

Royal Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 27, No. 24

December 12, 2003

Act	Contents	Reg. No.	Page
Education Act			
Governor in Council Education Act Regulations – amendment	198/2003	738
Insurance Act			
Automobile Insurance Contract Mandatory Conditions Regulations – amendment	197/2003	737
Automobile Insurance Tort Recovery Limitation Regulations – amendment	196/2003	736
Public Accountants Act			
Public Accountants' Licensing Regulations – amendment	199/2003	740
Summary Proceedings Act			
Summary Offence Tickets Regulations – amendment	203/2003	746

Erratum: On page 724 of Issue 23 of Volume 27, dated November 28, 2003, clauses 1(1)(a), (b) and (b) of the *Winter Parking Regulations* (N.S. Reg. 194/2003) should be lettered (a), (b) and (c).

AVAILABLE SOON

The first issue of the 2004 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. 196/2003

Made: November 20, 2003

Filed: November 21, 2003

Automobile Insurance Tort Recovery Limitation Regulations

Order in Council 2003-486 dated November 20, 2003
 Amendment to regulations made by the Governor in Council
 pursuant to Sections 5 and 113B of the *Insurance Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Insurance Act* dated November 20, 2003, and pursuant to Sections 5 and 113B of Chapter 231 of the Revised Statutes of Nova Scotia, 1989, the *Insurance Act*, is pleased to amend the *Automobile Insurance Tort Recovery [Limitation] Regulations* made by the Governor in Council by Order in Council 2003-457 dated October 31, 2003, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after November 20, 2003.

Schedule "A"

**Amendments to the *Automobile Insurance Tort Recovery Limitation Regulations*
 made pursuant to Sections 5 and 113B of Chapter 231 of the Revised
 Statutes of Nova Scotia, 1989, the *Insurance Act***

- 1 (1) Section 2 of the *Automobile Insurance Tort Recovery Limitation Regulations* made by the Governor in Council by Order in Council ~~2003-457~~ [2003-457] dated October 31, 2003, is renumbered as subsection 2(1).
- (2) Subsection 2(1) of the regulations is amended by adding "and these regulations" immediately after "Section 113B of the *Insurance Act*".
- (3) Subsection 2(1) of the regulations is further amended by
 - (a) striking out the period at the end of clause (c) and substituting a semicolon; and
 - (b) adding the following clauses immediately after clause (c):
 - (d) "personal injury" does not include
 - (i) a coma resulting in a continuing serious impairment of an important bodily function,
 - (ii) chronic pain that
 - (A) is diagnosed and established as chronic pain by a medical specialist appropriately trained in the diagnosis and management of pain disorders,
 - (B) is a direct result of a physical injury sustained in the motor vehicle accident with respect to which the claim is brought,
 - (C) results in a continuous serious-impairment of an important bodily function, and
 - (D) is moderately severe or severe pain, as classified in the American Medical Association *Guides to the Evaluation of Permanent Impairment*, 5th edition,
 - (iii) a burn resulting in serious disfigurement,
 - (iv) an amputation of a major limb;

- (e) “regular employment” means the essential elements of the activities required by the person’s pre-accident employment;
- (f) “resolves” means
 - (i) does not cause or ceases to cause a serious impairment of an important bodily function which results from a continuing injury of a physical nature to produce substantial interference with the person’s ability to perform their usual daily activities or their regular employment, or
 - (ii) causes a serious impairment which results from a continuing injury of a physical nature to produce substantial interference with a person’s ability to perform their usual daily activities or their regular employment where the person has not sought and complied with all reasonable treatment recommendations of a medical practitioner trained and experienced in the assessment and treatment of the personal injury;
- (g) “substantial interference” means, with respect to a person’s ability to perform their regular employment, that the person is unable to perform, after reasonable accommodation by the person or the person’s employer for the personal injury and reasonable efforts by the injured person to adjust to the accommodation, the essential elements of the activities required by the person’s pre-accident employment;
- (h) “usual daily activities” means the essential elements of the activities that are necessary for the person’s provision of their own care and are important to people who are similarly situated considering, among other things, the injured person’s age.

(4) Section 2 of the regulations is further amended by adding the following subsection immediately after subsection (1):

(2) For the purposes of subsection (1), “employment” includes self-employment.

2 Section 3 of the regulations is amended by

- (a) repealing subsection (2); and
- (b) renumbering subsection (1) as Section 3.

3 The regulations are further amended by adding the following Section immediately after Section 4:

Onus to prove injury not minor injury

5 On a determination of whether an injury is a minor injury under subsection 113B(6) or (8) of the Act, the onus is on the injured party to prove, based upon the evidence of one or more medical practitioners trained and experienced in the assessment and treatment of the personal injury, that the injury is not a minor injury.

N.S. Reg. 197/2003

Made: November 20, 2003

Filed: November 21, 2003

Automobile Insurance Contract Mandatory Conditions Regulations

Order in Council 2003-487 dated November 20, 2003
Amendment to regulations made by the Governor in Council
pursuant to Section 159 of the *Insurance Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Insurance Act*

dated November 20, 2003, and pursuant to Section 159 of Chapter 231 of the Revised Statutes of Nova Scotia, 1989, the *Insurance Act*, is pleased to amend the *Automobile Insurance Contract Mandatory Conditions Regulations* made by the Governor in Council by Order in Council 2003-456 dated October 31, 2003, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 1, 2004.

Schedule "A"

Amendments to the *Automobile Insurance Contract Mandatory Conditions Regulations* made by the Governor in Council pursuant to Section 159 of Chapter 231 of the Revised Statutes of Nova Scotia, 1989, the *Insurance Act*

The *Automobile Insurance Contract Mandatory Conditions Regulations* made by the Governor in Council by Order in Council 2003-456 dated October 31, 2003, are amended by adding the following provision immediately after provision (8) at the end of Subsection 3 of Schedule 2:

(9) Limitation where seat belt not worn

- (a) In this provision, "seat belt" has the same meaning as defined in the *Motor Vehicle Act*.
- (b) Unless exempt by law from the requirement in the *Motor Vehicle Act* to wear a seat belt, where an insured person was not wearing a seat belt at the time of an incident, there shall be a reduction of at least twenty-five per cent in damages for bodily injury or death arising directly or indirectly from the use or operation of an automobile in respect of the incident.

N.S. Reg. 198/2003

Made: November 20, 2003

Filed: November 21, 2003

Governor in Council Education Act Regulations

Order in Council 2003-482 dated November 20, 2003
Amendment to regulations made by the Governor in Council
pursuant to Section 146 of the *Education Act*

The Governor in Council on the report and recommendation of the Minister of Education dated October 31, 2003, and pursuant to Section 146 of Chapter 1 of the Acts of 1995-96, the *Education Act*, is pleased to amend the *Governor in Council Education Act Regulations* made by the Governor in Council by Order in Council 97-405 dated June 24, 1997, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after November 20, 2003.

Schedule "A"

Amendments to the *Governor in Council Education Act Regulations* made by the Governor in Council pursuant to Section 146 of Chapter 1 of the Acts of 1995-96, the *Education Act*

The *Governor in Council Education Act Regulations* made by the Governor in Council by Order in Council 97-405 dated June 24, 1997, are amended by adding the following Sections immediately after Section 62:

Composition and meetings of audit committees of certain regional school boards and the Conseil acadien

63 (1) In this Section and Sections 64 and 65,

- (a) "audit committee" means an audit committee established pursuant to Section 85A of the Act by a regional school board, except the Southwest Regional School Board and the

Strait Regional School Board, or by the Conseil acadien; and

- (b) “regional school board or Conseil acadien”, in relation to an audit committee, means the regional school board that established the audit committee, or the Conseil acadien, as the case may be.
- (2) An audit committee must be composed of at least 3 members,
 - (a) none of whom are employed, or have been employed within 1 year before their appointment to the audit committee, by the regional school board or Conseil acadien; and
 - (b) all of whom are members of the regional school board or the Conseil acadien.
 - (3) Despite subsection (2), an audit committee may include 1 member who is not a member of the regional school board or Conseil acadien, if the regional school board or Conseil acadien determines that it is desirable to supplement the financial expertise of the other audit committee members.
 - (4) An audit committee must meet as often as required to carry out its duties, and at least 2 times in each fiscal year of the regional school board or Conseil acadien.

Terms of reference of an audit committee

- 64** (1) The purpose of an audit committee is to assist the regional school board or Conseil acadien to appropriately monitor and maintain internal controls over its operations.
- (2) In fulfilling its purpose as set out in subsection (1), an audit committee must
- (a) review the annual report and any other report, findings or recommendations of the auditor, or any other person conducting a review of the financial management and internal controls, of the regional school board or Conseil acadien;
 - (b) review the management response to the annual report and any other report, findings or recommendations referred to in clause (a);
 - (c) monitor corrective and other actions taken by the regional school board or Conseil acadien in response to the annual report and any other report, findings or recommendations referred to in clause (a);
 - (d) review such other matters as directed by the regional school board or Conseil acadien or as the committee considers desirable; and
 - (e) report to the regional school board or Conseil acadien, at such times as the audit committee considers appropriate and at least once each fiscal year, including the findings and recommendations of the audit committee.

Information gathering and procedures of an audit committee

- 65** (1) An audit committee must have free access at all times to the reports, records, documents, books, accounts and vouchers of the regional school board or Conseil acadien and is entitled to receive from officers and employees of the regional school board or Conseil acadien such information and explanations that in the opinion of the audit committee are necessary for the performance of the audit committee’s duties, and the officials and employees of the regional school board or Conseil acadien must promptly provide the required access, information or explanations.
- (2) For the purpose of subsection (1), the Chief Financial Officer of a regional school board or the Conseil acadien must coordinate the provision of reports, records, documents, books, accounts and vouchers to an audit committee.

- (3) An audit committee
- (a) may, if the audit committee considers it appropriate; and
 - (b) must, if the auditors conducting the annual audit, or any other person conducting a review of the financial management and internal controls of the regional school board or Conseil acadien, request,

meet with the auditors or other person referred to in clause (b), without staff of the regional school board or Conseil acadien being present.

Audit committees of the Southwest Regional School Board and the Strait Regional School Board

66 (1) In this Section,

- (a) “audit committee” means an audit committee established pursuant to Section 85A of the Act by the Southwest Regional School Board or the Strait Regional School Board; and
 - (b) “regional school board”, in relation to an audit committee, means the Southwest Regional School Board or the Strait Regional School Board, as the case may be.
- (2) An audit committee must be composed of at least 3 members,
- (a) none of whom are employed, or have been employed within 1 year before their appointment to the audit committee, by the regional school board; and
 - (b) 1 of whom may be a member of a district school board that administers schools in a school district in the school region administered by the regional school board.
- (3) Subsection 63(4) and Sections 64 and 65 apply *mutatis mutandis* to the audit committees of the Southwest Regional School Board and the Strait Regional School Board.

N.S. Reg. 199/2003

Made: November 28, 2003

Filed: November 28, 2003

Public Accountants' Licensing Regulations

Order in Council 2003-506 dated November 28, 2003
Amendment to regulations approved by the Governor in Council
pursuant to Section 28 of the *Public Accountants Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated November 14, 2003, and pursuant to Section 28 of Chapter 369 of the Revised Statutes of Nova Scotia, 1989, the *Public Accountants Act*, is pleased to approve the making by the Public Accountants Board of the Province of Nova Scotia of amendments to the regulations respecting public accountants approved by the Governor in Council by Order in Council 82-839 dated June 30, 1982, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after November 28, 2003.

Schedule “A” Amendments to the Regulations Respecting Public Accountants

We, Bob Madden, President and Earl Walsh, Secretary-Treasurer, certify that the Public Accountants Board, at its meeting on Tuesday, October 14, 2003, carried a motion to amend the regulations respecting public accountants, pursuant to Section 28 of Chapter 369 of the Revised Statutes of Nova Scotia, 1989, the Public Accountants Act, in the manner attached.

Signed at Halifax, in the Halifax Regional Municipality, Nova Scotia on

Public Accountants Board

Per: *Sgd. Robert Madden*
Bob Madden, FCA
President

Sgd. E.G. Walsh
Earl G. Walsh, FCA
Secretary-Treasurer

**Amendments to the Regulations Respecting Public Accountants
made pursuant to Section 28 of Chapter 369 of the
Revised Statutes of Nova Scotia, 1989, the *Public Accountants Act***

- 1 Section 4 of the regulations respecting public accountants approved by the Governor in Council by Order in Council 82-839 dated June 30, 1982, is amended by striking out “seventy-five dollars” and substituting “\$200.00”.
- 2 Forms 1 and 2 of the regulations are repealed and the following forms substituted:

Form 1 - Application for Licence

**Public Accountants Board
of the
Province of Nova Scotia**
P. O. Box 44182
Bedford, NS, B4A 3Z8

A licence fee in the amount of \$200.00 payable to the Public Accountants Board of the Province of Nova Scotia must accompany this application.

Personal information

1. Name
2. Citizenship
3. Home address
Postal code _____
Telephone _____
Fax _____
E-mail _____
4. Name of practice
5. Practice address
Postal code _____
Telephone _____
Fax _____
E-mail _____

Education and training in public accountancy

6. University
Degree obtained _____
Year graduated _____
7. Membership in accounting institute or association:
Name of inst. or assn.
Year of qualification

You must submit certified copies of transcripts from the university and accounting institute or association listed in items 6 and 7, and a letter from your accounting institute or association advising that you are a member in good standing of that body.

Experience in public accountancy

8.

Employer	Location	Position	Years

Hours in accountancy

9. Over the 30- to 60-month period that ended on _____, I accumulated

- a. _____ chargeable audit service hours
 - b. _____ chargeable assurance hours including review engagements
 - c. _____ chargeable taxation hours
- under the direct supervision of _____, who is a Public Accountant licensed in Nova Scotia.*

Or

under the direct supervision of _____, who is a Public Accountant practising in the jurisdiction of _____.*

(*Delete inapplicable portion.)

You must submit a letter from the public accountant with whom you have worked, verifying the above hours.

General

10. Are you lawfully entitled to be employed in Canada?

Yes _____ No _____

11. Have you been convicted of an offence punishable by indictment or have you ever been successfully sued in a civil action relating to fraud?

Yes _____ No _____
(If yes, give full details on a separate sheet.)

12. Were you ever disciplined by a post-secondary educational institution?

Yes _____ No _____
(If yes, give full details on a separate sheet.)

13. (a) Have you ever been suspended, disqualified or censured or had disciplinary action instituted against you, as a member of any professional organization?

Yes _____ No _____

(b) Have you been denied or had revoked any licence or permit, the procurement of which required proof of good moral character?

Yes _____ No _____

(c) Have you been adjudged in any legal proceeding with bankruptcy or insolvency, or ever filed a voluntary petition in bankruptcy?

Yes _____ No _____

(d) Are there any outstanding civil judgments against you or any actions outstanding against you that may result in a civil judgment?

Yes _____ No _____

- (e) Have you at any time not obeyed any order of any court requiring you to do or abstain from doing any action?
Yes _____ No _____
- (f) Is there, to your knowledge or belief, any event, circumstance, condition or matter not disclosed in your replies to the preceding questions that touches or may concern your conduct, character and reputation, and that you know is or believe might be thought to be an impediment to your being granted a licence or warrant further inquiry by the Public Accountants Board?
Yes _____ No _____

(If yes to any of the above questions, give full details on a separate sheet.)

- 14. (a) Have you applied for a licence as a public accountant in Nova Scotia or in any other jurisdiction?
Yes _____ No _____
- (b) Have you been refused a licence to practise public accounting in Nova Scotia or any other jurisdiction?
Yes _____ No _____

(If yes to either of the above questions, give full details on a separate sheet.)

Authorization

I hereby grant to the Public Accountants Board full authority to make an enquiry of any police authority or other authority with regard to any criminal record or with regard to any of the matters referred to in items 11, 12, 13, and 14, and I authorize all persons enquired of pursuant to this authorization to provide all information requested.

Declaration of Applicant

I, _____, the Applicant in the above Application for Licence, **do solemnly declare** that the statements contained herein are complete and true in every respect;

And I declare that I shall practise as a Public Accountant, alone or in partnership with others;

And I declare that I am a member, in good standing, of the _____
_____ (name of accounting institute or association);

And I declare that I will hold, while licensed as a public accountant, public liability insurance with a minimum coverage of \$1,000,000;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at _____)
 _____)
 in the Province of _____, on _____)
 _____, 20____)
 _____)
 A Notary Public in and for the Province of _____)
 _____ or a Commissioner for _____)
 taking affidavits in and for the Province of _____)
 _____)

Signature of Applicant

Form 2 - Application for Renewal of Licence

**Public Accountants Board
of the
Province of Nova Scotia**
P. O. Box 44182
Bedford, NS B4A 3Z8

A licence fee in the amount of \$200.00 payable to the Public Accountants Board of the Province of Nova Scotia must accompany this application.

Personal information

1. Name _____
2. Home address _____
 Postal code _____
 Telephone _____
 Fax _____
 E-mail _____
3. Name of Practice _____
4. Practice Address _____
 Postal code _____
 Telephone _____
 Fax _____
 E-mail _____

Renewal year

5. This renewal application is for the year _____.

General

6. Are you lawfully entitled to be employed in Canada?
 Yes _____ No _____
7. Have you been convicted of an offence punishable by indictment or have you ever been successfully sued in a civil action relating to fraud?
 Yes _____ No _____
 (If yes, give full details on a separate sheet.)
8. Were you ever disciplined by a post-secondary educational institution?
 Yes _____ No _____
 (If yes, give full details on a separate sheet.)
9. (a) Have you ever been suspended, disqualified or censured or had disciplinary action instituted against you, as a member of any professional organization?
 Yes _____ No _____
- (b) Have you been denied or had revoked any licence or permit, the procurement of which required proof of good moral character?
 Yes _____ No _____
- (c) Have you been adjudged in any legal proceeding with bankruptcy or insolvency, or ever filed a voluntary petition in bankruptcy?
 Yes _____ No _____

- (d) Are there any outstanding civil judgments against you or any actions outstanding against you that may result in a civil judgment?
Yes _____ No _____
- (e) Have you at any time not obeyed any order of any court requiring you to do or abstain from doing any action?
Yes _____ No _____
- (f) Is there, to your knowledge or belief, any event, circumstance, condition or matter not disclosed in your replies to the preceding questions that touches or may concern your conduct, character and reputation, and that you know is or believe might be thought to be an impediment to your being granted a licence or warrant further inquiry by the Public Accountants Board?
Yes _____ No _____

(If yes to any of the above questions, give full details on a separate sheet.)

- 10. (a) Have you applied for a licence as a public accountant in any other jurisdiction?
- (b) Have you been refused a licence to practise public accounting in Nova Scotia or any other jurisdiction?

(If yes to either of the above questions, give full details on a separate sheet.)

Authorization

I hereby grant to the Public Accountants Board full authority to make an enquiry of any police authority or other authority with regard to any criminal record or with regard to any of the matters referred to in items 7, 8, 9 and 10, and I authorize all persons enquired of pursuant to this authorization to provide all information requested.

Declaration of Applicant

I, _____, the Applicant in the above Application for Licence, **do solemnly declare** that the statements contained herein are complete and true in every respect;

And I declare that I shall practise as a Public Accountant, alone or in partnership with others;

And I declare that I am a member, in good standing, of the _____ (name of accounting institute or association);

And I declare that I will hold, while licensed as a public accountant, public liability insurance with a minimum coverage of \$1,000,000;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at _____)
 _____)
 in the Province of _____, on _____)
 _____, 20____)
 A Notary Public in and for the Province of _____)
 _____ or a Commissioner for _____)
 taking affidavits in and for the Province of _____)

Signature of Applicant

N.S. Reg. 203/2003

Made: November 28, 2003

Filed: December 1, 2003

Summary Offence Tickets Regulations

Order in Council 2003-493 dated November 28, 2003
 Amendment to regulations made by the Minister of Justice and the Governor in Council
 pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated October 24, 2003, 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, to include certain offences under the *Occupational Health and Safety Act* in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after November 28, 2003.

Order

I, Michael G. Baker, 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 an 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, and in accordance with, Sections 8 and 9 of the Act.

This Order shall be effective on and after 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 24, 2003, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd. Michael G. Baker

Michael G. 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***

The *Summary Offence Tickets Regulations* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, are amended by adding the following Schedule immediately after Schedule 25:

**Schedule 26
 Occupational Health and Safety Act**

Offence	Section	Out of Court Settlement
1 Failing to submit compliance notice within time specified in order	56(1)	\$450.00
2 Failing to comply with order or direction (specify)	74(1)(b)(i)	\$800.00