



Part II Regulations under the Regulations Act

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N.S. Reg. 87/2002
Made: June 28, 2002
Filed: July 3, 2002

New Small Business Regulations

Order in Council 2002-322 made June 28, 2002
Regulations made by the Governor in Council
pursuant to Section 42
of the *Income Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated May 28, 2002, and pursuant to Section 42 of Chapter 217 of the Revised Statutes of Nova Scotia, 1989, the *Income Tax Act*, is pleased to make regulations respecting new small businesses in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Regulations Respecting New Small Business made by the Governor in Council pursuant to Section 42 of Chapter 217 of the Revised Statutes of Nova Scotia, 1989, the *Income Tax Act*

Citation

1 These regulations may be cited as the *New Small Business Regulations*.

Definition

2 In these regulations, "Act" means the *Income Tax Act*.

Application of regulations

3 These regulations apply to a taxation year of a corporation ending on or after March 30, 2001.

Additional terms and conditions of eligibility for deduction under Section 42 of the Act

- 4 (1) For purposes of this Section, a "full time equivalent" means one or more individuals whose total paid hours of employment are not less than 1300 in a 12-month period, or an equivalent amount pro-rated for a short taxation year.
- (2) In addition to the eligibility requirements set out in Section 42 of the Act, a corporation is not eligible for a deduction pursuant to subsection 42(4) of the Act unless the corporation employs at least 2 individuals, at least 1 of whom shall be a full time equivalent who is not related to a specified shareholder of the corporation.

Order in which deduction to be taken under Section 42 of the Act

- 5 (1) Where a corporation is eligible in a taxation year for a deduction pursuant to subsection 42(4) of the Act, the corporation shall not calculate the deduction or reduce its tax payable by the amount of the deduction until the corporation has made all other allowable deductions to tax payable to which it is entitled pursuant to the Act.
- (2) For greater certainty, all other allowable deductions to tax payable that are referred to in subsection (1) include the deductions allowed pursuant to Sections 41, 47 and 49 of the Act.

Time limit for application for certificate of eligibility

- 6 For the purposes of subsection 42(12) of the Act, a corporation is not eligible for a certificate of eligibility unless the corporation applies to the Minister within the 3 years immediately following the taxation year for which the deduction is to be claimed.

N.S. Reg. 88/2002

Made: June 28, 2002

Filed: July 3, 2002

Equity Tax Credit Regulations

Order in Council 2002-323 made June 28, 2002
Amendment to regulations made by the Governor in Council
pursuant to Section 27
of the *Equity Tax Credit Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated May 29, 2002, and pursuant to Section 27 of Chapter 3 of the Acts of 1993, the *Equity Tax Credit Act*, is pleased to amend the *Equity Tax Credit Regulations* made by the Governor in Council by Order in Council 94-86 dated February 2, 1994, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 28, 2002.

Schedule "A"

**Amendments to the *Equity Tax Credit Regulations*
made by the Governor in Council pursuant to Section 27 of Chapter 3
of the Acts of 1993, the *Equity Tax Act***

- 1 Subsection 6(2) of the *Equity Tax Credit Regulations* made by the Governor in Council by Order in Council 94-86 dated February 2, 1994, is repealed.
- 2 Section 10 of the regulations is repealed and the following Section substituted:
 - 10** For the purpose of clause 9(2)(b) of the Act,
 - (a) no repayment of the amount referred to in that subsection is required where the disposition is
 - (i) a result of the death of the person who held the share,
 - (ii) with respect to a share that was purchased as part of a specified issue of shares by a corporation only to its employees, a result of involuntary loss of employment,
 - (iii) to a registered retirement savings plan or a registered retirement income fund pursuant to the *Income Tax Act* (Canada),
 - (iv) a result of the corporation that issued the share ceasing to conduct business because of, in the opinion of the Minister, the financial failure of the corporation;
 - (b) where the disposition is a result of the wind-up or dissolution of the corporation that issued the share for reasons other than as provided in subclause (a)(iv), repayment to the Minister shall be in the amount that is determined by multiplying the total amount of the tax credits received in respect of the shares by 48 minus the number of months the shares have been held, divided by 48 months.

3 Clauses 13(1)(a) and (aa) of the regulations are repealed and the following clauses substituted:

- (a) has not, with respect to equity capital raised in the Province
 - (i) before March 1, 2001, invested at least 80% of the equity capital in eligible business entities or reserves as defined in subsection 204.8(3) of the *Income Tax Act* (Canada) at any time in the first 3 years immediately following the end of the corporation's taxation year in which the equity capital was raised;
 - (ii) on or after March 1, 2001, invested at least 80% of the equity capital in eligible business entities or reserves as defined in subsection 204.8(3) of the *Income Tax Act* (Canada) at any time in the first 12 months immediately following the end of the corporation's taxation year in which the equity capital was raised;
- (aa) has not invested at least 60% of the equity capital raised in the Province in the corporation's taxation year in eligible business entities within 1 year immediately following the time referred to in clause (a); or

N.S. Reg. 89/2002

Made: June 28, 2002

Filed: July 3, 2002

General Civil Service Regulations

Order in Council 2002-324 made June 28, 2002
Amendment to regulations made by the Governor in Council
pursuant to Section 45
of the *Civil Service Act*

The Governor in Council on the report and recommendation of the Minister of the Public Service Commission dated June 25, 2002, and pursuant to Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, is pleased to approve of amendments made by the Public Service Commission to the regulations made by the Civil Service Commission and approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 28, 2002.

Schedule "A"

**Amendments to the General Regulations made pursuant to Section 45 of
Chapter 70 of the Revised Statutes of Nova Scotia, 1989,
the *Civil Service Act***

Subsections 90A(1) and (2) of the regulations made by the Civil Service Commission and approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981, are amended by striking out "June 30, 2002" and substituting "August 31, 2002".

N.S. Reg. 90/2002
Made: June 28, 2002
Filed: July 3, 2002
Senior Citizens' Financial Aid Regulations

Order in Council 2002-325 made June 28, 2002
Amendment to regulations made by the Governor in Council
pursuant to Section 16
of the *Senior Citizens' Financial Aid Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated June 4, 2002, and pursuant to Section 16 of Chapter 419 of the Revised Statutes of Nova Scotia, 1989, the *Senior Citizens' Financial Aid Act*, is pleased to amend the *Senior Citizens' Financial Aid Regulations* made by the Governor in Council by Order in Council 82-785 dated June 29, 1982, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after May 1, 2002.

Schedule "A"

Amendment to the *Senior Citizens' Financial Aid Regulations* made by the Governor in Council pursuant to Section 16 of Chapter 419 of the Revised Statutes of Nova Scotia, 1989, the *Senior Citizens' Financial Aid Act*

The *Senior Citizens' Financial Aid Regulations* made by the Governor in Council by Order in Council 82-785 dated June 29, 1982, are amended by repealing subclause 13(2)(b)(iv) and substituting the following subclause:

- (iv) in the year 2002 and subsequent years, the greater of
 - (A) \$15.00, or
 - (B) 50% of the actual property taxes paid in the rebate year to a maximum rebate payment of \$400.00.

N.S. Reg. 91/2002
Made: June 28, 2002
Filed: July 3, 2002
Internet Sales Contract Regulations

Order in Council 2002-327 made June 28, 2002
Regulations made by the Governor in Council
pursuant to Section 34
of the *Consumer Protection Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated June 12, 2002, and pursuant to Section 34 of Chapter 92 of the Revised Statutes of Nova Scotia, 1989, the *Consumer Protection Act*, is pleased to make regulations respecting internet sales contracts in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after the date on which Chapter 40 of the Acts of 2001 is proclaimed.

Schedule "A"

Regulations Respecting Internet Sales Contracts made by the Governor in Council pursuant to Chapter 92 of the Revised Statutes of Nova Scotia, 1989, the *Consumer Protection Act*

Citation

- 1 These regulations may be cited as the *Internet Sales Contract Regulations*.

Excluded goods and services

- 2 In addition to the goods and services specified in clause 21W(a) of the Act, Sections 21X to 21AF of the Act do not apply to goods or services received by a consumer in a transaction where the total costs payable by the consumer to the supplier are less than \$50.

Disclosure of information

- 3 For the purposes of Section 21X of the Act, a supplier shall disclose the following information to a consumer before entering into an internet sales contract with the consumer:
 - (a) the supplier's name and, if different, the name under which the supplier carries on business;
 - (b) the supplier's business address and, if different, the supplier's mailing address;
 - (c) the supplier's telephone number and, if available, the supplier's e-mail address and facsimile number;
 - (d) a fair and accurate description of the goods or services being sold to the consumer, including any relevant technical or system specifications;
 - (e) an itemized list of the price of the goods or services being sold to the consumer and any associated costs payable by the consumer, including taxes and shipping charges;

- (f) a description of any additional charge that may apply to the contract, such as customs duties and brokerage fees, the amount of which cannot reasonably be determined by the supplier;
- (g) the total amount of the contract, or, where the goods or services are being purchased over an indefinite period, the amount of the periodic payments under the contract;
- (h) the currency in which amounts owing under the contract are payable;
- (i) the terms, conditions and method of payment;
- (j) the date when the goods are to be delivered or the services are to begin;
- (k) the supplier's delivery arrangements, including the identity of the shipper, the mode of transportation and the place of delivery;
- (l) the supplier's cancellation, return, exchange and refund policies, if any; and
- (m) any other restrictions, limitations or conditions of purchase that may apply.

Information considered disclosed

4 A supplier is considered to have disclosed to a consumer the information required to be disclosed in Section 3 if

- (a) the information is prominently displayed in a clear and comprehensible manner; and
- (b) the consumer is able to retain or print the information.

Content and delivery of internet sales contract

5 (1) A copy of an internet sales contract provided by a supplier pursuant to Section 21Z of the Act shall include

- (a) the information required by Section 3;
- (b) the consumer's name or unique identifier; and
- (c) the date the contract was entered into.

(2) A copy of an internet sales contract provided by a supplier pursuant to Section 21Z of the Act shall be

- (a) sent by e-mail to the e-mail address provided by the consumer to the supplier for the provision of information related to the contract;
- (b) sent by facsimile to the facsimile number provided by the consumer to the supplier for the provision of information related to the contract;
- (c) mailed or delivered to an address provided by the consumer to the supplier for the provision of information related to the contract; or
- (d) provided to the consumer in any other manner by which the supplier can prove that the consumer has received the copy.

Cancellation of internet sales contract

6 (1) A consumer may cancel an internet sales contract

- (a) at any time from the date the contract is entered into until 7 days after the consumer receives a copy of the contract if
 - (i) the supplier did not disclose to the consumer the information in accordance with Section 21X of the Act and Section 3, or
 - (ii) the supplier did not provide the consumer with an express opportunity to accept or decline the contract and to correct errors in accordance with Section 21Y of the Act;
 - (b) within 30 days from the date the contract is entered into if the supplier does not provide the consumer with a copy of the contract in accordance with Section 21Z of the Act and subsection 5(2);
 - (c) at any time before delivery of the goods or the commencement of the services under the contract if the delivery date or commencement date is specified in the contract and
 - (i) in the case of goods, the supplier does not deliver the goods within 30 days from the delivery date specified in the contract or another delivery date agreed on by the consumer and the supplier, either in writing or in electronic form,
 - (ii) in the case of transportation, travel or accommodation services, the supplier does not begin the services on the commencement date specified in the contract or another commencement date agreed on by the consumer and the supplier, either in writing or in electronic form, or
 - (iii) in the case of services, other than those specified in subclause (ii), the supplier does not begin the services within 30 days from the commencement date specified in the contract or another commencement date agreed on by the consumer and the supplier, either in writing or in electronic form;
 - (d) at any time before the delivery of the goods or the commencement of the services under the contract, if the delivery date or commencement date is not specified in the internet sales contract and if the supplier does not deliver the goods or begin the services within 30 days from the date the contract is entered into.
- (2)** For the purposes of subsection (1), a supplier is considered to have delivered the goods under an internet sales contract if
- (a) delivery was attempted but was refused by the consumer at the time that the delivery was attempted; or

- (b) delivery was attempted but was not made because no person was available to accept delivery for the consumer on the day for which reasonable notice was given to the consumer that the goods were available to be delivered.
- (3) For the purposes of subsection (1), a supplier is considered to have begun the services under an internet sales contract if
- (a) commencement was attempted but was refused by the consumer at the time that commencement was attempted; or
 - (b) commencement was attempted but did not occur because no person was available to enable the services to begin on the day for which reasonable notice was given to the consumer that the services were available to begin.

Notification of cancellation

- 7 (1) A consumer may notify a supplier of cancellation of their internet sales contract in any manner or form that indicates the consumer's intent to cancel the contract.
- (2) Notification pursuant to subsection (1) may be given to the supplier by any means including, but not limited to, personal service, registered mail, telephone, courier, facsimile and e-mail, and when given other than by personal service, is deemed to be given when sent.

Request to reverse credit charge

- 8 A request made by a consumer to a credit card issuer pursuant to Section 21AF of the Act to reverse a credit charge shall contain the following information:
- (a) the consumer's name;
 - (b) the consumer's credit card number;
 - (c) the expiry date of the consumer's credit card;
 - (d) the supplier's name;
 - (e) the date the internet sales contract was entered into;
 - (f) the dollar amount of consideration charged to the credit card account in respect of the internet sales contract and any related consumer transaction;
 - (g) a description of the goods or services sufficient to identify them;
 - (h) the reason for cancellation of the internet sales contract in accordance with Section 6; and
 - (i) the date and method of notification of the cancellation of the internet sales contract.