

### ***Attention***

#### ***Changes to the Publication of the Royal Gazette Part II - Regulations***

Beginning in 2003, the Registry of Regulations will be making some changes to the way we publish the *Royal Gazette Part II - Regulations*.

Starting with the first issue of 2003, we will be changing the format from the half-page format of 5" x 7" to a full-page format of 8.5" x 11". Not only will this make the publication easier to typeset and publish, but the new format will enable us to use a larger font size, making the publication easier to read. Subscribers will no longer need to purchase a special binder. Transparent labels will be available from the Registry.

Also in 2003, we will begin publishing the entire text of the *Royal Gazette Part II - Regulations* on the Internet in Adobe Acrobat PDF format at **no charge**. This will be in addition to the official print version. Currently, only the annual indexes and a table of contents for each issue are available on our website. We will notify subscribers as soon as the online version is available.

If you have any questions or concerns about these changes, please contact us by phone at (902) 424-6723 or by e-mail at [regofregs@gov.ns.ca](mailto:regofregs@gov.ns.ca).

Jonathan Davies  
Registrar of Regulations



Part II

Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia Vol. 26, No. 26 December 27, 2002

Contents

Table with 4 columns: Act, Reg. No., Page, and Act details. Includes Environment Act, Revenue Act, Summary Proceedings Act, and Underground Hydrocarbons Storage Act.

AVAILABLE SOON

The first issue of the 2003 subscription year of the Folio®-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, will soon be available from the Office of the Registrar of Regulations. For information or subscription please call (902) 424-6723 or visit our website at <www.gov.ns.ca/just/regulations/cd>.

N.S. Reg. 147/2002
Made: December 6, 2002
Filed: December 9, 2002
Proclamation, S. 35, S.N.S. 2001, c. 37

Order in Council 2002-543 made December 6, 2002
Proclamation made by the Governor in Council pursuant to Section 35 of the Underground Hydrocarbons Storage Act

The Governor in Council on the report and recommendation of the Minister of Energy dated November 6, 2002, pursuant to Section 35 of Chapter 37 of the Acts of 2001, the Underground Hydrocarbons Storage Act, is pleased to order and declare by proclamation that Chapter 37 of the Acts of 2001, the Underground Hydrocarbons Storage Act, come into force on and not before December 6, 2002.

PROVINCE OF NOVA SCOTIA Sgd. Myra A. Freeman

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

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

A PROCLAMATION

WHEREAS in and by Section 35 of Chapter 37 of the Acts of 2001, the Underground Hydrocarbons Storage Act, it is enacted as follows:

35 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 37 of the Acts of 2001, the Underground Hydrocarbons Storage Act, come into force on and not before December 6, 2002.

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 37 of the Acts of 2001, the Underground Hydrocarbons Storage Act, come into force on and not before December 6, 2002, of which all persons concerned are to take notice and govern themselves accordingly.

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

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

AT Our Government House in the Halifax Regional Municipality, this 6<sup>th</sup> day of December, in the year of Our Lord two thousand and two and in the fifty-first year of Our Reign.

BY COMMAND:

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

N.S. Reg. 148/2002

Made: December 6, 2002

Filed: December 9, 2002

Underground Hydrocarbons Storage Regulations

Order in Council 2002-544 made December 6, 2002  
Regulations made by the Governor in Council  
pursuant to Section 33  
of the *Underground Hydrocarbons Storage Act*

The Governor in Council on the report and recommendation of the Minister of Energy dated November 6, 2002, pursuant to Section 33 of Chapter 37 of the Acts of 2001, the *Underground Hydrocarbons Storage Act*, is pleased to make regulations respecting the underground storage of hydrocarbons in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 6, 2002.

#### Schedule "A"

#### Regulations Respecting the Underground Storage of Hydrocarbons made by the Governor in Council pursuant to Section 33 of Chapter 37 of the Acts of 2001, the *Underground Hydrocarbons Storage Act*

##### Citation

1 These regulations may be cited as the *Underground Hydrocarbons Storage Regulations*.

##### Definitions

2 In these regulations,

- (a) "Act" means the *Underground Hydrocarbons Storage Act*;
- (b) "Administrator" means a person designated by the Minister pursuant to Section 3, and includes an acting Administrator;
- (c) "allowable expenditure" means an expenditure made by a licensee during the term of their licence in accordance with Section 22;
- (d) "application" means an application
  - (i) for a licence or lease,
  - (ii) to amend a schedule or a term or condition of, add a term or condition to, or delete a term or condition from a licence or lease,
  - (iii) to renew a licence or lease,
  - (iv) to surrender a licence or lease;
- (e) "Board" means the Nova Scotia Utility and Review Board;
- (f) "complete application" means an application that enables the Administrator to commence a detailed review of the application;

- (g) “development program” means a program of work to be performed on the development of a storage area each year or in blocks of years during the term of a lease by the lessee in accordance with Section 21;
- (h) “Department” means the Department of Energy;
- (i) “interest holder” means a person or a partnership as defined in the *Partnerships and Business Names Registration Act* having an interest in a right;
- (j) “lease” means a hydrocarbon storage-area lease issued pursuant to Section 15 of the Act;
- (k) “licence” means a hydrocarbon storage-area licence issued pursuant to Section 9 of the Act, except where the context requires otherwise;
- (l) “Minister” means the Minister of Energy;
- (m) “Registrar” means the Registrar appointed pursuant to Section 5 of the Act;
- (n) “representative” means a person designated in accordance with Section 18 to represent a licensee, a lessee or an interest holder;
- (o) “right” means a licence or lease granted pursuant to the Act and regulations and includes a right arising from the licence or lease, except where the context requires otherwise;
- (p) “storage area” means an area that has geological potential to contain one or more storage reservoirs;
- (q) “storage reservoir” means space or spaces in geological formations, whether occurring naturally or otherwise, that may be used for the storage of hydrocarbons, but does not include underground tanks for the storage of fuels;
- (r) “work program” means a program of work to be performed on the development of a storage area each year or in blocks of years during the term of a licence by the licensee in accordance with Section 19.

**Administrator**

**3** The Minister shall designate an Administrator to administer these regulations.

**Precondition before applying for a licence**

**4** An applicant for a licence must

- (a) hold a mineral right for salt and potash under the *Mineral Resources Act*; and
- (b) obtain a written statement from the Minister of Natural Resources, in accordance with subsection 8(2) of the Act, approving the use of the geological formation for the development of a storage reservoir.

**Application form**

**5** The Administrator may prescribe a form for an application.

**Completing an application**

- 6 (1)** An application must be completed and signed by
- (a) a person who is an authorized signatory of the applicant, in the case of an application referred to in subclause 2(d)(i); or
  - (b) a representative, in the case of an application referred to in subclauses 2(d)(ii), (iii), or (iv).
- (2)** An agent of a person identified in clause (1)(a) may sign an application if the agent produces proof of authorization to sign the application.

**Submitting an application**

- 7 (1)** An application must be submitted to the Registrar.
- (2)** The Registrar shall not process an application for an area
- (a) identified in subsection 13(1) of the Act; or
  - (b) that is subject to an existing licence or lease, or a prior application that has been filed but not processed or rejected.
- (3)** In addition to recording and filing all applications for licences and leases as required by subsections 8(3) and 15(5) of the Act, the Registrar shall
- (a) record and file all applications referred to in subclauses 2(d)(ii), (iii) and (iv); and
  - (b) send a copy of each application to the Administrator.
- (4)** An application must be accompanied by all information and documentation that the Administrator requires to process the application, including, unless directed otherwise in writing by the Administrator,
- (a) the name, address, telephone and fax number of the applicant and, where applicable, proof of current registration with the Nova Scotia Registry of Joint Stock Companies, and the name, title and address of the person to be contacted with respect to the application;
  - (b) the area to be covered by the licence or lease;
  - (c) proof that the applicant holds a mineral right under *Mineral Resources Act* as required by clause 4(a);
  - (d) a written statement from the Minister of Natural Resources as required by clause 4(b);
  - (e) a completed Designation of Representative form as prescribed by the Administrator, in accordance with Section 18;
  - (f) a statement, on a form prescribed by the Administrator, identifying all interest holders in a right and their percentage interests in the right;

- (g) information required to be submitted as part of or in support of the application pursuant to any other enactments;
  - (h) for an application for a licence, documentation detailing a work program, as required by Section 19;
  - (i) for an application for a lease,
    - (i) information and data as required by Section 20, and
    - (ii) documentation detailing a development program as required by Section 21;
  - (j) information prescribed in a code of practice, directive, standard, policy, or guideline established under subsection 4(2) of the Act or prepared or adopted under Section 24 of the Act;
  - (k) other information requested by the Administrator.
- (5) The Administrator may waive any of the requirements of subsection (4) in writing if the Administrator is satisfied that the requirement is not relevant to a particular application and shall forward to the Registrar a copy of any waiver issued.
- (6) An application must be accompanied by a non-refundable fee of \$100.

#### **Incomplete application for licence or lease**

- 8 (1) If an application for a licence or lease is not complete or additional information is required, the Administrator shall notify the applicant in writing within 30 days of receipt of the application and request the information necessary to make the application complete.
- (2) If the information is not provided by an applicant within 3 months of a request under subsection (1), the Administrator may reject the application and, if so, shall immediately notify the applicant in writing that the application has been rejected and forward a copy of the notice to the Registrar.
- (3) The Administrator may, at an applicant's request, grant an extension of the 3-month time limit prescribed in subsection (2).
- (4) If the information is not provided by an applicant within an extended time limit granted pursuant to subsection (3), the Administrator shall reject the application and shall immediately notify the applicant in writing that the application has been rejected and forward a copy of the notice to the Registrar.

#### **Notice of complete application**

- 9 When the Administrator considers an application to be a complete application, the Administrator shall notify the applicant in writing and forward a copy of the notice to the Registrar.

#### **Applying for an amendment to a licence or lease**

- 10 (1) A licensee or lessee may apply to the Minister for an amendment to a licence or lease.
- (2) An application for an amendment to a licence or lease must contain

- (a) a description of the proposed modification and an explanation of its purpose;
- (b) an assessment of the effects of the proposed modification in relation to the information contained in the original application for the licence or lease;
- (c) other information as required by the Administrator.

#### **Applying for a renewal of a licence or lease**

- 11 (1) Upon application to the Minister on or before the expiry date of the licence, the Minister may renew a licence if the licensee is *bona fide* working the licence and has complied with the Act, the regulations and the terms and conditions of the licence.
- (2) Upon application to the Minister within 6 months immediately preceding the expiration of a lease, the Minister may renew the lease if the lessee is *bona fide* working the lease and has complied with the Act, the regulations and the terms and conditions of the lease.
- (3) An application for renewal of a licence or lease must include any changes to the information submitted with the original application for the licence or lease.
- (4) A licence or lease renewed under subsection (1) or (2) shall be subject to such terms and conditions as the Minister may determine.

#### **Costs and expenses of processing an application**

- 12 (1) The Administrator may bill an applicant for reasonable costs and expenses in excess of the application fee prescribed in subsection 7(6) that are incurred directly by the Administrator in processing the application, and the applicant must pay the additional amount before a licence or lease is issued.
- (2) An applicant may request that the Administrator provide documentation to support a bill issued under subsection (2).

#### **Annual rent**

- 13 (1) Upon issuance of and in advance of renewal of a licence, the licensee must pay to the Minister an annual rent of \$2.50 per hectare of the area covered by the licence.
- (2) Before a lease is granted to a licensee, the licensee must pay to the Minister an annual rent of \$5.00 per hectare of the area covered by the lease.
- (3) A lessee must pay the rent prescribed in subsection (2) annually on or before the anniversary date of the lease for the next ensuing year.
- (4) All payments made under subsections (1), (2) and (3) must be forwarded to the Registrar.

#### **Processing an application**

- 14 (1) Subject to subsection (2), the Administrator shall process an application within 90 days of the later of

- (a) the date on which notice of the complete application is given pursuant to Section 9; or
  - (b) where applicable, the receipt of additional information requested pursuant to Section 15.
- (2) If the Administrator determines that it will take more than 90 days to process an application, the Administrator shall advise the applicant in writing and provide a revised estimate of the time needed.

**Review of application**

15 During the review of an application, the Minister may request additional information from

- (a) the applicant, agent of the applicant or representative of the applicant;
- (b) a person who is directly affected by the application;
- (c) a local authority, the Government, a Government agency, or the Government of Canada or any agency or department of the Government of Canada; or
- (d) any other source that the Minister considers appropriate.

**Refusal to grant licence or lease**

16 (1) The Minister may refuse to issue a licence or lease if the Minister decides that granting the licence or lease could threaten or adversely affect an agreement, licence or lease issued under the *Mineral Resources Act* or the *Petroleum Resources Act*.

- (2) If the Minister refuses to issue a licence or lease, the Minister shall notify the applicant in writing of the decision, together with reasons, and shall forward a copy of the decision to the Registrar.

**Terms and conditions of a licence or lease**

17 (1) The duration of a licence or lease shall be as prescribed in the Act.

- (2) The terms and conditions of a licence or lease shall include
  - (a) compliance with the approved work program or development program, as applicable;
  - (b) provision of financial security in accordance with Section 24;
  - (c) compliance with the reporting requirements in accordance with Section 26;
  - (d) other matters considered appropriate by the Minister.

**Representatives**

18 (1) An applicant for a licence or lease must designate a representative.

- (2) The representative has sole responsibility on behalf of a licensee or lessee, or an interest holder in the licence or lease, for

- (a) corresponding with the Minister, the Registrar, the Administrator and the Department;
  - (b) remitting any money payable by the licensee or lessee to the Province;
  - (c) distributing any money refunded by the Province to the licensee or lessee;
  - (d) negotiating or renegotiating a licence or lease, a surrender of lands, or any other obligation under a licence or lease; and
  - (e) such other duties as may be specified in the licence or lease.
- (3) A licensee or lessee must covenant and agree that they are responsible for advising the representative from time to time of the obligations under the licence or lease and at law.
- (4) A licensee or lessee is jointly and severally liable for the acts or omissions of the representative with respect to any matter to which the authority of the representative extends.
- (5) A representative continues as representative unless another representative is substituted as provided for in subsection (9).
- (6) The Province may rely, without detriment, on any representations made or actions taken by the representative.
- (7) A licensee, lessee or interest holder is deemed to have notice of all correspondence from the Minister, the Registrar, the Administrator or the Department that is directed through the representative.
- (8) Payment of money by the Province to a representative is sufficient discharge of an obligation of the Province to pay the licensee, lessee or interest holder.
- (9) The licensee or lessee may, upon giving the Minister 30 days notice in writing, substitute another representative by filing a new Designation of Representative with the Registrar, and upon filing, the former Designation of Representative is revoked.

**Work program**

19 (1) An applicant for a licence must submit for approval by the Administrator a work program to determine the suitability of a storage area for the future development of a storage reservoir.

- (2) The licensee must perform work in the storage area during the term of the licence
  - (a) to the extent necessary to obtain the information and data required by Section 20; and
  - (b) to the value of \$125 per hectare of the area covered by the licence.

- (3) On or before the expiry date of a licence, or another date approved in writing by the Administrator, the licensee must file a report with the Administrator stating that the licensee has performed the work described in the approved work program referred to in subsection (1) and has complied with subsection (2).
- (4) The report required by subsection (3) must be in a format approved by the Administrator or on a form prescribed by the Administrator.
- (5) If the licensee performs work in excess of that required by subsection (2), the excess may be applied in subsequent renewals of the licence.
- (6) The value of work performed during the term of a licence shall be equivalent to the allowable expenditures made by the licensee during the term.

#### Information from work program to accompany lease application

- 20** An applicant for a lease must submit for approval by the Administrator information and data, obtained during the course of the work program under the licence, that establish the suitability of a storage area for the development of one or more storage reservoirs, including
- (a) a brief description of the proposed storage area or storage reservoir;
  - (b) a map showing the type, surveyed location and depth of all exploratory and delineation wells and boreholes within a 1 km radius of the proposed storage reservoir;
  - (c) a table of the wells and boreholes identified in clause (b) showing the date each well and borehole was drilled and its size, type, location, depth and current status;
  - (d) copies of all logs of wells and boreholes identified in clause (b);
  - (e) sufficient cross-sections to show the geological structure of the area, supported where appropriate by gamma ray and neutron density geophysical well logs, well or borehole logs, and any other applicable well or borehole records;
  - (f) the depth to which fresh-water-bearing strata and other formation waters are likely to be encountered;
  - (g) the proposed location of the salt solution well or wells;
  - (h) a geological analysis of the anticipated salt formation, including its depth and thickness;
  - (i) copies of applications and approvals, if granted, issued by other regulators on the project including, but not limited to, municipal approvals and environmental assessment approvals;
  - (j) other information requested by the Administrator.

#### Development program

- 21** (1) An applicant for a lease must submit for approval by the Administrator a development program that sets out and describes milestone events in the development of a storage reservoir in the storage area.
- (2) A lessee must apply to the Board for an approval to construct a storage reservoir pursuant to subsection 22(1) of the Act within 2 years of the date of the lease.
  - (3) On or before the anniversary date of a lease, or another date approved in writing by the Administrator, a lessee must file a report with the Administrator demonstrating that the lessee has performed the work described in the development program referred to in subsection (1) and has complied with subsection (2).
  - (4) The report described in subsection (3) must be in a format approved by the Administrator or on a form prescribed by the Administrator.

#### Allowable expenditures

- 22** (1) Subject to subsections (2) and (3), the Administrator has the discretion to determine what constitutes an allowable expenditure for inclusion in the statement of expenditures required by subsection 14(3) of the Act.
- (2) The full cost of the following work, including reasonable expenses allowed by the Minister or Administrator, is considered an allowable expenditure:
    - (a) geological surveys;
    - (b) geophysical surveys, including ground, marine and borehole investigations;
    - (c) airborne surveys, including photographic, geophysical and geochemical;
    - (d) photogeological and remote imagery interpretations;
    - (e) drilling and abandonment of wells, drill holes and boreholes;
    - (f) surface surveys related to exploration or development;
    - (g) surface exploration work;
    - (h) water monitoring surveys;
    - (i) interpretation and analyses of data;
    - (j) technical data compilations;
    - (k) laboratory and appraisal studies and reports pertaining to any of the work described in this Section; and
    - (l) providing additional information to the Minister or Administrator, and other work that is necessarily incidental to and directly associated with work identified in clauses (a) to (l).
  - (3) Administrative and overhead costs, such as office expenses, are considered allowable ancillary expenditures, the total cost of which must not exceed 10% of the value set out in clause 19(2)(b), or actual allowable expenditures, whichever amount is greater.

#### Goods and services

- 23** (1) For the purpose of this Section, "goods" includes significant structures and construction, plant, equipment, and all other facilities required by a licensee or lessee in the development or operation of a storage reservoir.

- (2) In acquiring goods and services for work pursuant to a licence or lease, the licensee or lessee must make all reasonable attempts to use
- (a) services provided from within Nova Scotia; and
  - (b) goods manufactured in Nova Scotia or provided from within Nova Scotia,
- but must use the goods and services only if they are competitive in terms of fair market price, quality and delivery.
- (3) In hiring employees and independent contractors, a licensee or lessee must make all reasonable attempts to hire qualified persons normally resident in Nova Scotia.
- (4) A licensee or lessee must require and ensure that contractors and main subcontractors hired by them to perform work under the licence or lease comply with this Section.
- (5) Nothing in these regulations relieves a licensee or lessee, or the contractors and main subcontractors hired by them, of responsibility for the selection of employees, independent contractors, goods, services and suppliers.
- (6) A licensee or lessee must file a report detailing compliance with this Section
- (a) within 30 days after the expiry date of the licence or the anniversary date of the lease; or
  - (b) at any other time specified by the Administrator.
- (7) A report described in subsection (6) must be in a format approved by the Administrator or on a form prescribed by the Administrator.

#### Financial security and responsibility

- 24 (1) A licensee or lessee must
- (a) provide the Registrar with financial security in a form and in an amount satisfactory to the Minister; and
  - (b) provide the Registrar with evidence, in a form satisfactory to the Minister, that the licensee or lessee is financially able to meet any financial liability that may be incurred as a result of activities conducted under the licence or lease.
- (2) The security will be forfeited in whole if the licensee or lessee does not fulfil the obligations for which the security is provided.
- (3) Forfeiture of the security does not impair or otherwise affect the rights of the Province under the Act, these regulations and the licence or lease.
- (4) The Minister shall return the security
- (a) despite subsection (2) if, in the Minister's opinion, the failure to fulfil the obligations under a licence or lease is the result of technical difficulties beyond the control of the licensee or lessee despite adherence to industry practices;

- (b) if, in the Minister's opinion, further performance under a licence or lease would not be reasonable; or
- (c) if the obligations for which the security was provided have been performed to the satisfaction of the Minister.

#### Creation and maintenance of business establishment

- 25 (1) A licensee or lessee must create and maintain one or more business establishments in Nova Scotia where their representative
- (a) can be reached during normal business hours;
  - (b) must keep at least one copy of all information and samples of all material obtained or recovered from the storage area, including well cuttings, core material, fluid samples, well logs and other items listed in subsection 25(2), as well as other items required by the Administrator;
  - (c) must keep at least one copy of all reports and records directly related to the activities conducted under the licence or lease;
  - (d) must ensure that during normal business hours there is at least one individual qualified to assist the Minister, the Registrar and the Administrator,

and from where the representative is in continuous contact with the activities conducted under the licence or lease and with all participating persons responsible for the obligations contained in the licence or lease.

#### Reporting of data and information

- 26 (1) A licensee or lessee must comply with all record-keeping and reporting requirements prescribed in a code of practice established under subsection 4(2) of the Act or prepared or adopted under Section 24 of the Act.
- (2) A licensee or lessee must submit to the Administrator, through the Registrar, in a form acceptable to the Administrator, the following data and information:
- (a) within 60 days after the expiry date of the licence or anniversary date of the lease,
    - (i) a progress report,
    - (ii) geological and geophysical data and interpretations,
    - (iii) reports of all surveys not referred to in the submissions made under subclauses (i) and (ii) that were conducted in the storage area, and
    - (iv) with respect to a licence, a statement of expenditures required by subsection 14(3) of the Act; and
  - (b) upon the abandonment, suspension or completion of a well, a complete well history report including samples and descriptions of rock cuttings, gas and fluid samples, core samples and any other data specified in the licence, lease or code of practice.

- (3) The geological data referred to in subclause (2)(a)(ii) must include
- (a) copies of all aerial photographs taken by the licensee or lessee; and
  - (b) a geological report of any area investigated, including geological maps and cross-sections and stratigraphic and structural data.
- (4) The geophysical data referred to in subclause (2)(a)(ii) must include,
- (a) if a gravity survey has been conducted, maps showing
    - (i) the location and ground elevation of each station,
    - (ii) the final corrected gravity value at each station,
    - (iii) the gravity contours drawn on the gravity values, and
    - (iv) the boundaries of the area covered by the licence or lease;
  - (b) if a seismic survey has been conducted, maps on a scale of not less than 1:50 000 showing
    - (i) the location and ground elevation of each shot hole,
    - (ii) the corrected time value at each shot for all horizons determined during the course of the survey,
    - (iii) contours and isochrons drawn on the corrected values with a contour value of not more than 30 m of the equivalent in time, and
    - (iv) the boundaries of the area covered by the licence or lease;
  - (c) if a magnetic survey has been conducted, maps showing
    - (i) the location of the flight lines,
    - (ii) the magnetic contour lines at intervals of 10 gamma, and
    - (iii) the boundaries of the area covered by the licence or lease.
- (5) A licensee or lessee must submit to the Administrator any information obtained during the course of a work program or development program that is of importance to the understanding of the environment, renewable resources, geology or history.
- (6) A licensee or lessee must use due diligence and care to ensure that the information submitted to the Minister or Administrator is not misleading, false or incomplete.
- (7) Any person having reason to believe that an emergency condition exists or is likely to occur in connection with activities conducted under a licence or lease must immediately inform the Administrator.

#### Confidentiality of data and information

- 27 (1) All data and information submitted under these regulations and pertaining to a storage area must be filed with the Registrar and shall, while the licence or lease is still valid, be kept confidential by the Minister for the following time periods:

- (a) for factual and interpretive geological, geochemical and photogeological data and information, 3 years following its filing with the Registrar;
  - (b) for factual and interpretive geophysical data and information, 5 years following the field acquisition of the data and information;
  - (c) for information and data relating to the prognosis, drilling and completion of an exploration well, 2 years following the completion or abandonment of the well.
- (2) Subsection (1) does not apply to
- (a) information and data relating to environmental or social matters, which shall not be kept confidential for any period of time;
  - (b) information and data for which a period of confidentiality is provided elsewhere in these regulations or by any other enactment; or
  - (c) information, access to which is otherwise provided for pursuant to these regulations or the Act.
- (3) Despite subsection (1), the Minister may at any time
- (a) publish general reports and summaries based on geological, economic or technical information and data submitted by a licensee or lessee, compiled in an aggregate format and not specifically identifiable as confidential information;
  - (b) publish a detailed report of any accident or other occurrence that results in personal injury or damage to the environment, and the Minister need not keep confidential any information and data used in preparing the report;
  - (c) divulge to a licensee or lessee any information or data that the Minister considers may help prevent an accident or other occurrence that could result in personal injury or damage to the environment;
  - (d) release general topographic information, legal surveys and elevations of well locations, the current depths of wells and the current status of wells;
  - (e) release any information about a licence or lease that has been cancelled; or
  - (f) release any other information with the consent of the licensee or lessee concerned.

#### Vesting orders and surface rights permits

- 28 (1) In this Section,
- (a) “land” means land, other than land owned by the Crown, that is required

- (i) by a licensee for the purpose of passing over, entering upon or working the lands covered by the licence, or
  - (ii) by a lessee for the purpose of the storage area covered by the lease,
- and includes any estate, term, easement, right or interest in, to, over or affecting land;
- (b) “owner” includes a mortgagee, a tenant, a registered judgment creditor, a person entitled to a limited estate or interest in land, a guardian or trustee of an incompetent person or of a person incapable of managing their affairs, and a guardian, executor, administrator or trustee in whom land is vested.
- (2) Any document required under this Section to be served must be served personally or by registered mail addressed to the person to be served at the person’s last known address and, in the case of service by registered mail, service is deemed to be made on the 5<sup>th</sup> day after the date of mailing.
- (3) A licensee or lessee requiring land must serve a notice on each owner of the land so far as they can be ascertained, accompanied by
- (a) a description of the land that is required by the licensee or lessee;
  - (b) details of the compensation, if any, offered by the licensee or lessee for the land required;
  - (c) a detailed statement by the licensee or lessee of the value of the land required in respect of which compensation is offered;
  - (d) a description of the procedure available pursuant to the Act if the owner of the land and the licensee or lessee are unable to agree; and
  - (e) other information required by the Administrator.
- (4) If a licensee or lessee reaches an agreement with an owner of land, the agreement must include
- (a) a provision that the specified compensation for the market value of the land be paid, at the option of the owner, by one lump sum payment or by annual or periodic payments of equal or different amounts over a period of time;
  - (b) a provision that the specified compensation for any disturbance or injury suffered as a result of the operations of the licensee or lessee will be paid, at the option of the owner, by one lump sum payment or by annual or periodic payments of equal or different amounts over a period of time;
  - (c) indemnification of the owner from all liabilities, damages, claims, suits and actions arising from the operations of the licensee or lessee, other than liabilities, damages, claims, suits and actions arising from gross negligence or wilful misconduct of the owner of the lands;

- (d) a provision limiting the use of the land to the purposes for which the land is specified by the agreement to be required, but the agreement must state that the owner of the land may consent to a proposed additional use at the time of the proposed additional use.
- (5) If licensee or lessee requiring land is unable to reach agreement with a known owner, an application to the Minister for a surface rights permit pursuant to Section 13 of the Act or a vesting order pursuant to Section 17 of the Act must include
- (a) a copy of the notice served on the owner of the land pursuant to subsection (3);
  - (b) proof of service of the notice on the owner; and
  - (c) the reason for the application, including a detailed summary of the efforts that have been made to reach an agreement with the owner.
- (6) If an application described in subsection (5) is received by the Minister, no permit or vesting order shall be issued unless all of the items listed in clauses (4)(a) to (d) are agreed upon.
- (7) If a licensee or lessee requiring land cannot, using reasonable efforts, ascertain the identity of a owner or determine an address for an owner, an application to the Minister for a surface rights permit pursuant to Section 13 of the Act or a vesting order pursuant to Section 17 of the Act shall include the reason for the application, including a detailed summary of the efforts that have been made to identify and locate the owner.
- (8) If an application described in subsection (7) is received by the Minister, the Minister may require the licensee or lessee to take such additional measures as the Minister considers reasonable to identify and locate the owner before the Minister considers issuing a surface rights permit or a vesting order.
- (9) If a lessee has made an application for a vesting order and, prior to the vesting order being filed pursuant to subsection 17(4) of the Act, the lessee decides not to acquire all or part of the land for which the vesting order is sought, the *Expropriation Act* and, in particular, Section 20, shall apply with the necessary changes in detail.

**Change of name**

- 29 If the name of a licensee or lessee changes, the licensee or lessee must notify the Registrar in writing within 30 days of the change.

**Sale, transfer or assignment of right or interest in a right**

- 30 (1) If a licensee, lessee or interest holder proposes to sell, transfer, assign or otherwise dispose of their interest in a right or interest in a right, the licensee, lessee or interest holder must immediately give notice to the Minister of the proposed transaction on a form prescribed by the Administrator and completed by the parties to the transaction.
- (2) The Minister may consent to a sale, transfer, assignment or other disposition of a right or interest in a right.

- (3) No sale, transfer, assignment or other disposition of any right or interest in a right is of any effect, unless
- the Minister consents to it as required by Section 20 of the Act;
  - 3 copies of the form required by subsection (1) are submitted to the Registrar, together with the fee of \$25; and
  - the Registrar records a copy of the form referred to in clause (b).
- (4) The Registrar shall not record any sale, transfer, assignment or disposition of a right or interest in a right covering land comprising less than one section as defined in Section 9 of the *Petroleum Resources Regulations* made under the *Petroleum Resources Act*.
- (5) No right or interest in a right is valid or effective as against any person claiming for valuable consideration and without notice under any subsequent sale, transfer, assignment or disposition affecting that right or interest, unless notice of the sale, transfer, assignment or disposition or an approved summary of it is recorded in the manner prescribed in this Section before the recording of the subsequent sale, transfer, assignment or disposition of the right or interest.
- (6) All documents or copies of the documents filed with the Registrar under this Section are open for inspection by a person, on payment of a total of \$20, between 10 a.m. and 4 p.m. every day except Saturday, Sunday and statutory holidays, unless the Registrar notifies the public of a change in these times or days.
- (7) The sale of a controlling interest in a business that is a licensee or lessee, or the transfer of a licence or lease from a parent company to a subsidiary or an affiliate, is deemed to be a transfer requiring the written consent of the Minister under Section 20 of the Act.

#### Suspension or cancellation of a licence or lease

- 31 (1) If the Minister intends to suspend or cancel a licence or lease pursuant to subsection 27(1) of the Act, the Minister shall give licensee or lessee notice of the Minister's intent and a reasonable time period to remedy any breach or default.
- (2) The Minister may reinstate a licence or lease that has been suspended pursuant to subsection 27(1) of the Act as it was originally issued.
- (3) The suspension, cancellation or surrender of a licence or lease does not relieve the licensee or lessee of responsibility for the proper abandonment of the storage reservoir and restoration of the storage area.

#### Suspension or cancellation of an approval

- 32 A decision of the Board to cancel or suspend an approval pursuant to subsection 27(2) of the Act must be filed with the Registrar who shall forward a copy to the Administrator.

#### Board order to be filed with Registrar

- 33 An order of the Board under subsection 26(2) of the Act must be filed with the Registrar who shall forward a copy to the Administrator.

#### Board fees

- 34 (1) In this Section, "fees" includes amounts payable to the Board
- upon application for an approval;
  - for renewal, amendment, suspension, expansion, consolidation, transfer, assignment, cancellation, reinstatement or abandonment of an approval; and
  - for the purpose of recovering all or part of such direct and indirect expenses as the Board determines to be attributable to its responsibilities under the Act or the regulations.
- (2) The Board may set fees and may order that the fees be paid as the Board considers appropriate.
- (3) The holder of an approval who is billed under subsection (2) may ask the Board for documentation to support the bill.

#### Inspectors

- 35 (1) Pursuant to Section 28 of the Act, the Minister or the Board may appoint an inspector, including the Administrator, to conduct inspections or investigations for the purposes of these regulations.
- (2) Upon entering a site, an inspector must, upon request, produce an identification card provided by the Province and provide reasons for the entry.
- (3) An inspector, in carrying out any duties or exercising any powers under the Act or these regulations, may be accompanied by one or more persons who are considered by the inspector to be necessary to enable the inspector to carry out those duties or exercise those powers.

#### Licensee or lessee audit or inspection reports

- 36 (1) Upon the request of the Minister or the Board, a licensee or lessee must conduct an audit or an inspection to ensure that an activity that is the subject of a licence, lease or approval is carried out in compliance with
- the Act;
  - these regulations; and
  - the terms and conditions of the relevant licence, lease or approval.
- (2) The audit or inspection referred to in subsection (1) must document
- all non-compliance noted; and
  - the corrective actions taken or planned.
- (3) A copy of any audit or inspection conducted pursuant to this Section that is requested by the Minister must be filed with the Registrar upon completion.

#### Report of certifying authority

- 37 (1) The Minister or the Board may engage the services of a person as a certifying authority.
- (2) The certifying authority shall

- (a) determine whether operations will be, have been or are being carried out in accordance with the Act, these regulations, and the terms and conditions of the relevant licence, lease or approval;
  - (b) perform such other duties as determined by the Minister or the Board.
- (3) The certifying authority shall be engaged by the Minister or the Board and selected from a list of independent third parties who have engaged persons, or who are persons, who are knowledgeable about storage reservoirs.
- (4) The licensee or lessee must assist the certifying authority or any employee or agent of the certifying authority acting in the exercise of the duties outlined in subsection (2).
- (5) On completion of the certifying authority's duties, the certifying authority must provide the Minister or the Board with a report that
- (a) advises on the certifying authority's findings pursuant to clause (2)(a);
  - (b) certifies that the operations will continue to meet the requirements of the Act, these regulations, and the terms and conditions of the licence, lease or approval for such period as the certifying authority determines; and
  - (c) includes any other information requested by the Minister or the Board.
- (6) The costs and expenses of the certifying authority shall be paid by the Minister or the Board and shall be recovered from the licensee or lessee whose activity is the subject of the certifying authority's report.
- (7) A licensee or lessee may request that the Minister or the Board provide documentation to support a bill issued under subsection (6).
- (8) The report issued by the certifying authority pursuant to subsection (5) may be used by the Minister or the Board to assist in
- (a) evaluating an application; or
  - (b) the exercise of the powers and duties of the Minister or the Board conferred by the Act and these regulations.

#### Codes of practice

- 38 (1) The Minister may require a licensee or lessee to comply with a code of practice, or any part thereof, established by the Minister pursuant to subsection 4(2) of the Act or prepared or adopted by the Minister pursuant to subsection 24(1) of the Act.
- (2) The Minister may require a licensee or lessee to comply with any code of practice, guideline or standard incorporated by reference pursuant to subsection 24(2) of the Act in any licence or lease.

- (3) If an application is made in writing to the Minister for authorization to vary from a standard required under subsection (1) or (2), the Minister may authorize the variance if the Minister is satisfied that the variance affords protection equal to or greater than the protection afforded by the standard from which the variance is requested.
- (4) Subsections (1) to (4) apply, with the necessary changes in detail, to approvals issued by the Board under Section 22 of the Act.

#### Service of documents

- 39 (1) Unless otherwise required, a request, order, direction or other document that must be given in writing or served pursuant to the Act or these regulations is deemed to be sufficiently given or served
- (a) upon a copy being personally given to or served on the person to whom it is directed;
  - (b) upon a copy being sent by facsimile or by other electronic means to the person to whom it is directed within the recipient's normal business hours;
  - (c) 5 days after a copy is sent by mail addressed to the person to whom it is directed at the last known address for that person; or
  - (d) in the case of a registered owner of real property, 5 days after a copy is sent by mail to the address of the registered owner shown on the last revised assessment roll.
- (2) If the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) or service in accordance with the *Corporations Registration Act* is deemed to be service on the corporation.
- (3) If it is impractical for any reason to serve a document in the manner prescribed in subsection (1), an *ex parte* application may be made to a judge of the Supreme Court of Nova Scotia for an order for substituted service providing for steps to be taken to bring the matter to the attention of the person to be served.

#### Offences

- 40 Every person is guilty of an offence who
- (a) provides false or misleading information when required to provide information under the Act or these regulations;
  - (b) does not provide information as required pursuant to the Act or these regulations;
  - (c) hinders or obstructs an inspector, the Administrator, the Registrar, the Minister or the Board in exercising their powers or carrying out their duties, or attempting to do so, pursuant to the Act or these regulations; or
  - (d) fails to comply with a code of practice, guideline or standard as required by the Minister under Section 38.

N.S. Reg. 149/2002

Made: December 6, 2002

Filed: December 9, 2002

Well Construction Regulations and  
On-site Services Advisory Board Regulations

Order in Council 2002-548 made December 6, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Section 110 of the *Environment Act* and  
Regulations made by the Governor in Council pursuant to  
Section 110 of the *Environment Act* and clause 12(1)(y) of the *Health Act*

The Governor in Council on the report and recommendation of the Minister of  
Environment and Labour dated June 3, 2002, is pleased, effective on and after  
December 6, 2002,

- (a) pursuant to Section 110 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, to amend the *Well Construction Regulations* made by the Governor in Council by Order in Council 95-297 dated April 11, 1995, by repealed Section 4; and
- (b) pursuant to Section 110 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, and pursuant to clause 12(1)(y) of Chapter 195 of the Revised Statutes of Nova Scotia, 1989, the *Health Act*, to make regulations establishing the On-site Services Advisory Board in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"**

**Regulations Respecting the On-site Services Advisory Board made by the  
Governor in Council pursuant to Section 110 of Chapter 1 of the  
Acts of 1994-95, the *Environment Act* and pursuant to clause 12(1)(y) of  
Chapter 195 of the Revised Statutes of Nova Scotia, 1989, the *Health Act***

**Citation**

- 1 These regulations may be cited as the *On-site Services Advisory Board Regulations*.

**Definitions**

- 2 In these regulations,
  - (a) "Act" means the *Environment Act*;
  - (b) "Board" means the On-site Services Advisory Board established pursuant to Section 3;
  - (c) "Level 2 qualified person" and "on-site sewage disposal system installer" have the same meanings as in the *On-site Sewage Disposal Systems Regulations*;
  - (d) "Minister" means the Minister of Environment and Labour; and
  - (e) "pump installer", "well digger" and "well driller" have the same meanings as in the *Well Construction Regulations*.

**Establishment of Board**

- 3 There is hereby established the On-site Services Advisory Board.

**Membership**

- 4 The Board shall consist of the following members:
  - (a) the President of the Nova Scotia Groundwater Association or a person designated in writing by the President to be a member of the Board;
  - (b) the Chair of the Waste Water Nova Scotia Society or a person designated in writing by the Chair to be a member of the Board;
  - (c) 3 public servants appointed by the Minister; and
  - (d) up to 6 members at large appointed by the Minister.

**Qualifications of members**

- 5 A member of the Board designated or appointed pursuant to Section 4 must have relevant technical expertise or special knowledge or experience relating to the construction and installation of wells or on-site sewage disposal systems.

**Term of appointment**

- 6
  - (1) A public servant appointed to the Board shall hold office at the pleasure of the Minister while the public servant is employed in the public service of the Province.
  - (2) A member at large shall hold office for a term of 2 years and may be reappointed.
  - (3) A person shall cease to be a member of the Board if the person resigns, is unable to act, or fails to attend 3 consecutive Board meetings without reasonable excuse.
  - (4) When a person ceases to be a member, the Board shall request that the Minister appoint a new member to the Board in accordance with Section 4.
  - (5) Despite the expiry of a member's appointment, a member continues to be a member of the Board until reappointment or until a successor is appointed.

**Chair and vice-chair**

- 7 The Minister may designate one of the members of the Board as the chair and another as the vice-chair of the Board.

**Meetings**

- 8
  - (1) The Board shall meet at least twice a year.
  - (2) A majority of members present at a meeting of the Board or a subcommittee appointed by the Board pursuant to subsection (3) shall constitute a quorum.
  - (3) The chair may assign duties of the Board to a subcommittee composed of members of the Board assigned to the subcommittee by the chair.

- (4) The Board may establish procedures and guidelines governing the conduct of its business and the business of a subcommittee.

**Duties**

- 9 (1) With respect to the Well Construction Regulations and the On-site Sewage Disposal Systems Regulations, the Board shall provide recommendations and advice to the Minister respecting certificates of qualification for Level 2 qualified persons, on-site sewage disposal system installers, well drillers, well diggers or pump installers including, but not limited to, the following matters:
(a) applicable policies, guidelines and criteria;
(b) financial security required from the holder of a certificate of qualification;
(c) training requirements and training instructions, such as
(i) courses of instruction,
(ii) verbal or written tests of competence and passing grades,
(iii) field tests of competence,
(iv) the scheduling of examinations for certificates of qualification and evaluation of examination results,
(v) experience necessary before applying for a certificate of qualification; and
(d) except when otherwise directed by the Minister, complaints about services performed by Level 2 qualified persons, on-site sewage disposal system installers, well drillers, well diggers or pump installers.
(2) With respect to the Well Construction Regulations and the On-site Sewage Disposal System Regulations, the Board shall, when requested by the Minister,
(a) review and provide advice and recommendations to the Minister on appeals of decisions of administrators respecting the issuance, renewal, cancellation or suspension of a certificate of qualification; and
(b) carry out such other duties as may be assigned by the Minister.

**Remuneration**

- 10 A member of the Board shall be reimbursed for reasonable expenses actually incurred in connection with the business of the Board and a member who is not a public servant may also be awarded an honorarium established by the Minister.

**Transition**

- 11 A person who is a member of the Well Construction Advisory Board immediately before the coming into force of this Section is a member of the Board for the same term and upon the same conditions as for the Well Construction Advisory Board.

N.S. Reg. 150/2002
Made: December 11, 2002
Filed: December 16, 2002
Ministerial Order re Greater Homes Inc. and Saeid Saberi

Order dated December 11, 2002
made by the Minister of Environment and Labour
pursuant to subsection 125(1) of the Environment Act

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

- and -

IN THE MATTER OF an Order issued pursuant to the provisions of the
said Act to Greater Homes Inc., a body corporate, located at or near
Hammonds Plains, Halifax Regional Municipality, Nova Scotia and Saeid
Saberi, of Hammonds Plains, Halifax Regional Municipality, Nova
Scotia.

**MINISTERIAL ORDER**

- I. WHEREAS Greater Homes Inc. and Saeid Saberi own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: an onsite sewage disposal system located at or near 277 Kingswood Drive, Hammonds Plains, Halifax Regional Municipality, Nova Scotia, hereafter called the "Site";
II. AND WHEREAS the Minister of Environment and Labour believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened the Environment Act and the On-Site Sewage Disposal Systems Regulations;
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.
On-Site Sewage Disposal Systems Regulations
20 (4) No person shall fail to comply with the design specifications prescribed in this Section.
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 of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to 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 the Halifax Regional Municipality, Province of Nova Scotia, this 11<sup>th</sup> day of December, 2002.

Sgd: *David Morse*  
The Honourable David Morse  
Minister of Environment and Labour

**Schedule "A"**  
**Terms and Conditions**

**Greater Homes Inc. and Saeid Saberi**

1. On or before December 20, 2002, the persons named in this Ministerial Order shall contract the services of a certified on-site sewage disposal system installer and a qualified person to ensure that the imported fill, topsoil and seed or sod are placed in accordance with the approval and the design specifications described in the regulations.
2. The persons named in this Ministerial Order are responsible to ensure that the on-site sewage disposal system installer fill out a completion of work form and submit a copy to the department within 14 days of the on-site sewage disposal system having been seeded or sodded.
3. The persons named in this Ministerial Order are responsible to ensure that the qualified person inspect the work completed by the on-site sewage disposal system installer and complete a certificate of installation and submit a copy to the department within 14 days of the system being seeded or sodded.

The contact person for the purposes of this Ministerial Order is:

Christine Penney  
Nova Scotia Department of Environment and Labour  
Environmental Monitoring and Compliance Division  
Central Region, Bedford Office  
Suite 224, 1595 Bedford Highway  
Bedford, Nova Scotia B4A 3Y4

Telephone: (902) 424-2537  
Fax: (902) 424-0597

N.S. Reg. 151/2002

Made: December 12, 2002

Filed: December 16, 2002

Revenue Act Regulations

Order in Council 2002-553 made December 12, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Sections 12 and 92  
of the *Revenue Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated November 22, 2002, and pursuant to Sections 12 and 92 of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, is pleased to amend the *Revenue Act Regulations* made by Order in Council 96-230 dated March 29, 1996, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 12, 2002

**Schedule "A"**

**Amendments to the *Revenue Act Regulations* made by the Governor  
in Council pursuant to Sections 12 and 92 of Chapter 17 of the  
Acts of 1995-96, the *Revenue Act***

- 1 Subsection 22(1) of the *Revenue Act Regulations* made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, is amended by
  - (a) striking out "and" in clause (b);
  - (b) striking out the period in clause (c) and substituting "; and"; and
  - (c) adding the following clause immediately after clause (c):
    - (d) gasoline or diesel oil delivered by a direct feed from a bulk plant, bulk station, terminal or water-borne refueling vessel into the fuel system of a commercial vessel for commercial shipping purposes.
- 2 Subsection 22(2) of the regulations is amended by repealing clause (i) and substituting the following clause:
  - (i) to operate a commercial vessel for commercial shipping purposes when delivered to the vessel by a means other than a direct feed from a bulk plant, bulk station, terminal or water-borne refueling vessel; and
- 3 Subsection 73(2) of the regulations is amended by striking out "Part III" and substituting "Part IV".
- 4 Subsection 73(3) of the regulations is amended by striking out "refuse to issue, cancel or suspend a retail vendor's permit or refuse to renew a permit" and substituting "cancel, suspend, refuse to issue or refuse to renew a retail vendor's permit".

N.S. Reg. 152/2002  
 Made: December 12, 2002  
 Filed: December 16, 2002  
 Summary Offence Tickets Regulations

Order in Council 2002-554 made December 12, 2002  
 Amendment to regulations made by  
 the Governor in Council and the Attorney General  
 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 October 4, 2002, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on after December 12, 2002.

**ORDER**

I, Michael G. Baker, Q.C., Minister of Justice and Attorney General of Nova Scotia, do hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of any offence set out in the amendments to the Schedules to the *Summary Offence Tickets Regulations* as set forth in Schedule "A", shall be the amount of the out of court settlement set out opposite the description of that offence, and the out of court settlement amount shall include the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

This Order shall be effective on and from the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule "A".

**DATED AND MADE** October 4, 2002, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd. *Michael Baker*  
 Minister of Justice  
 and Attorney General of Nova Scotia

**Schedule "A"**

**Amendments to the *Summary Offence Tickets Regulations* 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 Schedule 4A of the *Summary Offence Tickets Regulations* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is amended by
- (a) repealing the heading "Regulations Respecting Weights and Loads (RRWL)"; the reference line immediately under that heading and items 1 through 30 under that heading;

- (b) adding "(WDVR)" immediately after "Regulations" in the heading "Weights and Dimensions of Vehicles Regulations";
- (c) adding a plus symbol immediately after "\$157.50" in the Out of Court Settlement column in item 8 under the heading "Weights and Dimensions of Vehicles Regulations (WDVR)";
- (d) striking out "Operating of" in the description of the offence in item 15 under the heading "Weights and Dimensions of Vehicles Regulations (WDVR)" and substituting "Operating or";
- (e) renumbering items 1 through 16 under the heading "Weights and Dimensions of Vehicles Regulations (WDVR)" as items 16 through 31; and
- (f) adding the following items immediately before item 16 under the heading "Weights and Dimensions of Vehicles Regulations (WDVR)"

|   |  |         |          |
|---|--|---------|----------|
| 1 | Operating or causing to be operated upon a highway a truck, tractor, semi-trailer, full trailer, pony trailer or any combination of these vehicles or intercity bus (specify) not represented in Schedule A  | 3(1)    | \$157.50 |
| 2 | Operating or causing to be operated upon a highway an A-train double, B-train double, C-train double, 3 axle pony trailer, or 16.2 m semi-trailer (specify) equipped with lift axle other than in a tandem equivalent axle group or tridem equivalent axle group | 3(4)    | \$157.50 |
| 3 | Operating or causing to be operated upon a highway a vehicle or combination of vehicles having an overall width greater than 2.6 m   | 4(1)(a) | \$157.50 |
| 4 | Operating or causing to be operated upon a highway a vehicle or combination of vehicles having an outside rear-vision mirror extending more than 300 mm on each side of vehicle or combination of vehicles   | 4(1)(b) | \$157.50 |
| 5 | Operating or causing to be operated upon a highway a vehicle or combination of vehicles having auxiliary equipment or devices not designed or used to carry cargo extending more than 100 mm on each side of vehicle or combination of vehicles                  | 4(1)(c) | \$157.50 |
| 6 | Operating or causing to be operated upon a highway a vehicle or combination of vehicles having an overall height greater than 4.15 m   | 4(1)(d) | \$157.50 |
| 7 | Operating or causing to be operated upon a highway a vehicle or combination of vehicles having an overall length greater than 12.5 m   | 4(1)(e) | \$157.50 |
| 8 | Operating or causing to be operated upon a highway a vehicle or combination of vehicles having a front overhang greater than 1.0 m   | 4(1)(f) | \$157.50 |

| N.S. Reg. 152/2002 | ROYAL GAZETTE  | Part II Regulations |
|--------------------|--|---------------------|
| 9                  | Operating or causing to be operated upon a highway a vehicle or combination of vehicles having a rear overhang greater than 1.0 m and no red warning flags affixed to end of cargo   | 4(1)(g) \$157.50    |
| 10                 | Operating or causing to be operated upon a highway a vehicle or combination of vehicles having a rear overhang greater than 2.0 m  | 4(1)(h) \$157.50    |
| 11                 | Operating or causing to be operated upon a highway a vehicle or combination of vehicles represented in Schedule A having axle spreads or interaxle spacings other than those set out in Schedule A and dimensions exceeding maximum dimension limits or less than minimum dimension limits set out in Schedule A (specify)   | 4(2) \$157.50       |
| 12                 | Operating or causing to be operated a passenger vehicle with a load extending beyond the line of the fenders on the vehicle's left side or more than 150 mm beyond the line of the fenders on the vehicle's right side (specify)   | 4(4) \$157.50       |
| 13                 | Operating or causing to be operated upon a highway a farm tractor exceeding 4 m in overall width   | 4(6) \$157.50       |
| 14                 | Operating or causing to be operated upon a highway after December 31, 2004, a combination of vehicles, model year 2002 and earlier (specify), consisting of a tractor and semi-trailer with end dumping mechanism, having an interaxle spacing dimension of less than 2.6 m between the tractor axle group and semi-trailer axle group   | 4(10) \$157.50      |
| 15                 | Operating or causing to be operated upon a highway a combination of vehicles, model year 2002 and earlier (specify), consisting of a tractor and semi-trailer with end dumping mechanism, modified to increase the number of axles on the semi-trailer and having an interaxle spacing dimension of less than 2.6 m between the tractor axle group and semi-trailer axle group | 4(11) \$157.50      |
| 2                  | Schedule 11 of the regulations is amended by striking out "\$215.00" in item 19 and substituting "NIL".  |                     |
| 3                  | Schedule 12 of the regulations is amended by<br>(a) repealing item 2; and<br>(b) renumbering items 3 through 31 as items 2 through 30.   |                     |
| 4                  | Schedule 15 of the regulations is amended by<br>(a) repealing item 64;   |                     |

| N.S. Reg. 152/2002 | ROYAL GAZETTE  | Part II Regulations |
|--------------------|--|---------------------|
| (b)                | striking out the heading "Taxidermist" immediately following item 71 and adding the heading "Taxidermist" immediately before item 74; and  |                     |
| (c)                | striking out the description of the offence in item 124 and substituting "Applying for licence, permit or certificate while disqualified".   |                     |
| 5                  | Schedule 15A of the regulations is amended   |                     |
| (a)                | under the heading "Bear Harvesting Regulations", by striking out<br>(i) the description of the offence in item 18 and substituting "Hunting for bear contrary to the regulations pertaining to bait sites",<br>(ii) "11(1)" in the Section column in item 19 and substituting "11(a)", and<br>(iii) "11(2)" in the Section column in item 20 and substituting "11(b)"; |                     |
| (b)                | under the heading "Deer Hunting Regulations", by striking out<br>(i) "4A(5)" in the Section column in item 3 and substituting "5A(1)(a)",<br>(ii) "4A(6)" in the Section column in item 4 and substituting "5A(1)(a)", and<br>(iii) "5(3)" in the Section column in item 5 and substituting "5A(2)";   |                     |
| (c)                | under the heading "Fur Harvesting Regulations", by<br>(i) renumbering items 26 and 27 as items 27 and 28, and<br>(ii) adding the following item immediately after item 25:   |                     |
|                    | 26 Using or possessing a light in a wildlife habitat contrary to the regulations   | 11(16) \$215.00     |
| (d)                | under the heading "Moose Hunting Regulations", by striking out "3(6)" in the Section column in item 1 and substituting "3(5)";   |                     |
| (e)                | under the heading "Small Game Hunting Regulations" by<br>(i) renumbering items 3 through 13 as items 4 through 14, and<br>(ii) striking out item 2 and substituting the following items:   |                     |
|                    | 2 Person over 12 and under 18 hunting small game with firearm or bow without the appropriate certificate or licence or while not under immediate supervision as required by regulations (specify)  | 4(4) \$215.00       |

3 Hunting snowshoe hare with a dog during prohibited time 5(2A) \$215.00

6 Schedule 18-G of the regulations is amended by

(a) adding the following headings and items immediately before the heading "Trade and Licensing By-law - No. 11:"

**Noise By-law - No. 135:**

1 Ringing a bell, shouting or making other unusual noises in the roads or streets or knocking at a door or ringing a doorbell between 10:00 p.m. of one day and 8:00 a.m. of the following day (specify) without reasonable cause 3 \$157.50

2 Making, causing or permitting to be made a noise nuisance 4(2) \$157.50

3 Owner or occupier of real property allowing it to be used in a manner that makes or causes or permits to be made a noise nuisance 4(2) \$157.50

**Public Properties By-law - No. 134:**

1 Trespassing in or upon public property without authorization 5 \$157.50

2 Leaving vehicle in or upon public property without authorization 6 \$157.50

3 Leaving domestic animal in or upon public property without authorization 7 \$157.50

4 Destroying, damaging or causing to be destroyed or damaged (specify) public property 11(a) \$157.50

5 Removing or causing to be removed soil, gravel, trees, sand or stones (specify) from public property 11(b) \$157.50

6 Depositing or causing to be deposited soil, stones, sand, gravel, garbage, filth, refuse or other material (specify) on public property 11(c) \$157.50

7 Tenting, camping or erecting, setting up or otherwise establishing (specify) a tent, camp, trailer, motor home or other type of temporary or recreational accommodations (specify) on public property without authorization 12 \$157.50

8 Lighting or having a fire on public property without authorization 13(a) \$157.50

9 Leaving litter, garbage, rubbish or other waste (specify) on public property except in designated receptacles 13(b) \$157.50

10 Destroying, injuring or defacing public property to remove soil or stones 13(c) \$157.50

11 Injuring or destroying trees or shrubs growing or placed on public property for shade, ornament or other purposes 13(c) \$157.50

(b) adding the following heading and items immediately after the heading "Trade and Licensing By-law-No. 11:"

**Waste Collection and Disposal By-law - No. 131:**

1 Depositing or causing to be deposited acceptable waste without authorization other than at Landfill or site holding valid license for such purpose from Municipality 8 \$215.00

2 Depositing or causing to be deposited non-acceptable waste without authorization 9 \$215.00

3 Depositing acceptable waste at Landfill other than in excavation trench without authorization 10 \$215.00

4 Salvaging or scavenging at Landfill 11 \$215.00

5 Smoking at Landfill 14 \$215.00

7 The regulations are further amended by adding Schedule 18-S as follows:

**Schedule 18-S  
Town of Antigonish By-laws**

| Offence   | Section | Out of Court Settlement |               |          |
|---|---------|-------------------------|---------------|----------|
|   |         | Within 14 days          | After 14 days |          |
| <b>Dogs By-law:</b>   |         |                         |               |          |
| 1 Owner of dog failing to properly tie dog on owner's premises, for                           | 7(a)    | first offence           | \$128.75      | \$157.50 |
|   |         | second offence*         | \$157.50      | \$215.00 |
|   |         | third offence*          | \$186.25      | \$272.50 |
|   |         | fourth offence*         | \$387.50      | \$675.00 |
| 2 Owner of dog failing to properly restrain dog by caging or fencing on owner's premises, for | 7(b)    | first offence           | \$128.75      | \$157.50 |
|   |         | second offence*         | \$157.50      | \$215.00 |
|   |         | third offence*          | \$186.25      | \$272.50 |
|   |         | fourth offence*         | \$387.50      | \$675.00 |

**Schedule 18-S  
Town of Antigonish By-laws**

| Offence  | Section | Out of Court Settlement |               |
|--|---------|-------------------------|---------------|
|  |         | Within 14 days          | After 14 days |
| 3 Owner of dog permitting dog to leave owner's premises unleashed and not under effective control of responsible person, for | 7(c)    |                         |               |
| first offence  |         | \$128.75                | \$157.50      |
| second offence*  |         | \$157.50                | \$215.00      |
| third offence*   |         | \$186.25                | \$272.50      |
| fourth offence*  |         | \$387.50                | \$675.00      |
| 4 Owner of dog allowing dog to create a disturbance by barking or howling, for   | 8(2)    |                         |               |
| first offence  |         | \$128.75                | \$157.50      |
| second offence*  |         | \$157.50                | \$215.00      |
| third offence*   |         | \$186.25                | \$272.50      |
| fourth offence*  |         | \$387.50                | \$675.00      |
| 5 Owner of dog failing to register dog under by-law, for   | 8(3)    |                         |               |
| first offence  |         | \$128.75                | \$157.50      |
| second offence*  |         | \$157.50                | \$215.00      |
| third offence*   |         | \$186.25                | \$272.50      |
| fourth offence*  |         | \$387.50                | \$675.00      |
| 6 Owner of dog allowing dog to damage property, for  | 8(4)    |                         |               |
| first offence  |         | \$128.75                | \$157.50      |
| second offence*  |         | \$157.50                | \$215.00      |
| third offence*   |         | \$186.25                | \$272.50      |
| fourth offence*  |         | \$387.50                | \$675.00      |
| 7 Owner of dog failing to cause dog's feces to be removed immediately, except on owner's property, for                       | 8(5)    |                         |               |
| first offence  |         | \$128.75                | \$157.50      |
| second offence*  |         | \$157.50                | \$215.00      |
| third offence*   |         | \$186.25                | \$272.50      |
| fourth offence*  |         | \$387.50                | \$675.00      |

\* within 12 months from date of previous offence

**Schedule 18-S  
Town of Antigonish By-laws**

| Offence   | Section | Out of Court Settlement |
|---|---------|-------------------------|
| <b>Noise Control By-law:</b>  |         |                         |
| 1 Making, causing or allowing noise that disturbs or tends to disturb the peace and tranquility of any resident   | 4(1)    | \$387.50                |
| 2 Operating or causing or permitting to be operated a sound system that is heard in a dwelling unit other than the unit in which it is located  | 4(3)    | \$387.50                |
| <b>Mobile Vendors By-law:</b>   |         |                         |
| 1 Vending without a license   | 2       | \$387.50                |
| 2 Failing to display license conspicuously  | 4(9)    | \$387.50                |
| 3 Vending within 91.44 m (300 ft.) of residential zone between 10 p.m. of one day and 10 a.m. of the following day  | 7(a)    | \$387.50                |
| 4 Vending in prohibited area  | 7(b)    | \$387.50                |
| 5 Leaving stand unattended  | 7(c)    | \$387.50                |
| 6 Leaving stand overnight on any street or sidewalk   | 7(d)    | \$387.50                |
| 7 Failing to make litter receptacle available for public use  | 7(e)    | \$387.50                |
| 8 Failing to pick up, remove and dispose of all trash or refuse from sales before leaving location  | 7(f)    | \$387.50                |
| 9 Allowing items relating to operating of business to be placed other than in, on or under stand  | 7(g)    | \$387.50                |
| 10 Using or permitting the use of any device not described in license application to increase selling or display capacity of stand  | 7(h)    | \$387.50                |
| 11 Disturbing public by using or permitting the use of loudspeaker, public address system, radio, sound amplifier or similar device (specify) to attract attention of public or cry wares | 7(j)    | \$387.50                |
| 12 Vending within 30.48 m (100 ft.) of building housing business selling same or like products  | 7(k)    | \$387.50                |
| 13 Vending on sidewalk or next to curb within 3.048 m (10 ft.) of building entrance   | 7(l)(i) | \$387.50                |

**Schedule 18-S  
Town of Antigonish By-laws**

| <b>Offence</b>   | <b>Section</b> | <b>Out of Court Settlement</b> |
|--|----------------|--------------------------------|
| 14 Vending on sidewalk or next to curb within 7.62 m (25 ft.) of driveway entrance to police or fire station or 4.572 m (15 ft.) of any other driveway (specify) | 7(l)(ii)       | \$387.50                       |
| 15 Vending on sidewalk or next to curb within 7.62 m (25 ft.) of crosswalk at intersection   | 7(l)(iii)      | \$387.50                       |
| 16 Vending on sidewalk or next to curb and allowing stand or other business item to lean against or hang from building or structure without owner's permission   | 7(l)(iv)       | \$387.50                       |
| 17 Permitting stand to exceed 1.219 m (4 ft.) in width and 2.48 m (8 ft.) in length  | 9              | \$387.50                       |
| 18 Failing to have in effect all required permits  | 10             | \$387.50                       |
| <b>Skating By-law:</b>   |                |                                |
| 1 Using skateboard, roller blades or roller skates (specify) on street, sidewalk or parking area (specify) in prohibited area                                    | 3              | \$128.75                       |
| 2 Using skateboard, roller blades or roller skates (specify) on or about the steps or entrances of any building in prohibited area                               | 4              | \$128.75                       |
| <b>Taxicab By-law:</b>   |                |                                |
| 1 Operating taxi without valid Taxicab Business License, for   | 3              |                                |
| first offence  |                | \$215.00                       |
| second offence   |                | \$387.50                       |
| third offence  |                | \$675.00                       |
| 2 Driving taxi without valid Taxicab Driver's License, for   | 5              |                                |
| first offence  |                | \$215.00                       |
| second offence   |                | \$387.50                       |
| third offence  |                | \$675.00                       |
| 3 Failing to keep taxi in clean and sanitary condition, for  | 17(b)          |                                |
| first offence  |                | \$215.00                       |
| second offence   |                | \$387.50                       |
| third offence  |                | \$675.00                       |

**Schedule 18-S  
Town of Antigonish By-laws**

| <b>Offence</b>  | <b>Section</b> | <b>Out of Court Settlement</b> |
|---|----------------|--------------------------------|
| 4 Operating taxi without [\$]1 000 000 public liability, property damage and passenger hazard insurance per claimant per occurrence, for                                      | 17(c)          |                                |
| first offence   |                | \$215.00                       |
| second offence  |                | \$387.50                       |
| third offence   |                | \$675.00                       |
| 5 Failing to make taxi available for motor vehicle inspection within 7 days of request, for   | 17(d)          |                                |
| first offence   |                | \$215.00                       |
| second offence  |                | \$387.50                       |
| third offence   |                | \$675.00                       |
| 6 Failing to make taxi available for inspection for clean and sanitary condition or for compliance with required motor vehicle inspection within required time (specify), for | 17(e)          |                                |
| first offence   |                | \$215.00                       |
| second offence  |                | \$387.50                       |
| third offence   |                | \$675.00                       |
| 7 Failing to cause to be displayed on taxi sign bearing word "Taxi" or name of taxi company visible after dark from distance of 60.96 m (200 ft.), for                        | 17(f)          |                                |
| first offence   |                | \$215.00                       |
| second offence  |                | \$387.50                       |
| third offence   |                | \$675.00                       |
| 8 Failing to make vehicle available for taxi purposes within 30 days of issuance of license, for  | 0.2917         |                                |
| first offence   |                | \$215.00                       |
| second offence  |                | \$387.50                       |
| third offence   |                | \$675.00                       |
| 9 Failing to make vehicle available for taxi purposes for 30 consecutive days, for  | 19B            |                                |
| first offence   |                | \$272.50                       |
| second offence  |                | \$387.50                       |
| third offence   |                | \$675.00                       |