.R. Trenholm S 48° 30' W (1970), 8,630.82 feet to S.M. No. C1226;

THENCE along a southwest boundary of land of the estate of G.R. Trenholm (by magnetic bearing 1973) S 02° 36' 40" W, 347.82 feet to S.M. No. C1402;

THENCE along a northeast boundary of land now or formerly of Judson Trenholm N 51° 55' 10" W (1973), 2,758.14 feet to S.M. No. C1217 marking the northern corner of Crown land (Document No. 932-3B) and a southeast corner of land now or formerly of Harvey Trenholm;

THENCE along the eastern boundary of land now or formerly of Harvey Trenholm N 52° 45' E (1973), 401.25 feet to an unmonumented point marking the northern corner of land now or formerly of Harvey Trenholm and the southeast corner of land now or formerly of Neil A. Brownell;

THENCE along the southeast boundary of land now or formerly of Neil A. Brownell N 50° 50' E (1973), 2,386.51 feet to S.M. No. C2368;

THENCE along the northeast boundary of land now or formerly of Neil A. Brownell and along the northeast boundary of land now or formerly of Scott Maritimes Ltd. (by grid azimuth) 294° 30' 42", 329.28 feet to C2369;

THENCE along the northeast boundary of land now or formerly of Scott Maritimes Ltd. 294° 30' 31", 17.57 feet to Unmonumented Point No. C2369A marking the southeast corner of land now or formerly of John Doblisch;

THENCE along the southeast boundary of land now or formerly of John Doblisch 27° 20' 31", 2,806.26 feet to S.M. No. C2370;

THENCE along the southeast boundary of land now or formerly of John Doblisch 27° 02' 52", 3,543.54 feet to S.M. No. C2371 marking the southwest corner of land now or formerly of Kenneth Thompson;

THENCE along the southwest boundary of land now or formerly of Kenneth Thompson 125° 04' 52", 195.81 feet to S.M. No. C2372;

THENCE along the southeast boundary of land now or formerly of Kenneth Thompson 35° 03' 30", 198.73 feet to S.M. No. C2373 situate on a southwest boundary of Highway No. 366;

THENCE along the southwest boundary of Highway No. 366 following an arc of a curve to the left southeasterly 310.13 feet to the **PLACE OF BEGINNING** situate 119° 54' 12", 309.81 feet from S.M. No. C2373.

The above described lot of land contains 535 acres more or less.

3. Crown Land (Document No. 3045-3)

BEGINNING at S.M. No. C2396 marking the southwest corner of a 16 foot wide right-of-way and situate on a northeast boundary of Highway No. 366 and also situate (by grid azimuth referenced to the Nova Scotia 3° Modified Transverse Mercator Projection, Zone 5, Central Meridian 64° 30' west longitude) 306° 08' 42", 16.12 feet from S.M. No. C2389;

THENCE (from the place of beginning) along the northeast boundary of Highway No. 366 following a curve to the right northwesterly 114.06 feet to S.M. No. C2377 marking the end of the curve and situate $308^{\circ} 08' 54''$, 114.04 feet from S.M. No. C2396;

THENCE along a northeast boundary of Highway No. 366 $309^{\circ} 54' 09''$, 610.32 feet to S.M. No. C2378;

THENCE $27^{\circ} 02' 27''$, 800.31 feet to S.M. No. C2379;

THENCE $27^{\circ} 02' 27''$, 35 feet more or less to Unmonumented Point A situate on the O.H.W.M. of Northumberland Strait;

THENCE along the O.H.W.M. of Northumberland Strait southeasterly 123.26 feet to Unmonumented Point B;

THENCE $206^{\circ} 00' 40''$, 45 feet more or less to S.M. No. C2380;

THENCE $206^{\circ} 00' 40''$, 332.34 feet to S.M. No. C2381;

THENCE $123^{\circ} 58' 41''$, 406.09 feet to S.M. No. C2382;

THENCE $26^{\circ} 00' 38''$, 271.30 feet to a S.M.;

THENCE $26^{\circ} 00' 38''$, 103.71 feet to S.M. No. C2383 situate on a southwest boundary of a 16 foot wide right-of-way;

THENCE along the southwest boundary of a 16 foot wide right-of-way $130^{\circ} 56' 45''$, 103.32 feet to S.M. No. C2384 marking the northern corner of land now or formerly of Theresa Barnes;

THENCE along the northwest boundary of land now or formerly of Theresa Barnes $205^{\circ} 29' 26''$, 227.74 feet to S.M. No. C2385;

THENCE along the southwest boundary of land now or formerly of Theresa Barnes $156^{\circ} 21' 06''$, 137.46 feet to S.M. No. C2386;

THENCE along the southeast boundary of land now or formerly of Theresa Barnes $70^{\circ} 45' 16''$, 29.73 feet to S.M. No. C2393 situate on a northwest boundary of a 16 foot wide right-of-way;

THENCE along the northwest boundary of a 16 foot wide right-of-way $220^{\circ} 59' 33''$, 8.54 feet to S.M. No. C2394 marking the beginning of a curve to the left;

THENCE along a northwest boundary of a 16 foot wide right-of-way and along the curve southwesterly 200.94 feet to S.M. No. C2395 marking the end of the curve and situate $214^{\circ} 59' 20''$, 200.58 feet from S.M. No. C2394;

THENCE along a northwest boundary of a 16 foot wide right-of-way 208° 59' 22", 459.26 feet to the **PLACE OF BEGINNING**.

The above described lot of land contains 11 acres more or less.

SUBJECT TO two 10 foot wide rights-of-way.

N.S. Reg. 145/2000

Made: August 30, 2000

Filed: September 1, 2000

Nova Scotia Crop and Livestock Insurance
Plan for Forage Production

Order in Council 2000-434 made August 30, 2000
Regulations approved by the Governor in Council
pursuant to Section 6
of the *Crop and Livestock Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Marketing dated July 18, 2000, and pursuant to Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989, the *Crop and Livestock Insurance Act*, is pleased to approve the making by the Nova Scotia Crop and Livestock Insurance Commission of an Insurance Plan for Forage Production in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Regulations Establishing the Nova Scotia Crop and Livestock Insurance Plan for Forage Production made pursuant to Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989, the *Crop and Livestock Insurance Act*

Citation

- 1 This plan may be cited as the *Nova Scotia Crop and Livestock Insurance Plan for Forage Production*.

Purpose

- 2 The purpose of this plan is to provide for insurance against a reduction in yield of forage resulting from one or more of the perils designated in Section 4.

Interpretation

- 3 In this plan,
 - (a) "average insurable yield" means the potential production in tonnes per acre of forage based on past production records, as determined by the Commission from yield records of an insured person over the preceding 10 years, and where the required number of years of production records are not available, the Commission shall use industry benchmark yields established from historical yield data, indexed to the producers actual yield records for those same years, subject to a methodology approved by the Commission;
 - (b) "contract of insurance" means a contract in Form 1 of the regulations respecting General (Field Crop) Insurance;

- (c) “final acreage declaration” means a signed declaration of cropping intentions submitted to the Commission by an insured person pursuant to Section 14;
- (d) “forage” means any perennial crop of grass, legume, or mixture of grass and legume, or crop of annual ryegrass recommended by the Department of Agriculture and Marketing that is managed for the purpose of producing stored livestock feed;
- (e) “total guaranteed production” means the guaranteed production as determined pursuant to Section 9.

Designation of perils

4 The following are designated as perils:

- (a) winter injury;
- (b) drought;
- (c) excessive moisture;
- (d) uncontrollable insects;
- (e) uncontrollable disease;
- (f) flood;
- (g) frost;
- (h) wind;
- (i) hail;
- (j) wildlife.

Designation of the crop year

5 The crop year is the period from November 1 in any year to October 31 in the following year.

Application

6 An application for a contract of insurance shall be

- (a) on a Contract of Insurance Application Form in Form A of the *Crop and Livestock Insurance Forms Regulations*;
- (b) accompanied by a premium deposit of at least \$50; and
- (c) filed with the Commission before the start of the first crop year to be insured.

Contract of insurance

7 For the purpose of this plan, the entire contract of insurance shall comprise

- (a) a contract of insurance;
- (b) a completed application filed pursuant to clause 6(a);
- (c) a final acreage declaration for each crop year; and
- (d) a copy of this plan,

and if a document referred to in clause (a), (b), (c) or (d) is subsequently amended while the contract of insurance is still in force, a copy of the amendment shall be delivered to the insured person.

Duration of contract

- 8** (1) A contract of insurance shall be in force for the crop year for which it is made, and shall continue in force for each crop year after that until it is cancelled by an insured person or the Commission in the manner prescribed by subsections (2), (3) and (4).
- (2) A contract of insurance may be cancelled by an insured person or the Commission by notice in writing to the other party by October 31 effective for the start of the next crop year.
- (3) A contract of insurance may be cancelled by the Commission by notice in writing forwarded to an insured person if the insured person is in arrears in the payment of premium under the contract.
- (4) A contract of insurance may be cancelled by the Commission by notice in writing forwarded to an insured person if the insured person fails to submit a final acreage declaration for the crop year.

Coverage

- 9** (1) All acreage of forage owned or operated by an insured person and to be harvested shall be offered for insurance coverage.
- (2) Despite subsection (1), the Commission may insure all or part of the acreage offered for insurance coverage.
- (3) Where the insured person provides at least 3 years of production records for the purpose of calculating an average insurable yield, the total guaranteed production shall be 80% or, where the insured person applies to the Commission, 70% of the average insurable yield for the total acreage that is insured by the Commission pursuant to subsection (2).
- (4) Where the insured person provides less than 3 years of production records for the purpose of calculating an average insurable yield, the total guaranteed production shall be 70% of the average insurable yield for the total acreage that is insured by the Commission pursuant to subsection (2).

Established prices

- 10** (1) The Commission shall determine 3 established price options for forage and shall announce these options to an insured person before the start of each crop year.
- (2) An insured person may select an established price for the purpose of calculating premium and indemnity.

Maximum indemnity

- 11** The maximum indemnity for which the Commission is liable under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined pursuant to subsection 9(3) or 9(4) by the established price selected pursuant to subsection 10(2).

Premium

- 12 (1)** The base premium rate shall be determined by a method approved by the Commission and shall be reviewed annually.
- (2)** The base premium rate shall be adjusted by giving a discount where indemnity is less than total premiums paid or adding a surcharge where indemnity exceeds total premiums paid, and adjustments shall be calculated using the following formula:

$$(LR-1) \times (n \div (20+n))$$

where "LR" equals total indemnity divided by total premiums paid and "n" equals the number of years insured in the plan.

- (3)** Despite subsection (2), the maximum discount shall be 50% and the maximum surcharge shall be 100%.
- (4)** Despite subsections (1), (2) and (3) the minimum annual premium payable by an insured person in each crop year is \$100.00.
- (5)** The premium determined pursuant to this Section includes premium payments made by the Government of Canada under the *Farm Income Protection Act* (Canada) and the Province under the Act.
- 13 (1)** An insured person shall pay the premium less any premium deposit to the Commission not later than May 31 for the current crop year.
- (2)** Interest of 1.5% per month or a minimum of \$5 per month will be charged by the Commission on an overdue account.

Final acreage declaration

- 14 (1)** An insured person shall file a final acreage declaration with the Commission before April 15 of each crop year.
- (2)** An insured person shall indicate on the final acreage declaration, each field that is to be harvested and the acreage, age and species mixture of the stand.
- (3)** The final acreage declaration filed with the Commission shall not be amended by an insured person without the consent in writing of the Commission.

Revision by Commission

- 15 (1)** The Commission may revise the information on the final acreage declaration in any or all respects and adjust the premium accordingly and shall notify an insured person in writing respecting any revision and adjustment.
- (2)** An insured person shall be deemed to have agreed with a revision of the final acreage declaration and adjustment of premium made by the Commission under subsection (1) unless, within 10 days from the mailing or delivery of the notification by the Commission, the insured person notifies the Commission in writing of any objection.
- (3)** Where an insured person gives notice of an objection pursuant to subsection (2), the Commission may notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage declaration was filed and refund any premium deposit paid in respect of that crop year.

Failure to report

- 16** Where an insured person fails to file a final acreage declaration in any crop year the Commission may
- (a)** prepare the final acreage declaration; or
 - (b)** deem the insured area to be nil.

Incorrect acreage

- 17 (1)** The Commission may measure the insured acreage by any method that it considers proper.
- (2)** Despite Section 9, where the actual measured acreage of forage in a crop year is less than the insured acreage, the total guaranteed production and the amount of insurance shall be reduced accordingly and no refund of premium shall be made.
- (3)** Despite Section 9, where the actual measured acreage of forage in a crop year exceeds the insured acreage, the total harvested yield will be pro-rated to the insured acreage when calculating the indemnity payable.

Harvesting

- 18** All acreage of an insured crop shall be harvested unless the Commission gives consent pursuant to clause 22(b).

Notice of crop loss or damage

- 19** Subject to the contract of insurance, an insured person is required to notify the Commission in writing within 5 days of any loss or damage to the insured crop.

Final date for insurance protection

- 20** The final date for insurance protection shall be October 31 or any other date determined by the Commission.

Harvest yield report

21 An insured person shall file a harvest yield report within 15 days of the completion of harvest on a Harvest Yield Report Form in Form B of the *Crop and Livestock Insurance Forms Regulations*.

Evaluation of loss

22 The reduction in yield in a crop year and the indemnity payable shall be determined as follows:

- (a) where an insured person's total actual production is less than the total guaranteed production, the adjustment of loss shall be calculated by subtracting the total actual production from the total guaranteed production and, subject to Section 17, multiplying the difference by the established price per tonne; or
- (b) where the loss or damage occurs before the completion of harvest, the Commission may consent in writing to a written request to abandon damaged acreage, and shall determine the number of damaged acres and any potential production.

Arbitration

23 Where the Commission and an insured person have failed to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a Proof of Loss Form in Form C of the *Crop and Livestock Insurance Forms Regulations* have been complied with, and either party wishes the dispute determined by arbitration, it shall be the responsibility of that party to notify the other party in writing within 90 days after the end of the crop year that the dispute be determined in accordance with the requirements of the *Arbitration Proceedings Regulations*.

N.S. Reg. 146/2000

Made: August 30, 2000

Filed: September 1, 2000

Prosthetic Devices Tariffs Regulations

Order in Council 2000-435 made August 30, 2000
Amendment to regulations approved by the Governor in Council
pursuant to Section 13
of the *Health Services and Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Health dated August 1, 2000, and pursuant to Section 13 of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, is pleased to approve of amendments made by the Minister of Health to the *Prosthetic Devices Tariffs Regulations* approved by Order in Council 1999-146 dated April 7, 1999, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 1, 2000.

Schedule "A"

**Amendments to the *Prosthetic Devices Tariffs Regulations*
made by the Minister of Health pursuant to Section 13 of
Chapter 197 of the Revised Statutes of Nova Scotia, 1989,
the *Health Services and Insurance Act***

- 1 Subsection 4(2) of the *Prosthetic Devices Tariffs Regulations* approved by the Governor in Council by Order in Council 1999-146 dated April 7, 1999, is repealed and the following subsection substituted:
 - (2) The tariff of fees for ocular prostheses is in effect from April 1, 2000, to March 31, 2003.
- 2 The regulations are further amended by repealing Schedule "C" and substituting the following schedule:

Schedule "C"
Ocular Prosthesis Tariff
(effective April 1, 2000 to March 31, 2003)

The tariff of fees for ocular prostheses is as set out in the following table:

Services	Present MSI Fee	MSI Fee 2000/01	MSI Fee 2001/02	MSI Fee 2002/03
Scleral pros	\$790	\$790	\$790	\$790
Conventional	\$665	\$665	\$665	\$665
Build-ups	\$176	\$176	\$176	\$176
Adjustments	\$52	\$52	\$52	\$52
Reglazings/ rechecks	\$42	\$42	\$42	\$42
Conformers	\$118	\$118	\$118	\$118
House calls	\$20/hr	\$20/hr	\$20/hr	\$20/hr

N.S. Reg. 147/2000

Made: August 30, 2000

Filed: September 1, 2000

Commercial Vehicle Maintenance Standards

Order in Council 2000-440 made August 30, 2000
Amendment to regulations approved by the Governor in Council
pursuant to Section 303
of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Business and Consumer Services dated July 27, 2000, and pursuant to Section 303 of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to approve of an amendment made by the Minister of Business and Consumer Services to the *Commercial Vehicle Maintenance Standards* made by the Minister of Transportation and Communications and approved by the Governor in Council by Order in Council 90-1337 dated November 13, 1990, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Amendments to the *Commercial Vehicle Maintenance Standards*
made pursuant to Section 303 of Chapter 293
of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

- 1 The *Commercial Vehicle Maintenance Standards* made by the Minister of Transportation and Communications and approved by the Governor in Council by Order in Council 90-1337 dated November 13, 1990, are amended by adding ", c-dolly," after "truck-tractor" in subclause 2(c)(i).
- 2 Appendix A of the *Commercial Vehicle Maintenance Standards* is amended by adding the following clause immediately after clause 1(p):
 - (q) For 16.15 m trailers or 25 m combinations, the rear impact guards must be in the proper position and in good condition.
- 3 The Appendix is further amended by striking out "mirror or" after "rearview" in clause 6(d).
- 4 The Appendix is further amended by adding "or of an improper type for the tank with which it is used" after "insecure" in clause 8(b).
- 5 The Appendix is further amended by striking out "no more than 10" in clause 12(1)(d) and substituting "shall be no more than 12.7".
- 6 The Appendix is further amended by striking out "ten" in clause 12(3)(c) and substituting "60".

- 7 The Appendix is further amended by striking out “80” in subclauses 12(3)(c)(i) and 12(3)(d)(i) and substituting “65”.
- 8 The Appendix is further amended by striking out “60 pounds” in clause 12(3)(e) and substituting “27.3 kg”.
- 9 The Appendix is further amended by striking out “80 pounds per square inch” and “135 pounds per square inch” in clause 12(5)(d) and substituting “560 kPa” and “945 kPa”, respectively.
- 10 The Appendix is further amended by striking out “two pounds per square inch” in subclause 12(5)(f)(i) and substituting “13 kPa”.
- 11 The Appendix is further amended by striking out “three pounds per square inch” in subclause 12(5)(f)(ii) and substituting “20 kPa”.
- 12 The Appendix is further amended by striking out “fifty-five pounds per square inch” in clause 12(5)(g) and substituting “382 kPa”.
- 13 The Appendix is further amended by striking out “eight inches of mercury” in clause 12(6)(b) and substituting “2 kPa”.
- 14 The Appendix is further amended by striking out clause 13(5)(b) and renumbering 13(5)(c) - (f) as 13(5)(b) - (e), respectively.
- 15 The Appendix is further amended by striking out “fifty-five pounds per square inch” in clause 14(2)(a) and substituting “450 kPa”.
- 16 The Appendix is further amended by adding the following subsection immediately after subsection 15(6):

(7) Conspicuity markings

- (a) Every trailer 2.05 m or wider, excluding trailers designed solely for living or office purposes, must be equipped with proper reflective material in accordance with Transport Canada’s Motor Vehicle Safety Act Technical Standard No. 108S5.7.
- (b) Any trailer without proper reflective material must be retrofitted to comply with clause (a) in accordance with the following Schedule:
 - (i) trailers built on or after December 1, 1993, must be equipped by October 1, 2000,
 - (ii) trailers built before December 1, 1993, must be equipped by January 1, 2002.

- 17 The Appendix is further amended by
- (a) striking out “1.5” in paragraph[s] 16(2)(a)(i)(B) and 16(2)(a)(i)(C) and substituting “1.6”; and
 - (b) striking out “subparagraph” in paragraph 16(2)(a)(i)(C) and substituting “paragraph”.
- 18 The Appendix is further amended by striking out “13 mm or in circumference by more than 88 mm” in clause 16(2)(l) and substituting “12.7 mm”.

Made July 27, 2000.

(Signed) *Neil J. LeBlanc*
Neil J. LeBlanc
Minister of Business and Consumer Services

N.S. Reg. 148/2000

Made: September 1, 2000

Filed: September 5, 2000

Proclamation, S. 10, S.N.S. 1999, c. 8

Order in Council 2000-441 made September 1, 2000
Proclamation made by the Governor in Council
pursuant to Section 10 of
An Act to Amend Chapter 129 of the Revised Statutes, 1989,
the Direct Sellers' Regulation Act

The Governor in Council on the report and recommendation of the Minister of Business and Consumer Services dated August 21, 2000, pursuant to Section 10 of Chapter 8 of the Acts of 1999, *An Act to Amend Chapter 129 of the Revised Statutes, 1989, the Direct Sellers' Regulation Act*, is pleased to order and declare by proclamation that Chapter 8 of the Acts of 1999, *An Act to Amend Chapter 129 of the Revised Statutes, 1989, the Direct Sellers' Regulation Act*, come into force on and not before September 1, 2000.

PROVINCE OF NOVA SCOTIA

Sgd: *C. R. Glube*

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 10 of Chapter 8 of the Acts of 1999, *An Act to Amend Chapter 129 of the Revised Statutes, 1989, the Direct Sellers' Regulation Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 8 of the Acts of 1999, *An Act to Amend Chapter 129 of the Revised Statutes, 1989, the Direct Sellers' Regulation Act*, come into force on and not before September 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 Chapter 8 of the Acts of 1999, *An Act to Amend Chapter 129 of the Revised Statutes, 1989, the Direct Sellers' Regulation Act*, come into force on and not before September 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 Her Honour the Honourable Constance R. Glube, Administrator of the Government of the Province of Nova Scotia.

AT The Law Courts in the Halifax Regional Municipality, this 1st day of September, 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. 149/2000

Made: July 31, 2000

Filed: September 7, 2000

Schedule 2 - Milk Production Regulations

Order dated July 31, 2000
Amendment to regulations made pursuant to 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 July 31, 2000,

HEREBY ORDERS that Section 5(2) of Schedule 2 “Regulations Respecting Milk Production”, made on ~~February 5, 1999~~ [July 18, 1994] be amended effective, August 1, 2000.

Schedule 2 - Regulations Respecting Milk Production made by the Nova Scotia Dairy Commission on ~~February 5, 1999~~ [July 18, 1994], is amended by adding, “where applicable” immediately before the period.

- 5 (2)** A producer license is a provincial license, issued by the Nova Scotia Dairy Commission, and a federal license, issued by the Nova Scotia Dairy Commission under the authority granted to it by the Canadian Dairy Commission, where applicable.

N.S. Reg. 150/2000

Made: July 31, 2000

Filed: September 7, 2000

Schedule 7 - Nova Scotia Bulk Milk Haulage Regulations

Order dated July 31, 2000
Amendment to regulations made pursuant to 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 July 31, 2000,

HEREBY ORDERS that Section 11 of Schedule 7 “Regulations Respecting the Fixing of Maximum Rates To Be Charged By Transporters And Establishing A Bulk Milk Haulage Equalization Program”, made on ~~April 26, 2000~~ [December 12, 1991], be amended effective, August 1, 2000.

Schedule 7 - Regulations Respecting The Fixing of Maximum Rates To Be Charged By Transporters & Establishing A Bulk Milk Haulage Equalization Program, made by the Nova Scotia Dairy Commission on ~~April 26, 2000~~ [December 12, 1991], is amended by repealing Section 11 and substituting the following.

11 The following transporter rates shall be the maximum rates which may be charged to processors by transporters and shall be applicable to all transporters in the Province:

Transporter	Maximum Rate Per 100 Litres	Effective Date
(a) Bedford Transport Limited Farm Pick Up	\$2.23	August 1, 2000
(b) E.D.F. Transport Limited Farm Pick Up	\$2.44	August 1, 2000
(c) Fisher Transport Ltd. Farm Pick Up	\$2.04	August 1, 2000
(d) Rudy Burghardt Farm Pick Up	\$2.47	August 1, 2000
(e) Cook's Dairy Farm Ltd.	\$2.20	August 1, 2000
(f) All Transporters, milk to or from Truro		
Yarmouth to or from Truro Farmers Cheese Division	\$5.29/hl.	July 30, 1995

Yarmouth from Truro or Shubenacadie Pick Up	\$4.42/hl.	July 30, 1995
Yarmouth from Hammonds Plains or Dartmouth	\$4.04/hl.	July 30, 1995
Yarmouth from Valley or Bridgewater Pick Up	\$3.14/hl.	July 30, 1995
(g) Special Rates		
Every Day Pick Up	150% Of Normal Rate	
Return Trip- Additional Charge	\$50.00/Extra Trip*	
Minimum	\$40.00/Week	
* At the discretion of the transporter		

N.S. Reg. 151/2000

Made: July 31, 2000

Filed: September 7, 2000

Schedule 8 - Specified Areas Regulations

Order dated July 31, 2000

Amendment to regulations made pursuant to 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 July 31, 2000,

HEREBY ORDERS that Section 3(15) of Schedule 8 “Regulations For Specified Areas” made on ~~May 17, 1999~~ [August 11, 1989] be amended effective, August 1, 2000.

Schedule 2 - Regulations For Specified Areas, made by the Nova Scotia Dairy Commission on ~~May 17, 1999~~ [August 11, 1989] is amended by repealing Section 3(15) and substituting the following.

- 3 (15)** Class 4(m) shall be the milk components utilized to process milk products that are processed for the surplus removal of milk or milk components and that are not exported within Canada’s World Trade Organization limits for subsidized exports.

N.S. Reg. 152/2000

Made: July 31, 2000

Filed: September 7, 2000

Schedule 13 - Contracted Exports of Dairy Products Regulations

Order dated July 31, 2000
Regulations made pursuant to 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 July 31, 2000,

HEREBY ORDERS that the attached Schedule 13 “Regulations Respecting Contracted Exports of Dairy Products” is hereby adopted, effective August 1, 2000.

Schedule 13

Regulation Respecting Contracted Exports of Dairy Products Pursuant to the Dairy Commission Act

- 1** In the regulation following, unless the context otherwise requires
 - (a) “contracted export milk” means milk sold by a producer pursuant to a contract with a processor or other person, and that milk or dairy products manufactured from that milk are exported from Canada.

- 2** The following sections of regulations under the Dairy Commission Act do not apply to contracted export milk:
 - (a) Sections (12), (17), (18), (23) and (26) of Schedule 1, “General Regulations”;
 - (b) Schedule 6, “Nova Scotia Milk Producers’ Financial Equalization Regulations”;
 - (c) Schedule 8, “Regulations for Specified Areas”;
 - (d) Schedule 9, “Milk Prices for Specified Areas”;
 - (e) Schedule 10, “ Total Production Quota Regulations”.

N.S. Reg. 153/2000

Made: September 6, 2000

Filed: September 8, 2000

Fees for Searches and Transactions Regulations,
Solemnization of Marriage Fee Regulations and
Change of Name Regulations

Order in Council 2000-442 made September 6, 2000
Regulations and amendments to regulations made by the Governor in Council
pursuant to Section 51 of the *Vital Statistics Act*,
Section 33 of the *Solemnization of Marriage Act*, and
Section 21 of the *Change of Name Act*

The Governor in Council on the report and recommendation of the Minister of
Business and Consumer Services dated July 19, 2000, and

- (a) pursuant to Section 51 of Chapter 494 of the Revised Statutes of Nova Scotia, 1989, the *Vital Statistics Act*, is pleased to amend the regulations respecting fees for searches and transactions made by Order in Council 94-125 dated February 15, 1994, by repealing clauses 1(a) and (b);
- (b) pursuant to Section 33 of Chapter 436 of the ~~Revises~~ [Revised] Statutes of Nova Scotia, 1989, the *Solemnization of Marriage Act*, is pleased to
 - (i) revoke Orders in Council 79-1179 dated September 18, 1979, and 86-28 dated January 14, 1986, respecting the fee to be paid for a marriage license and the amount to be retained by the issuer,
 - (ii) revoke Order in Council 86-1077 dated September 9, 1986, respecting the fee to be charged by a judge for solemnizing a marriage,
 - (iii) make regulations to determine fees respecting the solemnization of a marriage in the form set forth in Schedule "A" attached to and forming part of the report and recommendation;
- (c) pursuant to Section 21 of Chapter 66 of the Revised Statutes of Nova Scotia, 1989, the *Change of Name Act*, is pleased to amend the regulations made by Order in Council 77-942 dated August 2, 1977, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation,

effective on and after September 6, 2000.

Schedule "A"**Regulations to Determine Fees Respecting the Solemnization of Marriage
made by the Governor in Council pursuant to Section 33 of
Chapter 436 of the Revised Statutes of Nova Scotia, 1989,
the *Solemnization of Marriage Act*****Citation**

- 1 These regulations may be cited as the *Solemnization of Marriage Fee Regulations*.

Marriage license fee

- 2 The fee to be paid for a marriage license shall be \$100.

Amount retained by issuer

- 3 The amount to be retained by an issuer of a marriage license out of the fee to be collected by the issuer for the marriage license shall be \$15.

Judge's fee

- 4 The fee to be charged by a judge for the solemnization of a marriage in the judge's chambers or office or in a courtroom shall be \$50.

Justice of the Peace's fee

- 5 The fee to be charged by a justice of the peace for the solemnization of a marriage shall be \$50.

Schedule "B"**Amendments to the Regulations Respecting Change of Name
made by the Governor in Council pursuant to Section 21 of
Chapter 66 of the Revised Statutes of Nova Scotia, 1989,
the *Change of Name Act***

The regulations respecting change of name made by the Governor in Council by Order in Council 77-942 dated August 2, 1977, are amended by repealing Sections 6 and 7 and substituting the following Sections:

- 6 Every application for a change of name shall be accompanied by a fee of \$125.00, plus \$20 for each additional request for a consequential change to a birth or marriage record that is included with the application.
- 7 Every application for duplicate certificate of change of name shall be accompanied by a fee of \$15.00.

N.S. Reg. 154/2000

Made: September 6, 2000

Filed: September 8, 2000

Documents and Services Fees

Order in Council 2000-443 made September 6, 2000
Amendment to regulations made by the Governor in Council
pursuant to subsection 302(1)
of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Business and Consumer Services dated July 27, 2000, and pursuant to subsection 302(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to amend the regulations respecting documents and services fees made by the Governor in Council by Order in Council 2000-276 dated May 24, 2000, by adding “(except where an insurer takes possession of a vehicle pursuant to subsection 99A(3) of the Act there is no fee)” after “Recording applicant as vehicle owner, initially or by way of transfer” effective on and after July 28, 2000.

N.S. Reg. 155/2000

Made: September 6, 2000

Filed: September 8, 2000

Solemnization of Marriage License Regulations

Order in Council 2000-444 made September 6, 2000
Regulations made by the Governor in Council
pursuant to Sections 29 and 33
of the *Solemnization of Marriage Act*

The Governor in Council on the report and recommendation of the Minister of Business and Consumer Services dated August 17, 2000, and pursuant to Sections 29 and 33 of Chapter 436 of the Revised Statutes of Nova Scotia, 1989, the *Solemnization of Marriage Act*, is pleased to make regulations respecting an expiration date for marriage licenses in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 1, 2001.

Schedule "A"

Regulations Respecting an Expiry Date for Marriage Licenses made by the Governor in Council pursuant to Sections 29 and 33 of Chapter 436 of the Revised Statutes of Nova Scotia, 1989, the *Solemnization of Marriage Act*

Citation

- 1 These regulations may be cited as the *Solemnization of Marriage License Regulations*.

Expiration of marriage license

- 2 A marriage license shall expire 1 year from the date on which it is issued, unless a marriage is performed as authorized in the license.

Amendment of Form A

- 3 Form A in the Schedule to the Act is amended by adding the following sentence at the end of the form:

This license expires 1 year from the date entered above, unless a marriage is performed as authorized.

N.S. Reg. 156/2000
Made: September 6, 2000
Filed: September 8, 2000
Bingo Regulations

Order in Council 2000-450 made September 6, 2000
Amendment to regulations made by the Governor in Council
pursuant to Section 127
of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Acting Minister responsible for Part II of the *Gaming Control Act* dated August 30, 2000, and pursuant to Section 127 of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act*, is pleased to amend the *Bingo Regulations* made by the Governor in Council by Order in Council 95-256 dated April 4, 1995, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Amendments to the *Bingo Regulations* made by the Governor in Council
pursuant to Section 127 of Chapter 4 of the Acts of 1994-95,
the *Gaming Control Act***

- 1 Subsection 8(1) of the *Bingo Regulations* made by the Governor in Council by Order in Council 95-256 dated April 4, 1995, is repealed and the following subsection substituted:
 - (1) Fees for a licence on original issue and annual renewal are payable to the Commission as follows:
 - (a) \$25 for a charitable bingo licence;
 - (b) where a commercial bingo licensee is authorized in the licence to conduct bingo
 - (i) on one or more days per week, \$250 multiplied by the number of days of bingo authorized in the licence to be conducted per week; or
 - (ii) less often than one day per week, \$250.
- 2 Section 12 of the regulations is amended by adding the following subsection immediately after subsection (2):
 - (2A) Despite subsection (2), the holder of a commercial bingo licence may award a single game prize of \$500 once per week.

N.S. Reg. 157/2000

Made: September 6, 2000

Filed: September 8, 2000

Heritage Conservation Districts Regulations

Order in Council 2000-451 made September 6, 2000
Amendment to regulations made by the Governor in Council
pursuant to Section 26
of the *Heritage Property Act*

The Governor in Council on the report and recommendation of the Minister in charge of the administration of the *Heritage Property Act* dated July 18, 2000, and pursuant to Section 26 of Chapter 199 of the Revised Statutes of Nova Scotia, 1989, the *Heritage Property Act*, is pleased to amend the *Heritage Conservation Districts Regulations* made by the Governor in Council by Order in Council 92-682 dated July 14, 1992, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Amendments to the *Heritage Conservation Districts Regulations*
made by the Governor in Council pursuant to Section 26 of Chapter 199
of the Revised Statutes of Nova Scotia, 1989, the *Heritage Property Act***

- 1 Subsection 9(4) of the *Heritage Conservation Districts Regulations* made by the Governor in Council by Order in Council 92-682 dated July 14, 1992, is amended by striking out "6" and substituting "7".
- 2 Subsection 13(1) of the regulations is repealed and the following subsection substituted:
 - (1) When the heritage officer decides to grant a certificate without conditions, the heritage officer shall notify the applicant of the decision by ordinary mail or personal service.
- 3 Subsection 13(2) of the regulations is repealed and the following subsection substituted:
 - (2) When the heritage officer decides to grant a certificate subject to conditions or decides not to grant a certificate, the heritage officer shall, by registered mail or personal service, notify the applicant of the decision and the applicant's right to appeal.
- 4 Subsection 13(3) of the regulations is amended by adding "ordinary" before "mail".
- 5 Section 15 of the regulations is amended by striking out "service of the notice required by Section 13 or the".