

# Royal Gazette

## Part II Regulations under the Regulations Act

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**N.S. Reg. 207/2004**

Made: September 23, 2004

Filed: September 27, 2004

## Summary Offence Tickets Regulations

Order in Council 2004-379 dated September 23, 2004  
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 August 24, 2004, 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*, N.S. Reg 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to repeal certain offences for the Town of Lunenburg Parking Meter Regulations in Schedule PT and to repeal and replace certain offences under the Municipality of Pictou and the Town of Yarmouth By-laws as summary offence ticket offences and set the out of court settlement amounts for the offences in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 23, 2004.

**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 amendments to the Schedules to the *Summary Offence Tickets Regulations* as set forth in Schedule "A", is the amount of the out of court settlement set out opposite the description of that offence, and the out of court settlement amount includes the charge provided for, and in accordance with, Sections 8 and 9 of the Act.

This Order is 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** August 24, 2004, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd: *Michael G. Baker*  
Honourable Michael G. Baker, Q.C.  
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 PT of the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is amended by repealing the heading "Town of Lunenburg Parking Meter Regulations" and items 1 and 2 under that heading.
- 2 Schedule 18-F of the regulations is amended by repealing the heading "Dog By-law" and items 1 through 11 under that heading and adding the following heading and items immediately before the heading "Junk Dealers By-law":

**Dog By-law:**

1. Owning dog that runs at large	18(a)	\$387.50
2. Owning fierce or dangerous dog	18(b)	\$387.50
3. Owning dog that, without mitigating factor, attacked or injured person, domestic animal or property	18(c)	\$387.50
4. Owning dog that disturbs quiet of neighbourhood	18(d)	\$387.50
5. Owner failing to remove dog feces from property other than owner's	18(e)	\$215.00
6. Owner failing to register dog	18(f)	\$387.50
7. Owner failing, neglecting or refusing to do any act or thing required by order of court (specify requirement)	18(g)	\$215.00
8. Owner failing to keep tag attached to dog	18(h)	\$111.50
9. Owner allowing dog to remain without tag	18(h)	\$111.50
10. Owner using tag on dog other than dog for which tag issued	18(i)	\$111.50
11. Owner failing, neglecting or refusing to provide required written statement of dogs owned, harbored or habitually kept on premises	18(i)	\$123.00
12. Owner failing, neglecting or refusing to report information to Clerk on sale or transfer of dog within 10 days of deemed receipt of notice	18(j)	\$387.50
13. Owner failing, neglecting or refusing to report information to Clerk on sale or transfer of dog	18(k)	\$387.50
14. Owner providing false information to Clerk concerning dog, owner, purported owner or registration of dog	18(l)	\$123.00
15. Owner permitting dog to leave premises of owner when dog not under actual effective restraint or control of person	18(m)	\$387.50

- 3 Schedule 18-R of the regulations is amended by repealing the heading "Dog By-law - No. 20", and items 1 to 6 under that headings and adding the following headings and items immediately before the heading "Fire Prevention by-law - No. 16:"

**Dog By-law - D-050-02:**

1. Owning dog that runs at large	17(1)	\$215.00
2. Owner of dog failing to register dog	17(3)	\$215.00
3. Owning dog that persistently disturbs quiet of neighborhood by barking, howling or otherwise	17(4)	\$215.00
4. Owning dog that is fierce or dangerous	17(6)	\$215.00
5. Owner of dog failing to remove feces from property other than owner's	17(7)	\$215.00

**N.S. Reg. 208/2004**

Made: September 23, 2004

Filed: September 27, 2004

Justices of the Peace Regulations

Order in Council 2004-380 dated September 23, 2004  
Amendment to regulations made by the Governor in Council  
pursuant to Section 12 of the *Justices of the Peace Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated August 24, 2004, and pursuant to Section 12 of Chapter 244 of the Revised Statutes of Nova Scotia, 1989, the *Justices of the Peace Act*, is pleased to amend the *Justices of the Peace Regulations*, N.S. Reg. 51/2002, made by the Governor in Council by Order in Council 2002-159 dated March 28, 2002, to enable staff justices of the peace to deal with summary offence tickets in a manner that is consistent with the *Summary Proceedings Act* and to endorse out of province warrants under Section 528 of the *Criminal Code* (Canada), in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 23, 2004.

**Schedule "A"**

**Amendments to the *Justices of the Peace Regulations*  
made by the Governor in Council pursuant to Section 12 of Chapter 244 of  
the Revised Statutes of Nova Scotia, 1989,  
the *Justices of the Peace Act***

- 1 Clause 4(e) of the *Justices of the Peace Regulations*, N.S. Reg. 51/2002, made by Governor in Council by Order in Council 2002-159 dated March 28, 2002, is repealed and the following clause substituted:
  - (e) conduct an arraignment and take a plea in respect of an offence under a Provincial enactment and,
    - (i) if the information portion of the summary offence ticket is complete and regular on its face, enter a conviction on that information and impose
      - (A) the minimum penalty authorized by law for the offence and any charge required under subsection 8(15) of the Act, or
      - (B) the penalty for the offence that has been ordered by the Attorney General for out of court settlement under subsection 8(6) of the Act, including any charge required under subsection 8(15) of the Act, or
    - (ii) if the information portion of the offence ticket is not complete and regular on its face, quash the proceeding;
- 2 Section 4 of the regulations is further amended by
  - (a) striking out the period at the end of clause (k) and substituting a semi-colon; and
  - (b) adding the following clause immediately after clause (k):
    - (l) make an endorsement on a warrant under section 528 of the *Criminal Code* (Canada).

**N.S. Reg. 209/2004**

Made: September 23, 2004

Filed: September 27, 2004

Bear Head L.N.G. Plant Municipal Property Taxation Regulations

Order in Council 2004-382 dated September 23, 2004  
Regulations made by the Governor in Council  
pursuant to Section 5 of the *Oil Refineries and L.N.G. Plants Municipal Taxation Act*

The Governor in Council on the report and recommendation of Minister of Service Nova Scotia and Municipal Relations dated September 16, 2004, and pursuant to Section 5 of Chapter 8 of the Acts of 2004, the *Oil Refineries and L.N.G. Plants Municipal Taxation Act*, is pleased to make regulations respecting the municipal taxation of the Bear Head L.N.G. plant in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 23, 2004.

**Schedule "A"**

**Regulations Respecting the Municipal Property Taxation of  
the Bear Head L.N.G. Plant made by the Governor in Council  
pursuant to Section 5 of Chapter 8 of the Acts of 2004,  
the *Oil Refineries and L.N.G. Plants Municipal Taxation Act***

**Citation**

1 These regulations may be cited as the *Bear Head L.N.G. Plant Municipal Property Taxation Regulations*.

**Interpretation**

2 In these regulations,

- (a) "Act" means the *Oil Refineries and L.N.G. Plants Municipal Taxation Act*;
- (b) "Bear Head L.N.G. plant" or "plant" means the liquified natural gas plant to be located at Bear Head in the Municipality of the County of Richmond.

**Application**

- 3 (1) Subsection 2(1) of the Act applies to the 2005-2006 municipal taxation year and subsequent municipal taxation years with respect to the Bear Head L.N.G. plant.
- (2) In addition to the taxes listed in subsection 2(1) of the Act, taxes pursuant to Section 80 of the *Municipal Government Act* are not payable with respect to the Bear Head L.N.G. plant.

**No municipal taxes payable until commercial operations commence**

4 No municipal taxes are payable with respect to the Bear Head L.N.G. plant until the municipal taxation year in which commercial operations commence at the plant.

**Initial municipal taxes payable**

- 5 (1) The amount of municipal taxes payable with respect to the Bear Head L.N.G. plant in the municipal taxation year in which commercial operations commence is \$3 000 000 at the plant.
- (2) Despite subsection (1), if the Bear Head L.N.G. plant is engaged in commercial operations for only part of the first municipal taxation year in which commercial operations commence at the plant then

- (a) the municipal taxes payable with respect to the plant for the first municipal taxation year in which commercial operations commence at the plant are prorated and paid only for the part of the year during which the plant is engaged in commercial operations; and
- (b) the amount of municipal taxes payable with respect to the plant in the next municipal taxation year is \$3 000 000.

#### **Municipal taxes increase for costs**

6 Despite Section 5, if the costs to build the Bear Head L.N.G. plant exceed \$481 500 000, the municipal taxes payable under Section 5 are increased in the same proportion that the amount of costs bears to \$481 500 000.

#### **Municipal taxes payable in subsequent years**

7 The amount of municipal taxes payable with respect to the Bear Head L.N.G. plant are increased in each municipal taxation year after the first full year of commercial operations at the plant by amount equal to the taxes for the preceding municipal taxation year multiplied by the lesser of

- (a) 50% of the first 4% increase in the Nova Scotia Consumer Price Index, All Items, Nova Scotia as of December 31 in the year immediately preceding the municipal taxation year plus 100% of the percentage increase in excess of 4% in the Nova Scotia Consumer Price Index, All Items, Nova Scotia as of December 31 in the year immediately preceding the municipal taxation year; and
- (b) 6%.

#### **N.S. Reg. 210/2004**

Made: September 23, 2004

Filed: September 27, 2004

Employment Support and Income Assistance Regulations

Order in Council 2004-383 dated September 23, 2004  
Amendment to regulations made by the Governor in Council  
pursuant to Section 21 of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated September 16, 2004, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased to amend the *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, by replacing the table immediately following the heading "Personal Allowance" in Appendix "A" with the following table, effective on and after October 1, 2004:

<b>Adult</b>	<b>Dependent Child (under age 18)</b>	<b>Dependent Child (age 18 to 20 inclusive)</b>
\$184 renting, own home, boarding	\$133	\$184

**N.S. Reg. 211/2004**

Made: September 23, 2004

Filed: September 27, 2004

Nova Scotia Cattle Marketing Plan

Order in Council 2004-385 dated September 23, 2004  
Regulations approved by Governor in Council  
pursuant to Sections 6 and 11 of the *Natural Products Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated September 20, 2004, and pursuant to Sections 6 and 11 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, is pleased to approve the establishment of the Nova Scotia Cattle Marketing Plan, to be administered by a commodity board known as the Nova Scotia Cattle Producers, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and from September 23, 2004.

**Nova Scotia Natural Products Marketing Council  
Resolution Respecting Delegation of Authority**

**Whereas** Nova Scotia Cattle Producers may be constituted as a commodity board by the Governor in Council to administer the *Nova Scotia Cattle Marketing Plan*;

**Be it resolved** that, effective on the date of the Order in Council establishing the *Nova Scotia Cattle Marketing Plan*, the Natural Products Marketing Council delegate, under subsection 6(2) of the *Natural Products Act*, the following powers to Nova Scotia Cattle Producers, as set out in subsection 5(1) of the *Nova Scotia Cattle Marketing Plan*:

- (a) do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the Plan;
- (b) borrow money to carry out the Plan and determine the amount of money borrowed and the kind and amount of security to be taken or given therefor;
- (c) stimulate, increase and improve the marketing of beef, beef products and beef cattle in the regulated area;
- (d) establish and implement promotional and research programs for the purpose of stimulating, increasing, promoting and improving the marketing of beef, beef products and beef cattle and recover all expenses incurred thereby by levying and collecting a rate on persons engaged in the producing or marketing of beef cattle;
- (e) require producers to register with the Board their names and addresses and the quantities of beef cattle marketed by them, and require producers to furnish such additional information in regard to beef cattle as the Board may determine and inspect the books and premises of producers;
- (f) require, by order, producers or any persons who are members of a class of persons designated by the Board and who are so engaged, to deduct from amounts payable by them to any other person engaged in the marketing of beef cattle amounts payable to the Board by such other persons by way of licence fees, levies or charges provided for in the Plan that the Board is authorized to implement and to remit all amounts so deducted to the Board;
- (g) require the person in charge of any vehicle thought to be conveying beef cattle to stop the vehicle and to permit any person appointed by the Council for such purpose to inspect the vehicle and its contents;



- (h) co-operate with any board or agency, established under any federal Act or any provincial Act, to market or promote, facilitate, control or regulate the marketing of beef, beef products and beef cattle and to act conjointly with any such board or agency;
- (i) prohibit any person from marketing beef cattle unless registered with the Board.

This resolution has been duly passed at a meeting of the Natural Products Marketing Council held on August 19, 2004.

Sgd: *G. Burris*  
George D. Burris  
General Manager

### Schedule "A"

#### **Regulations Respecting a Marketing Plan for Nova Scotia Cattle Producers made under subsection 6(2) and Section 11 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act***

#### **Citation**

1 These regulations may be cited as the *Nova Scotia Cattle Marketing Plan*.

#### **Interpretation**

2 In these regulations, unless the context otherwise requires,

- (a) "Act" means the *Natural Products Act*;
- (b) "Agency" means the Canadian Beef Cattle Research, Market Development and Promotion Agency, established under the *Farm Products Agencies Act* (Canada);
- (c) "beef" means the flesh, meat or parts of beef cattle;
- (d) "beef cattle" means live domesticated bulls, cows, steers, heifers and calves of the bovine species or their carcasses and includes bob calves, veal calves, cull cows and dairy cattle and draft animals of the bovine species;
- (e) "beef products" means edible products produced in whole or in part from beef;
- (f) "Commodity Board" or "Board" means Nova Scotia Cattle Producers;
- (g) "Council" means the Natural Products Marketing Council;
- (h) "marketing" includes advertising, buying, selling, storing, packing, transportation, shipping, pricing, processing, shipping for sale or storage, offering for sale and any other act necessary to prepare beef, beef products and beef cattle in a form or make them available at a place and time for purchase, for consumption or use and also includes sale by peddlers, hawkers and traders;
- (i) "Nova Scotia Cattlemen's Association" means the commodity group designated under that name under the *Agriculture and Marketing Act*;



- (j) “person” includes a board, association, corporation, firm and partnership;
- (k) “Plan” means the *Nova Scotia Cattle Marketing Plan*;
- (l) “processing” means altering the nature, size, quality or condition of beef cattle by mechanical means or otherwise and includes the slaughtering of beef cattle;
- (m) “processor” means a person engaged in processing;
- (n) “producer” means a person engaged in the marketing of beef cattle in the regulated area for the purpose of sale or distribution, and includes livestock dealers, public sale yard operators, slaughterhouse operators and drovers;
- (o) “producers’ meeting” means a meeting of the producers who are resident or carrying on business in the regulated area;
- (p) “regulated area” means all of the Province of Nova Scotia; and
- (q) “zone meeting” means a meeting of the producers who are resident or carrying on business in a zone.

### Objectives of Plan

3 The primary objectives of the Plan are to promote and regulate the marketing of beef, beef products and beef cattle in the regulated area, and in particular to

- (a) constitute the Commodity Board to administer the Plan;
- (b) stimulate, increase and improve the research, promotion and market development of beef, beef products and beef cattle in the regulated area;
- (c) assist in the maintenance of public health and food safety by tracking the whereabouts and origin of beef cattle through registration; and
- (d) provide for levies to enable the Board to carry out the purposes of the Plan.

### Commodity Board

- 4 (1) A commodity board is hereby constituted to administer the Plan to be known as Nova Scotia Cattle Producers, which consists of 10 members who are producers or, in the case of a producer that is not a natural person, a designated representative of a producer, and who are elected, nominated or appointed in accordance with the Plan and the regulations made under the Plan.
- (2) Until the date of the first annual producers’ meeting, the incumbent members of the Board of Directors of the Nova Scotia Cattlemen’s Association, on the date the Plan comes into force, constitute the Commodity Board.
- (3) The Board is made up of
- (a) 1 member from each zone, who is elected at the annual zone meeting from among and by the producers who are resident or carrying on business in that zone;

- (b) 3 members as members-at-large, who are elected at the annual producers' meeting from among and by the producers who are resident or carrying on business in the regulated area; and
  - (c) 1 member, who is appointed every year by Dairy Farmers of Nova Scotia for a 1-year term commencing on the date of the annual producers' meeting.
- (4) Upon receipt of a requisition signed by at least 50% of producers, the Council shall submit the question of continuing the Plan to a vote of producers and, if a majority suitable to the Council votes against the Plan, the Council may recommend that the Plan be discontinued.
- (5) A proposal to the Council by the Commodity Board to amend this Plan requires the approval of at least 2/3 of the producers present at an annual producers' meeting or a special producers' meeting.
- (6) A copy of a proposed amendment under subsection (5) must be provided to each producer at least 10 days before the meeting date.

### **Powers of the Commodity Board**

- 5 (1) Pursuant to subsection 6(2) of the Act, the Council delegates the power to the Commodity Board to do the following:
- (a) do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the Plan;
  - (b) borrow money to carry out the Plan and determine the amount of money borrowed and the kind and amount of security to be taken or given therefor;
  - (c) stimulate, increase and improve the marketing of beef, beef products and beef cattle in the regulated area;
  - (d) establish and implement promotional and research programs for the purpose of stimulating, increasing, promoting and improving the marketing of beef, beef products and beef cattle and recover all expenses incurred thereby by levying and collecting a rate on persons engaged in the producing or marketing of beef cattle;
  - (e) require producers to register with the Board their names and addresses and the quantities of beef cattle marketed by them, and require producers to furnish such additional information in regard to beef cattle as the Board may determine and inspect the books and premises of producers;
  - (f) require, by order, producers or any persons who are members of a class of persons designated by the Board and who are so engaged, to deduct from amounts payable by them to any other person engaged in the marketing of beef cattle amounts payable to the Board by such other persons by way of licence fees, levies or charges provided for in the Plan that the Board is authorized to implement and to remit all amounts so deducted to the Board;
  - (g) require the person in charge of any vehicle thought to be conveying beef cattle to stop the vehicle and to permit any person appointed by the Council for such purpose to inspect the vehicle and its contents;

- (h) co-operate with any board or agency, established under any federal Act or any provincial Act, to market or promote, facilitate, control or regulate the marketing of beef, beef products and beef cattle and to act conjointly with any such board or agency;
  - (i) prohibit any person from marketing beef cattle unless registered with the Board.
- (2) The Commodity Board shall not exercise any powers under the Plan that would restrict the production of beef cattle or the number of producers in the regulated area.
- (3) If the Board is unable to act, the Council retains the authority to exercise the powers that have been delegated to the Board in this Section.

### Regulation-making powers

6 Pursuant to clause 11(d) of the Act, the Governor in Council empowers the Commodity Board to make regulations, subject to approval of the Council,

- (a) regulating and controlling the marketing of beef, beef products, and beef cattle within the regulated area;
- (b) providing for the licensing of persons engaged in the marketing of beef cattle, fixing the licence fees payable by such persons at different amounts and providing for the payment of such licence fees in instalments, which licence fees may be made payable to the Board;
- (c) providing the form of licences for persons engaged in the marketing of beef cattle and the terms and conditions upon which licences may be issued, renewed, suspended or revoked;
- (d) respecting fees, levies or charges payable under the Plan or regulations and providing ranges for such fees, levies or charges within which the Board may fix the fees, levies or charges payable pursuant to the Plan or regulations, provided, however, that any change to any fees, levies or charges, after the initial levy set in regulations, shall be subject to a vote to be conducted at a producers' meeting;
- (e) providing for the making of returns or the furnishing of information by any producer registered with the Board;
- (f) providing for the carrying out of the Plan; and
- (g) providing for the establishment of rates to recover the expenses of promotional and research programs under clause 5(1)(d) of the Plan and establishing procedures for the collection of such rates, provided, however, that any such rates shall be subject to a vote to be conducted at a producers' meeting.

### Commodity Board membership

- 7 (1) Members of the Commodity Board shall be producers, or the designated representatives of producers, who are resident or carrying on business in the regulated area.
- (2) A producer may have only 1 member representing them on the Commodity Board.
- (3) The Council may remove from office any member of the Commodity Board who is convicted of any offence under the Act, the regulations made under the Act or the *Criminal Code* (Canada), or who fails to attend 3 consecutive meetings of the Commodity Board without adequate cause.

**Voting**

- 8** (1) At meetings of the Commodity Board or its Committees, each member, including the Chair, has only 1 vote.
- (2) In the case of a tied vote, the motion is defeated.
- (3) At producers' meetings and zone meetings, each producer has only 1 vote.
- (4) If a producer is a corporation or partnership, the person eligible to vote or be elected to the Board or eligible to vote at a meeting of the Board is the shareholder or partner designated by the corporation or partnership for that purpose.
- (5) A producer may designate in writing a representative, who may be another producer, to attend a meeting and to vote on their behalf and a representative may not attend as the representative of more than 1 producer.

**Electoral zones**

- 9** (1) For the purposes of electing the members of the Commodity Board, the regulated area is divided into the following zones:
- (a) Zone 1 - the counties of Richmond, Inverness, Cape Breton and Victoria;
- (b) Zone 2 - the counties of Antigonish, Guysborough and Pictou;
- (c) Zone 3 - the counties of Cumberland and the area designated in subsection (2) as "North Colchester";
- (d) Zone 4 - the area designated in subsection (2) as "South Colchester", the County of Halifax and the area designated in subsection (2) as "East Hants";
- (e) Zone 5 - the area designated in subsection (2) as "West Hants" and the area designated in subsection (2) as "East Kings";
- (f) Zone 6 - the counties of Yarmouth, Lunenburg, Queens, Annapolis and the area designated in subsection (2) as "West Kings".
- (2) For purpose of subsection (1), the designated areas are as follows:
- (a) North Colchester - the area in the county of Colchester north of the Cobequid Bay as well as north of Highway 104, plus the area bounded by the Cobequid Bay to the north, Shubenacadie River to the west, on the south from Green Oaks to Brookfield (Route 289), to the east by Highway 102;
- (b) South Colchester - all that area in the county of Colchester not included in North Colchester as described in clause (a);
- (c) East Hants - the area in the county of Hants east of a line drawn from Selma to the Nine Mile River Bridge in Nine Mile River;
- (d) West Hants - all that area in the county of Hants not included in East Hants, as described in clause (c);

- (e) West Kings - the area in the county of Kings west of a line drawn from Halls Harbour to Lakeville to South Alton;
- (f) East Kings - all that area in the county of Kings not included in West Kings, as described in clause (e).

**Terms of office**

- 10** (1) The term of office for members elected to the Commodity Board is 3 years and commences on the date of the annual producers' meeting.
- (2) Despite subsection (1), the initial terms of office for Board members are:
- (a) 1 year for Zones 1 and 4;
  - (b) 2 years for Zones 2 and 5;
  - (c) 3 years for Zones 3 and 6;
  - (d) 3 years for the member-at-large who receives the highest number of votes at the first annual producers' meeting;
  - (e) 2 years for the member-at-large who receives the second highest number of votes at the first annual producers' meeting; and
  - (f) 1 year for the member-at-large who receives the third highest number of votes at the first annual producers' meeting.
- (3) A member of the Commodity Board may serve a maximum of 2 consecutive 3-year terms and is not eligible for re-election, renomination or reappointment for at least 1 year following the end of the second 3-year term.
- (4) If a member dies, resigns or is otherwise removed, the remaining members may appoint a producer who is resident or carrying on business in the respective zone or the regulated area, as the case may be, to fill the vacancy until an election is held in accordance with subsection (5).
- (5) If a member dies, resigns or is otherwise removed during his term of office, the producers resident or carrying on business in that zone, or in the regulated area, as the case may be, shall elect a member to complete the term at their next annual meeting.
- (6) Subject to subsection (3), if the producers fail to elect a new member, the incumbent member for that position is considered re-elected for a 3-year term.
- (7) Despite any irregularity in the appointment, election or qualification of any member of the Board or any temporary vacancy on the Board, every act of the Board is as valid as if the Board were duly constituted and every member duly appointed, elected and qualified.

**Commodity Board meetings**

- 11** (1) Meetings of the Commodity Board shall be held at least quarterly and shall be called by the Chair or their designate.
- (2) The Commodity Board shall meet within 2 weeks of every annual producers' meeting to make the elections required by subsection 12(1).

- (3) Reasonable notice of all meetings of the Commodity Board, specifying the time and place, shall be given to each member, except that a meeting of the Commodity Board may be held without notice at the close of an annual producers' meeting.
- (4) In the absence of the Chair and Vice-chair at a meeting of the Board, the members present may select someone by consensus from the members present to chair the meeting.
- (5) At meetings of the Commodity Board, 6 members constitute a quorum.

#### **Officers and committees**

- 12** (1) The Commodity Board shall annually elect from among themselves a Chair, a Vice-chair and a representative of the Board to the Canadian Cattlemen's Association.
- (2) If no member of the Commodity Board is willing or able to be the Board representative to the Canadian Cattlemen's Association, the Commodity Board may appoint a producer who is not a member of the Commodity Board to be the Board representative to the Canadian Cattlemen's Association and a producer appointed for this purpose is a non-voting member of the Board for the period they are appointed.
- (3) The Commodity Board may appoint committees in such form and for such purposes as may be required.

#### **Duties of officers**

- 13** (1) The Chair
- (a) presides at Commodity Board, producers' and zone meetings;
  - (b) serves *ex-officio* on all committees; and
  - (c) represents the Commodity Board in all regular transactions and activities except those for which another person has been appointed by the Commodity Board.
- (2) The Vice-chair
- (a) presides at meetings in the absence of the Chair; and
  - (b) performs duties assigned by the Chair or the Board.

#### **Secretary-Manager**

- 14** (1) The Commodity Board may employ a Secretary-Manager who is responsible for
- (a) recording and maintaining minutes of the Commodity Board, committee, producers' and zone meetings;
  - (b) attending to all Commodity Board correspondence;
  - (c) notifying members or producers of meetings;
  - (d) maintaining financial records and bank accounts;
  - (e) preparing financial reports;

- (f) collecting and receiving levies;
  - (g) hiring and management of staff; and
  - (h) performing duties as assigned by the Chair or the Board.
- (2) The Secretary-Manager attends all Board, producers', zone and committee meetings, but has no voting privileges.

### **Producers' and zone meetings**

- 15 (1) An annual producers' meeting shall be held no later than 120 days after each fiscal year-end of the Commodity Board.
- (2) An annual zone meeting shall be held before the annual producers' meeting and no later than 90 days after each fiscal year-end of the Commodity Board.
- (3) A special producer's [producers'] meeting may be held
- (a) as determined by the Commodity Board; or
  - (b) within 30 days of receiving a written request signed by at least 20 producers.
- (4) The Commodity Board shall provide at least 10 days' written notice to all producers of annual producers' meetings and special producers' meetings .
- (5) The agenda for an annual producers' meeting shall include
- (a) an annual report to producers;
  - (b) a financial report (including audited financial statements);
  - (c) the election of members; and
  - (d) the appointment of auditor.
- (6) At producers' meetings, 20 producers constitutes a quorum.

### **Fiscal year**

- 16 (1) The fiscal year of the Commodity Board is from January 1 to December 31, in each year.
- (2) Despite subsection (1), the first fiscal year of the Board is from the date the Plan comes into force until December 31 in that year.

### **Reporting**

- 17 (1) The Commodity Board shall maintain proper books of account, subject to annual audit by an auditor appointed at the annual producers' meeting.
- (2) An annual report and audited financial statements of the Commodity Board shall be sent to the Council within 120 days of fiscal year-end, and shall be provided to all producers at least 10 days before the annual producers' meeting.



- (3) Copies of all Commodity Board minutes, orders, directions or determinations shall be provided to the Council and be available from the Board on request to all producers, subject to the applicable provisions of provincial and federal privacy legislation.

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**N.S. Reg. 212/2004**

Made: September 30, 2004

Filed: October 1, 2004

## Driver Training Schools Regulations

Order in Council 2004-389 dated September 30, 2004  
Regulations approved by the Governor in Council  
pursuant to Section 63 of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated August 31, 2004, and pursuant to Section 63 of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased, effective on and after September 30, 2004, to:

- (a) approve the repeal by the Minister of Service Nova Scotia and Municipal Relations of the *Driver Training Schools Regulations*, N.S. Reg. 45/96, approved by the Governor in Council by Order in Council 96-159 dated March 13, 1996; and
- (b) approve new regulations made by the Minister of Service Nova Scotia and Municipal Relations respecting driver training schools in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"****In the Matter of Chapter 293 of the Revised Statutes of Nova Scotia, 1989,  
the *Motor Vehicle Act*****- and -****In the Matter of *Driver Training Schools Regulations*  
made pursuant to Section 63 of the *Motor Vehicle Act*****Order**

I, Barry Barnet, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 63 of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby

- (a) repeal the *Driver Training Schools Regulations*, N.S. Reg. 45/96, made by the Minister of Transportation and Communications and approved by the Governor in Council by Order in Council 96-159 dated March 13, 1996; and
- (b) make new regulations respecting driver training schools in the form attached.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on August 31, 2004.

Sgd: *Barry Barnet*  
Honourable Barry Barnet  
Minister of Service Nova Scotia  
and Municipal Relations

**Regulations Respecting Driver Training Schools**  
**made by the Minister of Service Nova Scotia and Municipal Relations**  
**and approved by the Governor in Council pursuant to Section 63 of**  
**Chapter 293 of the Revised Statutes of Nova Scotia, 1989,**  
**the *Motor Vehicle Act***

**Citation**

1 These regulations may be cited as the *Driver Training Schools Regulations*.

**Definitions**

2 In these regulations,

- (a) “Act” means the *Motor Vehicle Act*;
- (b) “applicant” means a person who applies for a driver training school license or an instructor license, as the context requires;
- (c) “branch office” means a satellite office of a driver training school;
- (d) “driver training” means instruction in the operation of a motor vehicle;
- (e) “driver training school” means a business that provides, for a fee, driver training, but does not include a public school;
- (f) “driver training school license” means a license issued to a person under subsection 5(1) or (2) to allow the person to conduct a driver training school in the Province;
- (g) “driver training school operator” means a person who holds a valid driver training school license;
- (h) “dual control brake” means an extra braking system of a type approved by the Department that is installed in a motor vehicle so that it is
  - (i) attached to the existing foot brake of the vehicle, and
  - (ii) under the control of a driving instructor in the right front seat of the vehicle;
- (i) “instructor” means a person who, for compensation, provides driver training;
- (j) “instructor license” means a license issued to a qualified person under subsection 16(1) to allow the person to provide driver training on behalf of the driver training school in which the person is employed; and

- (k) "licensed instructor" means an instructor who holds a valid instructor license.

### **General requirements for driver training schools**

- 3** (1) Every driver training school must have a driver training school license that is in force.
- (2) Every driver training school must be registered in good standing with the Registry of Joint Stock Companies.
- (3) The Department must be satisfied that every principal of a driver training school is of a suitable character and background to operate a driver training school and has not been convicted of a criminal offence.
- (4) Every driver training school must deliver a driver training program in accordance with these regulations.
- (5) Every driver training school must provide driver training only by persons licensed as instructors under these regulations.
- (6) Every driver training school must provide theory instruction in a facility that is equipped with training aids and suitable washrooms and, in the opinion of the Department, is suitable for its purpose.
- (7) Every motor vehicle used by a driver training school for the purpose of driver training must meet the requirements of these regulations.

### **Application for driver training school license**

- 4** (1) An application for a driver training school license must be made to the Department on the form prescribed by the Department.
- (2) An application under subsection (1) must be accompanied by
- (a) an application fee of \$53.25, plus an additional application fee of \$53.25 for each branch office, in addition to the total driver training school license fee required by subsection 5(5);
- (b) proof that the driver training school is registered in good standing with the Registry of Joint Stock Companies;
- (c) a report on the results of a criminal record search on the principals of the applicant by the appropriate police agency;
- (d) details of the driver training program including syllabus, texts and other materials to be used in the delivery of the program;
- (e) details of the training aids and the facility to be used for theory instruction, including any lease or rental agreement;
- (f) a list of the instructors for the driver training school;
- (g) a list of the vehicles, including registration numbers, to be used by the driver training school to conduct driver training; and
- (h) proof of insurance in accordance with Section 20,

and any additional information about the driver training school that the Department requests.

- (3) An applicant for a driver training school license must allow the Department to inspect the equipment, vehicles, premises and any material to be used in connection with the driver training school.

#### **Issuance of driver training school license**

- 5 (1) Upon receipt of an application under Section 4, the Department may issue a driver training school license to the applicant if the Department is satisfied that the applicant is suitable to be licensed.
- (2) If a driver training school has one or more branch offices in the Province, the Department may issue a separate driver training school license for each branch office.
- (3) A driver training school license must show the name and address of the licensed driver training school and any additional information that the Department requires.
- (4) A driver training school license is valid for the calendar year in which it is issued.
- (5) The fee for a driver training school license is \$53.25 plus an additional \$53.25 fee for a driver training school license for each branch office.

#### **Renewal of driver training school license**

- 6 (1) Upon application by a driver training school operator, the Department may renew the driver training school license.
- (2) An application for renewal under subsection (1) must be in the form prescribed by the Department and must be accompanied by
  - (a) a license renewal fee of \$53.25;
  - (b) proof that the driver training school is registered in good standing with the Registry of Joint Stock Companies; and
  - (c) a report on the results of a criminal record search on the principals of the applicant by the appropriate police agency;
  - (d) a list of instructors employed by the driver training school;
  - (e) a list of the vehicles, including registration numbers, to be used by the driver training school to conduct driver training; ~~and~~
  - (f) proof of insurance in accordance with Section 20,and any additional information about the driver training school that the Department requires.
- (3) If a driver training school license has lapsed for a period exceeding one year, the operator must apply as if they were a new applicant.

#### **Duties of driver training school operator**

- 7 A driver training school operator must

- (a) display the driver training school license in a prominent place on the premises of the driver training school or the branch office and produce it for inspection upon request;
- (b) permit the Department to conduct periodic monitoring of all driver training programs offered by the driver training school;
- (c) notify the Department, in the manner prescribed by the Department, within 2 weeks of the successful completion of a driver training program by a student driver, of
  - (i) the student's name,
  - (ii) the student's driver's license master number,
  - (iii) the course certificate number,
  - (iv) the student's full address including postal code,
  - (v) the date of completion of the program, and
  - (vi) the number of hours of instruction that the student completed;
- (d) notify the Department in writing within 7 days after an instructor's employment with the driver training school is terminated and indicate in the notice the reason for the termination;
- (e) ensure that the program is being delivered in accordance with the regulations;
- (f) keep such records as the Department requires for a minimum of 5 years and permit the records to be inspected by the Department;
- (g) notify the Department 30 days before any change that affects the information provided with the license application under Section 4, including a change in the training facility, vehicles, insurance providers and coverage and principals of the driver training school; and
- (h) ensure that all vehicles used for driver training meet the requirements of these regulations.

**Minimum requirements for Class 5 driver's license driver training program**

**8** For the purpose of clause 70(6)(b) of the Act, the Department may approve a driver training program for a Class 5 driver's license that meets the following minimum requirements:

- (a) 25 hours of theory instruction, not to exceed 7 hours of instruction in a 24-hour period, in a facility suitable for the subject being taught as determined by the instructor and subject to the approval of the Department, using a syllabus, texts and other materials approved by the Department, which must include
  - (i) car care and familiarization,
  - (ii) driver licensing,
  - (iii) driver responsibility,
  - (iv) driver psychology,
  - (v) insurance,
  - (vi) vision,
  - (vii) the Act and regulations made under the Act,
  - (viii) occupant restraint systems,

- (ix) alcohol, drugs and driving,
  - (x) risk perception,
  - (xi) identifying hazardous situations and driver action,
  - (xii) driving under adverse conditions,
  - (xiii) approach of emergency vehicles,
  - (xiv) fuel-efficient driving,
  - (xv) vehicle technologies such as braking systems and drive train systems, and
  - (xvi) standard transmission; and
- (b) not less than 10 hours of in-vehicle instruction for each student, not to exceed 2 hours of actual driver training time per session, in defensive driving techniques including
- (i) automobile familiarization,
  - (ii) steering techniques,
  - (iii) starting and stopping,
  - (iv) right and left turns,
  - (v) highway and urban driving,
  - (vi) backing,
  - (vii) controlled and uncontrolled intersections,
  - (viii) right-of-way,
  - (ix) one-way streets,
  - (x) lane changing,
  - (xi) passing,
  - (xii) parking,
  - (xiii) 2- and 3-point turns,
  - (xiv) risk perception,
  - (xv) identifying hazardous situations and driver action, and
  - (xvi) crosswalk safety.

#### **Requirements for Class 1, 2, 3 and 4 driver's license driver training program**

**9** The Department may approve a driver training program for a Class 1, 2, 3 or 4 driver's license that meets the requirements for programs set out in the *Private Career Colleges Regulation Act* and the regulations under that Act.

#### **Requirements for motorcycle driver training program**

**10** The Department may approve a driver training program for the operation of a motorcycle that meets the requirements prescribed for that purpose by the Canada Safety Council, or other program which in the opinion of the Department is an equivalent program.

#### **General requirements for instructors**

**11 (1)** A person who acts or offers to act as an instructor must

- (a) have a valid instructor license;
- (b) be employed by a licensed driver training school;
- (c) have not,
  - (i) within 10 years before their application for an instructor license, been convicted of
    - (A) an offence under subsection 97(1) or Section 100, 101 or 163 of the Act, or

- (B) an unpardoned offence against a person or a sexual offence under the *Criminal Code* (Canada); and
  - (ii) within 10 years before their application for an instructor license, had their driver's license suspended, cancelled or revoked under Section 278 or subsection 282(6), 283(3) or 283(6) of the Act;
  - (d) hold a valid driver's license for the class of vehicle that they provide instruction for;
  - (e) have met the requirements set out in Section 12, 13 or 14, as applicable; and
  - (f) have successfully completed a driver improvement course approved by the Department within the previous 12 months.
- (2) Despite clause (1)(d), a person who otherwise meets the requirements of an instructor under these regulations and is only providing theory instruction is not required to possess a valid driver's license.

### Minimum course requirements for Class 5 instructors

- 12 (1) A person who acts or offers to act as an instructor providing in-vehicle driver training for a Class 5 driver's license must have completed a recognized course of study for instructors offered by a driver training school conducted by the Nova Scotia Safety Council or Young Drivers of Canada Corporation, or another course approved by the Department, that meets the following minimum requirements:
- (a) a minimum of 40 hours of in-vehicle instruction to include
    - (i) steering techniques,
    - (ii) starting and stopping,
    - (iii) right and left turns,
    - (iv) highway and urban driving,
    - (v) backing,
    - (vi) controlled and uncontrolled intersections,
    - (vii) right-of-way,
    - (viii) one-way streets,
    - (ix) lane changing,
    - (x) passing,
    - (xi) parking, and
    - (xii) 2- and 3-point turns;
  - (b) a minimum of 40 hours of theory instruction to include
    - (i) the Act and regulations made under the Act,
    - (ii) driver licensing,
    - (iii) highway and urban driving,
    - (iv) insurance,
    - (v) car care and familiarization, and
    - (vi) crosswalk safety; and
  - (c) inclusion of any one of the following publications:
    - (i) "Sportsmanlike Driving" published by McGraw-Hill,



- (ii) “Road Worthy” published by the Ministry of Transportation (Ontario),
  - (iii) “How to Drive” published by the Canadian Automobile Association,
  - (iv) the Propulsion text books, or equivalent text books, published by Propulsion International Inc., and
  - (v) “Young Drivers of Canada” published by Young Drivers of Canada Corporation,
- and any additional material approved by the Department.
- (2) A person who acts or offers to act as an instructor providing theory driver instruction for a Class 5 driver’s license must have completed
- (a) a course of study in accordance with subsection (1); and
  - (b) an instructor development course as approved by the Department.

**Requirements for Class 1, 2, 3 and 4 instructors**

**13** A person who acts or offers to act as an instructor providing driver training for a Class 1, 2, 3 or 4 driver’s license must meet the requirements for instructors set out in the *Private Career Colleges Regulation Act* and the regulations under that Act.

**Requirements for motorcycle instructor**

**14** A person who acts or offers to act as an instructor in the operation of a motorcycle must meet the requirements of the Canada Safety Council training program for instructors for that purpose.

**Application for an instructor license**

- 15** (1) An application for an instructor license must be made to the Department on the form prescribed by the Department.
- (2) An application under subsection (1) must be accompanied by
- (a) an application fee of \$26.50 plus the license fee required by subsection 16(5);
  - (b) a report on the results of a criminal record search on the applicant by the appropriate police agency;
  - (c) proof of compliance with Section 12, 13 or 14, as applicable;
  - (d) proof of employment with a driver training school;
  - (e) a driver’s abstract for the applicant obtained within the previous 30 days; and
  - (f) if applicable, proof of insurance in accordance with Section 20,
- and any additional information the Department requires.
- (3) An applicant for an instructor license must submit to any examinations or tests that the Department requires.

**Issuance of instructor license**

- 16** (1) Upon receipt of an application under Section 15, the Department may issue an instructor license to the applicant if the Department is satisfied that the applicant is suitable to be licensed.
- (2) An instructor license must show the name and address of the instructor and the driver training school in which the instructor is employed, and any additional information that the Department may require.
- (3) An instructor license may provide that the instructor is restricted to providing driver training in a classroom only.
- (4) An instructor license is valid for 5 years from its date of issue.
- (5) The fee for an instructor license is \$133.00.

**Renewal of instructor license**

- 17** (1) Upon application by a licensed instructor on the form prescribed by the Department, the Department may renew their instructor license for a term of 5 years following the license renewal date.
- (2) An application under subsection (1) must be submitted within 3 years after the expiry date of the instructor license and be accompanied by
- (a) a license renewal fee of \$133.00;
  - (b) proof that the applicant has, within the previous 12 months, completed a driver improvement course approved by the Department;
  - (c) a report on the results of a criminal record search on the applicant by the appropriate police agency;
  - (d) proof of employment with a driver training school;
  - (e) a driver's abstract for the applicant obtained within the previous 30 days; and
  - (f) if applicable, proof of insurance in accordance with Section 20,
- and any additional information that the Department requires.
- (3) An applicant for renewal of an instructor license must submit to any examinations or tests that the Department requires.
- (4) An application for renewal of an instructor license that is submitted more than 3 years after the expiry date of the instructor license must be processed as an initial application under Section 15.

**Duties of licensed instructor**

- 18** A licensed instructor must
- (a) carry their instructor license in the motor vehicle being used for driver training, and produce it for inspection upon request;

- (b) notify the Department in writing within 7 days after termination of their employment with a driver training school, and indicate in the notice the reason for the termination;
- (c) deliver driver training programs in accordance with these regulations;
- (d) if the vehicle used for driver training is owned by the instructor, ensure that the vehicle meets the requirements of these regulations; and
- (e) notify the driver training school operator who employs the instructor of any conviction or license suspension, cancellation or revocation that affects their ability to conduct driver training.

### **Revocation and suspension of license**

- 19** (1) The Department may suspend or revoke a driver training school license or an instructor license
- (a) for any reason for which a motor vehicle permit or a driver's license may be suspended, cancelled or revoked under the Act;
  - (b) if the Department is satisfied that the holder of the license has violated any provision of these regulations, or has made a false statement in an application made under these regulations; or
  - (c) for any reason that would entitle the Department to refuse to issue or renew a license to a person.
- (2) If a student driver complains in writing to the Department that the driver training given by an instructor is not adequate or that the instructor displays unprofessional conduct, the Department may cause an inquiry to be made, and if satisfied that the complaint is justified, may revoke or suspend the license of the instructor or the driver training school that employs the instructor.
- (3) If a license could be revoked under subsection (1) or (2) and the situation giving rise to the revocation can be corrected, the Department may suspend the license until the situation is corrected.
- (4) The instructor license of an instructor who has been convicted of any offence under the Act that requires mandatory suspension or revocation of a driver's license must be suspended and must remain suspended until the instructor's driver's license is restored.

### **Insurance**

- 20** A motor vehicle provided by a driver training school or by an instructor and used for driver training must be insured under a motor vehicle liability insurance policy that is in the amount of at least \$1 000 000.00 and that includes a driver training school endorsement.

### **Dual control brake for motor vehicles used for Class 5 driver training**

- 21** Except as provided in subsection 22(2), a motor vehicle used to provide driver training for a Class 5 driver's license must be equipped with a dual control brake.

### **Use of privately-owned vehicle for driver training**

- 22** (1) Driver training may be conducted in a vehicle supplied by the student driver receiving the training if the student driver requests it.
- (2) If driver training is conducted in a motor vehicle supplied by the student driver, the motor vehicle does not need to be equipped with a dual control brake.

**Vehicle signage**

- 23 (1)** A motor vehicle provided by a driver training school and used for driver training must have
- (a) “DRIVER TRAINING” and the name of the driver training school clearly marked on both sides of the vehicle; and
  - (b) “DRIVER TRAINING” or “STUDENT DRIVER” marked on the rear of the vehicle, free from foreign material and clearly visible for at least 60 m from the rear of the vehicle, in lettering that is at least 10 cm in height and made of reflectorized material.
- (2)** The vehicle signage required by subsection (1) must be displayed on a motor vehicle used for driver training at all times when training is being conducted.
- (3)** In addition to the signage required by subsection (1), vehicle signage may also include a roof sign.
- (4)** Vehicle signage may be permanent or of removable magnetic material.

**Maintenance of motor vehicle**

- 24 (1)** A motor vehicle that is provided by a driver training school or an instructor and used for driver training must be maintained in accordance with the manufacturer’s recommendations at all times, and if the vehicle is more than 4 years old or has been driven for more than 250 000 km, it must be inspected every 6 months at an official testing station.
- (2)** If a motor vehicle used for driver training is equipped with a dual control brake, the dual control brake must be kept in good mechanical condition.