

Royal Gazette

Part II Regulations under the Regulations Act

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 225/2005

Made: December 15, 2005

Filed: December 19, 2005

Revenue Act Regulations

Order in Council 2005-557 dated December 15, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 43 of the *Revenue Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated November 22, 2005, and pursuant to Section 43 of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, is pleased to amend the *Revenue Act Regulations*, N.S. Reg. 63/96, made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, to provide for tear tape manufacturers permits and the responsibilities of holders of tear tape manufacturers permits and holders of permits to mark or stamp tobacco products, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 16, 2006.

Schedule "A"

**Amendment to the *Revenue Act Regulations*
made by the Governor in Council pursuant to Section 43 of
Chapter 17 of the Acts of 1995-96, the *Revenue Act***

- 1 Subsection 3B(1) of the *Revenue Act Regulations*, N.S. Reg 63/96, made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, is amended by
 - (a) striking out “; and” at the end of clause (m);
 - (b) striking out the period at the end of clause (n) and substituting a semi-colon; and
 - (c) adding the following clause immediately after clause (n):
 - (o) \$100 for issuing or renewing a tear tape manufacturer’s permit.
- 2 (1) Subsection 76(1) of the regulations is amended by
 - (a) striking out “In this Section,” and substituting “In this Section and in Sections 76A to 76G and Sections 78 and 79A”;
 - (b) repealing clause (h) and substituting the following clause:
 - (h) “tear tape” means a pressure-sensitive plastic ribbon that is wrapped around a package of cigarettes or fine-cut tobacco to enable the opening of the cellophane wrapping that encloses the package;
 - (c) adding the following clause immediately after clause (h):
 - (ha) “tear tape manufacturer” means a person who manufactures or otherwise acquires tear tape for the purpose of selling or distributing it;

- (2) Section 76 is further amended by
- (a) repealing subsections (19) and (20) and substituting the following subsections:
- (19) Every package of cigarettes that is intended to be sold in the Province to a consumer who is required to pay tax under Part III of the Act shall
- (a) be marked on the tear tape with an indicium that meets the following specifications:
- (i) the indicium shall read “CANADA DUTY PAID - DROIT ACQUITTE - NOVA SCOTIA - NOUVELLE-ÉCOSSE”,
- (ii) the width of the indicium shall not be less than 4.5 millimetres,
- (iii) the background colour of the indicium shall be in opaque pantone purple U 100%,
- (iv) the colour of the text shall be in process black, 100%,
- (v) the text shall be in Helvetica 8;
- (b) include, on the tear tape, the code or symbol approved by the Commissioner to identify the manufacturer of the tear tape; and
- (c) have the letters “NS” printed or embossed in a visible location on the outside of the package of cigarettes.
- (20) Every package of fine-cut tobacco that is intended to be sold in the Province to a consumer who is required to pay tax under Part III of the Act shall
- (a) be marked on either
- (i) the tear tape with an indicium that meets the following specifications:
- (A) the indicium shall read “CANADA DUTY PAID - DROIT ACQUITTE - NOVA SCOTIA - NOUVELLE-ÉCOSSE”,
- (B) the width of the indicium shall not be less than 4.5 millimetres,
- (C) the background colour of the indicium shall be opaque pantone purple U 100%,
- (D) the colour of the text shall be in process black, 100%,
- (E) the text shall be in Helvetica 8; or
- (ii) the stamp required under the *Excise Act, 2001* (Canada) with an indicium that meets the following specifications:
- (A) the indicium shall read “CANADA DUTY PAID - DROIT ACQUITTE - NOVA SCOTIA - NOUVELLE-ÉCOSSE”,

- (B) the background colour of the indicium shall be opaque pantone purple U 100%,
 - (C) the colour of the text shall be in process black, 100%,
 - (D) the text shall be in Helvetica 8; and
- (b) include, on the tear tape, the code or symbol approved by the Commissioner to identify the manufacturer of the tear tape.
- (b) adding “opaque” immediately before “pantone purple U 100%” in subclause (21)(e);
 - (c) adding the following subsection immediately after subsection (27):
- (28)** Every person who holds a permit to mark tobacco shall
- (a) obtain all tear tape used in marking tobacco that is intended to be sold in the Province from a holder of a tear tape manufacturer’s permit;
 - (b) account for all tear tape received from a holder of a tear tape manufacturer’s permit;
 - (c) safeguard all tear tape in their possession;
 - (d) keep records and books of account that enable tear tapes that have been used in marking tobacco that is sold or intended to be sold in the Province to be accurately accounted for; and
 - (e) retain the records required under clause (d) until they receive written permission from the Commissioner to dispose of the records.

3 The regulations are further amended by adding the following Sections immediately after Section 76:

Issue and renewal of tear tape manufacturer’s permit

- 76A (1)** The Commissioner may issue or renew a tear tape manufacturer’s permit to a person who applies to the Commissioner in the manner and on the form required by the Commissioner and who meets the requirements of these regulations.
- (2)** A tear tape manufacturer’s permit may contain any conditions and restrictions that the Commissioner considers appropriate.
 - (3)** A tear tape manufacturer’s permit expires 12 months after the date it is issued or renewed by the Commissioner.
 - (4)** A tear tape manufacturer’s permit is not transferable.

Commissioner refuses to issue or renew tear tape manufacturer’s permit

76B The Commissioner may refuse to issue or renew a tear tape manufacturer’s permit for any of the following reasons:

- (a) the application is not on the form and in the manner required by the Commissioner;

- (b) the application contains a false statement;
- (c) the applicant contravenes the Act or these regulations;
- (d) the applicant breaches an agreement entered into under the Act or these regulations;
- (e) the applicant fails to comply with a condition or restriction attached to the permit under subsection 76A(2);
- (f) the Commissioner is otherwise not satisfied as to the ability or fitness of the applicant to manufacture tear tape or to or comply with these regulations.

Commissioner cancels or suspends tear tape manufacturer's permit

76C (1) The Commissioner may cancel or suspend a tear tape manufacturer's permit for any of the following reasons:

- (a) the application for the permit contains a false statement;
 - (b) the tear tape manufacturer contravenes the Act or these regulations;
 - (c) the tear tape manufacturer breaches an agreement entered into under the Act or these regulations;
 - (d) the tear tape manufacturer fails to comply with a condition or restriction attached to the permit under subsection 76A(2);
 - (e) the Commissioner is otherwise not satisfied as to the ability or fitness of the tear tape manufacturer to manufacture tear tape.
- (2)** The Commissioner must cancel the tear tape manufacturer's permit of a person who is convicted of an offence under the *Criminal Code* (Canada), the *Excise Tax Act* (Canada) or the *Income Tax Act* (Canada) for the period of time that the Commissioner considers appropriate in the circumstances.
- (3)** Before the Commissioner cancels a tear tape manufacturer's permit, the Commissioner must
- (a) notify the holder of the tear tape manufacturer's permit in writing of the cancellation, along with the date of the cancellation and the reasons for the cancellation; and
 - (b) provide the manufacturer with an opportunity to be heard by the Commissioner before the date of cancellation and to show cause why the permit should not be cancelled.
- (4)** A notice served under subsection (3) must be served in person or by regular mail and is effective on the date the notice is served or, if served by regular mail, 10 days after it is mailed.

Commissioner notified of changes to business

76D A tear tape manufacturer must immediately notify the Commissioner in writing of all changes in the name or nature of the manufacturer's business or of the termination of the business.

Tear tape manufacturer's permit not valid after transfer of voting shares

76E If a majority of the voting shares of a corporation are transferred by a bona fide sale, a tear tape manufacturer's permit held by the corporation is no longer valid from the date of the transfer.

Requirements of tear tape manufacturer

76F A holder of a tear tape manufacturer's permit must

- (a) mark the tear tape intended for use in the Province in accordance with Section 76;
- (b) account for and safeguard all tear tape in its possession; and
- (c) keep records and books of account in accordance with Section 76G.

Records and returns for holder of tear tape manufacturer's permit

76G (1) Records and books of account required by clause 76F(c) must enable tear tapes that have been manufactured for use in the Province to be accurately accounted for and must include records of all of the following:

- (a) the amount of tear tape manufactured or acquired;
- (b) the amount of tear tape sold;
- (c) the names and addresses of all persons to whom tear tape is sold;
- (d) the dates of all sales of tear tape;
- (e) the dates of shipment for sales of tear tape;
- (f) all invoices issued for sales of tear tape.

(2) Records and books of account required by clause 76F(c) must be retained until the holder of the tear tape manufacturer's permit receives written permission from the Commissioner to dispose of them.

(3) By the 20th day of each month, a holder of a tear tape manufacturer's permit shall deliver a return to the Commissioner that shows all of the following information:

- (a) the amount of tear tape sold by the holder of the tear tape manufacturer's permit in the previous month;
- (b) any information that the Commissioner requires.

4 The regulations are further amended by adding the following Section immediately after Section 79:

79A (1) No person shall manufacture, sell or distribute tear tape for use in the Province except a holder of a valid tear tape manufacturer's permit.

(2) No person shall sell, distribute or deliver tear tape to a person, other than to a person who holds a permit to mark tobacco issued under these regulations.

(3) No person shall sell, distribute or have in their possession tear tape for use in the Province except a person who is permitted to do so under the Act or these regulations.

N.S. Reg. 226/2005

Made: December 15, 2005

Filed: December 19, 2005

Casino Regulations

Order in Council 2005-559 dated December 15, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 127 of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for the administration of Part II of the *Gaming Control Act*, dated November 22, 2005, and pursuant to Section 127 of Chapter 4 of the Acts of 1994-1995, the *Gaming Control Act*, is pleased to amend the *Casino Regulations*, N.S. Reg. 40/95, made by the Governor in Council by Order in Council 95-259 dated April 4, 1995, to update the security, surveillance and other technology standards in line with other jurisdictions, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

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

- 1 Section 2 of the *Casino Regulations*, N.S. Reg. 40/95, made by the Governor in Council by Order in Council 95-259 dated April 4, 1995, is amended by
- (a) repealing clause (e) and substituting the following clause:
 - (e) "bill validator" means a device that is attached to a slot machine to accept bills, tickets or other money equivalents and then credits the slot machine with the applicable amount;
 - (b) repealing clause (g);
 - (c) adding the following clause immediately after clause (l):
 - (la) "centralized accounting and alarm system" means a computer system that receives
 - (i) financial information from slot machines, redemption units and table games, and
 - (ii) alarm information from slot machines, redemption units and table games;
 - (d) repealing clause (o) and substituting the following clause:
 - (o) "coin-in" means a legal coin or bill, a token or a ticket that has been accepted by a slot machine or electronic gaming device or machine;
 - (e) repealing clause (ab);

- (f) repealing clause (ah) and substituting the following clause:
- (ah) “count room” means a secure room in a casino where coins, bills, tickets and tokens are counted;
- (g) repealing clause (aj) and substituting the following clause:
- (aj) “inappropriate”, when used in reference to a bill, coin, ticket or token, means a bill, coin, ticket or token that has been entered into a coin acceptor or bill validator
- (i) after the device has already accepted its maximum number of bills, coins, tickets or tokens, or
- (ii) when the device is in a state in which it normally rejects additional bills, coins, tickets or tokens;
- (h) adding the following clauses immediately after clause (ao):
- (aoa) “money equivalent” includes an instrument issued by a casino that represents credit payable in currency, but does not include technology, such as credit cards or ATM cards, that allows remote access to money or money equivalents;
- (aob) “multidenomination slot machine” means a slot machine that is configured through tokenization to allow a player to choose the denomination of credits that they wish to use for wagering;
- (aoc) “non-sensitive area” means an area of a casino that is not a sensitive area;
- (i) adding the following clause immediately after clause (ay):
- (aya) “redemption unit” is a device on a casino floor that permits a person to redeem tickets or other money equivalents for currency;
- (j) adding the following clause immediately after clause (aaa):
- (aaaa) “sensitive area” means an area of the casino in which money or gaming assets are directly at risk;
- (k) repealing clause (aaf); and
- (l) adding the following clause immediately after clause (aaj):
- (aaja) “ticket” means a coupon, ticket or voucher accepted for use in the casino that represents a money equivalent and that
- (i) is issued as a form of payment to a player from a slot machine, redemption unit or electronic gaming device or machine, and
- (ii) is redeemable for money or a money equivalent at the casino;

2 Section 53 of the regulations is amended by

- (a) repealing subsection (2);
 - (b) striking out “or” at the end of clause (5)(a); and
 - (c) repealing clause (5)(b) and substituting the following clauses:
 - (b) not more than 2 pai gow poker tables or a combination of 1 pai gow poker table and 1 other authorized gaming table; or
 - (c) not more than 6 poker tables.
- 3 (1) Subsections 66(1), (2) and (3) of the regulations are repealed and the following subsections substituted:
- (1) A slot machine may contain 1 or more electronic coin or token acceptors.
 - (2) A coin or token acceptor must be designed to
 - (a) accept only designated coins or tokens and reject all others; and
 - (b) prevent slugging, stringing, spooning and other cheating methods.
 - (3) A coin acceptor must not accept an inappropriate coin or token for play and must return it to the player.
- (2) Subsection 66(8) of the regulations is repealed and the following subsections substituted:
- (8) “Tokenization” means a process in which a bill, coin, ticket, token or other money equivalent accepted by a slot machine is converted into multiple credits that
 - (a) each have a value that is less than that of the bill, coin, ticket, token or money equivalent accepted; and
 - (b) when totalled together have the same value as the bill, coin, ticket, token or money equivalent accepted.
 - (9) A slot machine may use tokenization if all of the following criteria are met:
 - (a) for accounting purposes, electronic meters are denominated in the smallest commonly denominated credit value;
 - (b) only 1 denomination of coin or token is accepted by the slot machine;
 - (c) for a slot machine that automatically pays out through a hopper and pays out by rounding down,
 - (i) it rounds down residual credits to the value of coin or token that is dispensed from the hopper,
 - (ii) notification of rounding down is
 - (A) displayed before a wager is placed or before the hopper pays out, or

- (B) printed on the slot machine, and
 - (iii) the accounting process accurately accounts for the rounded portion of payout that is not returned to the player as residual credit; and
 - (d) for a slot machine that automatically pays out through a hopper and does not pay out by rounding down, the payout is for the full amount shown on the credit meter;
 - (e) for payout by means other than a hopper, such as a ticket or other money equivalent, the payout is for the full amount shown on the credit meter.
- (10) A multidenomination slot machine is permitted in a casino if the slot machine and centralized accounting and alarm system can properly account for all wagers separately for each denomination that can be accepted by the machine.
- 4 The regulations are further amended by adding the following Section immediately after Section 66:

Bill validators

66A (1) A slot machine may contain 1 or more bill validators.

- (2) A bill validator may operate independently from a slot machine at a redemption unit, but is otherwise subject to all the technical requirements identified for bill validators in these regulations.
- (3) A bill validator must be designed to
 - (a) accept only valid bills and tickets and reject all others; and
 - (b) prevent the use of known cheating methods.
- (4) A bill validator or redemption unit must immediately void all tickets that have been redeemed and if a ticket cannot be voided immediately, the ticket
 - (a) must be returned to the player; and
 - (b) is not eligible for redemption until it can be voided.
- (5) A bill validator must not accept void, inappropriate, or non-valid tickets.

- 5 Section 68 of the regulations is repealed and the following Section substituted:

Protection of logic boards and memory components

- 68 (1)** Logic boards and memory components for gaming machines or equipment and the access to the logic boards and memory components must be sealed, secured and alarmed in a manner approved by the Executive Director.
- (2) Seals must be removed only in a manner approved by the Executive Director.

- 6 Section 69 of the regulations is amended by

- (a) repealing subsection (2); and

- (b) renumbering subsection (1) as Section 69.
- 7 Section 71 of the regulations is repealed and the following Section substituted:
- 71 (1)** A slot machine may be equipped with a hopper.
- (2)** A hopper mechanism must be designed to detect all of the following:
- (a) when coins or tokens are jammed;
 - (b) if there are extra coins or tokens dispensed;
 - (c) if there are hopper runaways;
 - (d) when the hopper is empty.
- 8 Section 74 of the regulations is amended by striking out “is not alterable through any use of the circuitry or programming of the slot machine itself” and substituting “cannot be altered through any use of the circuitry or programming of the slot machine unless it is altered in accordance with procedures approved by the Executive Director”.
- 9 Subsection 80(2) of the regulations is repealed.
- 10 Clauses 83(1)(a) and (b) of the regulations are repealed and the following clauses substituted:
- (a) errors from the insertion of bills, coins, tickets or tokens;
 - (b) errors from the dispensing of coins, tickets or tokens or the hopper’s failure to make a payment; or
- 11 Section 84 of the regulations is repealed and the following Section substituted:
- 84** A casino operator must have a centralized accounting and alarm system connected to all slot machines and redemption units in the casino to record and monitor the activities of the devices.
- 12 (1) Section 85 of the regulations is renumbered as subsection 85(1).
- (2) Subsection 85(1) of the regulations is amended by
- (a) striking out “computer” and substituting “centralized accounting and alarm system”;
 - (b) repealing clause (a) and substituting the following clause:
 - (a) record the number and total value of bills, coins, tickets, tokens or money equivalents accepted by the slot machine for the purpose of activating play;
 - (c) striking out “and” at the end of clause (f);
 - (d) striking out the period at the end of clause (g) and substituting “; and”; and
 - (e) adding the following clause immediately after clause (g):

- (h) record all of the following information on the centralized accounting and alarm system for each ticket dispensed by the slot machine:
 - (i) date and time the ticket is generated,
 - (ii) a unique identifier for the ticket,
 - (iii) a unique identifier for the dispensing slot machine,
 - (iv) the amount shown on the face of the ticket.

(4) Section 85 is further amended by adding the following subsection immediately after subsection (1):

- (2)** Each ticket dispensed by a slot machine must clearly display
 - (a) the information listed in clause (1)(h); and
 - (b) the expiration date of the ticket.

13 Section 125 of the regulations is amended by

- (a) striking out “soft and hard” in clause (b); and
- (b) striking out “taping” and substituting “recording” in clauses (b), (c) and (e).

14 Subsection 132(1) of the regulations is amended by

- (a) striking out “Commission” and substituting “Executive Director”;
- (b) striking out “taping” and substituting “recording” in clause (c);
- (c) striking out “videotape” and substituting “video” in clause (d);
- (d) striking out “tape” and substituting “recording” in clause (e); and
- (e) striking out “soft and hard” in clause (f).

15 Section 133 of the regulations is repealed and the following Section substituted:

- 133 (1)** Each count room must be equipped with an alarm system that triggers a silent alarm that registers with the surveillance department and activates the appropriate monitor whenever a door to the room is opened.
- (2)** A door to a count room must not release when there is a fire alarm, but the room must be provided with the capability to provide an exit when a fire alarm is activated.

16 (1) Section 134 of the regulations is renumbered as subsection 134(1) and amended by striking out “Commission” and substituting “Executive Director”.

- (2) Section 134 of the regulations is further amended by adding the following subsection immediately after subsection (1):

- (2) Surveillance and security systems must be certified annually, at the expense of the casino operator, by an independent registered supplier approved by the Executive Director.

17 Section 135 of the regulations is amended by

- (a) striking out “master tape” and substituting “master recording”; and
- (b) striking out “master tapes” and substituting “master recordings”; and
- (c) striking out “videotape” and “video tape” and substituting “video”.

18 Section 136 of the regulations is amended by

- (a) striking out “videotape” and substituting “video”; and
- (b) striking out “Commission” and substituting “Executive Director”.

19 Section 143 of the regulations is amended by striking out “videotape” and substituting “video”.

20 Section 239 of the regulations is amended by striking out “videotaped” and substituting “video recorded”.

21 Section 244 of the regulations is amended by striking out “videotape” and substituting “recording”.

N.S. Reg. 227/2005

Made: November 19, 2005

Approved: December 15, 2005

Filed: December 19, 2005

Qualification and Professional Accountability Regulations

Order in Council 2005-561 dated December 15, 2005

Amendment to regulations made by the Council of the Nova Scotia College of Pharmacists
and approved by the Governor in Council
pursuant to subsection 80(1) of the *Pharmacy Act*

The Governor in Council on the report and recommendation of the Minister of Health dated October 5, 2005, and pursuant to subsection 80(1) of Chapter 36 of the Acts of 2001, the *Pharmacy Act*, is pleased to approve of amendments made by the Council of the Nova Scotia College of Pharmacists to the *Qualification and Professional Accountability Regulations*, N.S. Reg 144/2003, made by the Council of the Nova Scotia College of Pharmacists and approved by the Governor in Council by Order in Council 2003-348 dated August 1, 2003, to allow pharmacists to carry out medical activities, services and functions under a conditional authority agreed to by the Nova Scotia College of Pharmacists and the Nova Scotia College of Physicians and Surgeons, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after December 15, 2005.

Schedule “A”

I certify that the Council of the Nova Scotia College of Pharmacists, at its meeting on November 19, 2003, carried a motion to approve amendments to the *Qualification and Professional Accountability Regulations*

made by the Council on November 20, 2002, and approved by the Governor in Council by Order in Council 2003-348[, N.S Reg. 144/2003,] dated August 1, 2003, in the manner attached.

Signed at Halifax, in the Halifax Regional Municipality, Nova Scotia on the 14th day of April, 2004.

Council of the Nova Scotia College of Pharmacists

Sgd: *Susan Wedlake*,
Susan M. Wedlake, Registrar

Amendment to the *Qualification and Professional Accountability Regulations* made by the Nova Scotia College of Pharmacists pursuant to subsection 80(1) of Chapter 36 of the Acts of 2001, the *Pharmacy Act*

The ~~*Qualifications*~~ [*Qualification*] and *Professional Accountability Regulations*, N.S. Reg. 144/2003, made by the Nova Scotia College of Pharmacists and approved by the Governor in Council by Order in Council 2003-348 dated August 1, 2003, are amended by adding the following Section immediately after Section 23:

Conditional authority

- 24 (1)** In this Section, “conditional authority” means the authority for a pharmacist to lawfully carry out medical activities, services or functions under the conditions set out in a written agreement between the College and the College of Physicians and Surgeons of Nova Scotia.
- (2)** The College may enter into a written agreement with the College of Physicians and Surgeons of Nova Scotia that authorizes a pharmacist to carry out medical services, activities or functions and that has as its underlying objectives, improved access to health care by the public and achieving the best health care results for the public.
- (3)** An agreement entered into under this Section must
- (a)** prescribe the conditions under which the conditional authority may be exercised, including any education or certification that may be advisable or required by a pharmacist before a pharmacist can perform any medical activities, services or functions under the conditional authority;
 - (b)** confirm the professional responsibility and accountability of a pharmacist who performs any medical activities, services or functions under the conditional authority; and
 - (c)** be filed with the Minister of Health.
- (4)** An agreement entered into under subsection (2) must not authorize a pharmacist to prescribe narcotic or controlled drugs and a pharmacist is prohibited from prescribing narcotic or controlled drugs under a conditional authority.
- (5)** A medical activity, service or function that a pharmacist carries out under a conditional authority is deemed to be practising pharmacy in accordance with the Act and the regulations made under the Act.
- (6)** For the purposes of Section 44 of the *Medical Act*, a medical activity, service or function that a pharmacist carries out under a conditional authority is deemed to not be a violation of the *Medical Act* or the regulations made under the *Medical Act*.

N.S. Reg. 228/2005

Made: December 15, 2005

Filed: December 19, 2005

Designation of Persons Who May Access Records

Order in Council 2005-563 dated December 15, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 119 of the *Youth Criminal Justice Act* (Canada)

The Governor in Council on the report and recommendation of the Minister of Justice dated December 15, 2005, and pursuant to Section 2 of Chapter 372 of the Revised Statutes of Nova Scotia, 1989, the *Public Inquiries Act*, is pleased, effective December 15, 2005, to amend Order in Council 2005-259 by adding the following:

The Governor in Council is further pleased, pursuant to Section 119 of Chapter 1 of the Statutes of Canada, 2002, the *Youth Criminal Justice Act*, to designate parties granted standing by the Commissioner before the inquiry and their legal counsel, under paragraph 119(1)(r) of the *Youth Criminal Justice Act* (Canada) as persons who must, on request, have access to records kept under Section 114 of the *Youth Criminal Justice Act* (Canada) that are produced to the Commissioner for the purpose of the inquiry and may have access to records kept under Section 115 or 116 of *Youth Criminal Justice Act* (Canada) that are produced to the Commissioner for the purpose of the inquiry.

N.S. Reg. 229/2005

Made: December 20, 2005

Filed: December 21, 2005

Proclamation, S. 99, S.N.S. 2004, c. 31

Order in Council 2005-566 dated December 20, 2005
Proclamation made by the Governor in Council
pursuant to Section 99
of the *Police Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated December 15, 2005, pursuant to Section 99 of Chapter 31 of the Acts of 2004, the *Police Act*, is pleased to order and declare by proclamation that Chapter 31 of the Acts of 2004, the *Police Act*, come into force on and not before January 1, 2006.

PROVINCE OF NOVA SCOTIA

Sgd: Myra A. Freeman

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 99 of Chapter 31 of the Acts of 2004, the *Police Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 31 of the Acts of 2004, the *Police Act*, come into force on and not before January 1, 2006;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 31 of the Acts of 2004, the *Police Act*, come into force on and not before January 1, 2006 of which all persons concerned are to take notice and govern themselves accordingly.

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

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

AT Our Government House in the Halifax Regional Municipality, this 20th day of December, in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 230/2005

Made: December 20, 2005

Filed: December 21, 2005

Police Regulations

Order in Council 2005-567 dated December 20, 2005
Regulations made by the Governor in Council
pursuant to subsection 97(1) of the *Police Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated December 15, 2005, and pursuant to subsection 97(1) of Chapter 31 of the Acts of 2004, the *Police Act*, is pleased, effective on and after January 1, 2006, to:

- (a) repeal the regulations made under Section 46 of Chapter 348 of the Revised Statutes, 1989, the *Police Act*, N.S. Reg. 101/88, made by the Governor in Council by Order in Council 88-464 dated May 3, 1988; and

- (b) make new regulations respecting policing in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

Schedule “A”

**Regulations Respecting Policing
made by the Governor in Council pursuant to
subsection 97(1) of Chapter 31 of the Acts of 2004,
the *Police Act***

Citation

1 These regulations may be cited as the *Police Regulations*.

Definitions

2 In these regulations,

- (a) “Act” means the *Police Act*;
- (b) “advisory board” means an advisory board as defined in clause 2(a) of the Act;
- (c) “auxiliary police officer” means an auxiliary police officer appointed under Section 91 of the Act;
- (d) “board” means a board as defined in clause 2(b) of the Act, and when used in the context of a police department means the board for the municipality served by that police department;
- (e) “by-law enforcement officer” means a by-law enforcement officer appointed under subsection 37(4) of the Act by a board on a chief officer’s recommendation or by a chief officer in accordance with a municipal by-law;
- (f) “chief officer” means a chief officer as defined in clause 2(c) of the Act, and when used in the context of a police department means the chief officer of that police department;
- (g) “Code of Conduct” means the code of conduct for members, special constables and by-law enforcement officers prescribed in Section 24, as referred to in Section 80 of the Act;
- (h) “code of conduct for advisory board members” means the code of conduct for advisory board members prescribed in Section 84, as required by Section 58 of the Act;
- (i) “code of conduct for board members” means the code of conduct for board members prescribed in Section 79, as required by subsection 45(1) of the Act;
- (j) “complaint” means a complaint as defined in clause 2(d) of the Act;
- (k) “Complaints Commissioner” means the Complaints Commissioner as defined in clause 2(e) of the Act;
- (l) “complaints officer” of a police department means the chief officer of the police department, or a member of the department designated by the chief officer as the complaints officer;

- (m) “council” means a council as defined in clause 2(f) of the Act, and when used in the context of a police department means the council of the municipality served by that police department;
- (n) “disciplinary authority” means a person or body, other than the Review Board, that has jurisdiction under the Act and these regulations to deal with a complaint, an internal disciplinary matter or [a] suspension;
- (o) “disciplinary default” means a breach of the Code of Conduct;
- (p) “investigator”, as the context requires, means a person who is
 - (i) designated in accordance with Section 33 to investigate a complaint, or
 - (ii) designated in accordance with Section 46 to investigate an allegation of disciplinary default;
- (q) “Minister” means the Minister of Justice;
- (r) “police department”, unless the context otherwise requires, means a municipal police department established in accordance with clause 36(1)(a) of the Act or an amalgamated police department established in accordance with Section 84 or 85 of the Act;
- (s) “prescribed form” means a form prescribed by the Complaints Commissioner;
- (t) “record” includes data entered or stored in a computer or on tapes;
- (u) “Review Board” means the Review Board as defined in clause 2(k) of the Act;
- (v) “special constable” means a special constable appointed under subsection 37(4) of the Act, and for greater certainty does not include a special constable designated under subsection 73(4) or 74(3) of the Act or appointed under clause 41(3)(d) or 88(1)(a) of the Act.

Part 1 - Qualifications and Appointments

Members

Definition of “member” for this Part

3 For the purposes of this Part, “member” means a member of a police department appointed under subsection 37(4) of the Act or a chief officer appointed under subsection 38(1) of the Act who has been sworn in as a peace officer, and for greater certainty does not include a special constable or a by-law enforcement officer.

Member qualifications

- 4 (1)** To be a candidate for appointment as a member, a person must be at least 19 years old and must demonstrate all of the following qualifications to the satisfaction of the chief officer or, for an appointment as chief officer, to the satisfaction of the council:
- (a) a good character;
 - (b) Canadian citizenship with residence in Canada, or permanent residence as defined by the *Immigration and Refugee Protection Act* (Canada);

- (c) the ability to carry out the services required of them as a member;
 - (d) successful completion of a recognized training program;
 - (e) any qualifications prescribed by the Minister in addition to those specified in clauses (a) to (d).
- (2) To be a candidate for appointment as a member, a person must consent to criminal and background checks, including testing and interviews.
- (3) A person must not be appointed as a member if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the chief officer or, for an appointment of a chief officer, the council, would reasonably be expected to have a negative impact on their acting as a member or on the policing profession generally.

Chief officer qualifications

- 5 In addition to meeting the requirements set out in Section 4, to be a candidate for appointment as a chief officer, a person must demonstrate all of the following qualifications to the satisfaction of the council:
- (a) successful completion of a police management course at a recognized training facility, or an equivalent combination of experience and education;
 - (b) at least 10 years' police experience;
 - (c) the professional qualifications pertinent to the position applied for;
 - (d) demonstrated administrative qualifications, including planning and organizational abilities and the ability to supervise;
 - (e) exceptional oral and written communication skills;
 - (f) knowledge of board governance and oversight and strategic business planning, including financial planning.

Chief officer selection process

- 6 The selection process used by a council in appointing a chief officer must meet the following requirements:
- (a) selection criteria must be applied consistently to each applicant;
 - (b) selection criteria must be properly related to established job requirements;
 - (c) assessment techniques, including interviewing and rating applicants, checking references and administering tests, must be carried out fairly, impartially and consistently;
 - (d) except as otherwise provided in an established hiring policy of the municipality, the successful candidate must be chosen based on merit.

Special Constables and By-law Enforcement Officers

Special constable and by-law enforcement officer qualifications

- 7 (1) To be a candidate for appointment as a special constable or by-law enforcement officer, a person must be at least 19 years old and must demonstrate all of the following qualifications to the satisfaction of the chief officer:
- (a) a good character;
 - (b) Canadian citizenship with residence in Canada, or permanent residence as defined by the *Immigration and Refugee Protection Act* (Canada);
 - (c) the ability to carry out the services required of them as a special constable or by-law enforcement officer;
 - (d) the ability to meet the minimum training standards established by the Minister;
 - (e) any qualifications prescribed by the Minister in addition to those specified in clauses (a) to (d).
- (2) To be a candidate for appointment as a special constable or by-law enforcement officer, a person must consent to criminal and background checks.
- (3) A person must not be appointed as a special constable or by-law enforcement officer if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the chief officer, would reasonably be expected to have a negative impact on their acting as a special constable or by-law enforcement officer or on the policing profession generally.

Record of appointments of special constables and by-law enforcement officers

- 8 Each municipality must maintain a record of all of its appointments of special constables and by-law enforcement officers, and must provide the record to the Minister on request.

Policies and procedures for special constables and by-law enforcement officers

- 9 (1) A municipality that appoints a special constable or by-law enforcement officer must establish policies and procedures specifying the authority, responsibility and duty of the special constable or by-law enforcement officer and must provide the policies and procedures to the Minister in writing, for the Minister's approval.
- (2) A municipality must not carry out a policy or procedure established for a special constable or a by-law enforcement officer unless it is approved by the Minister.

Performance evaluation for special constable or by-law enforcement officer

- 10 (1) Before reappointing a person as a special constable or by-law enforcement officer, the chief officer must evaluate the person's performance as a special constable or by-law enforcement officer since their appointment or most recent reappointment.
- (2) A municipality must keep records of all performance evaluations conducted under subsection (1), and must provide the records to the Minister on request.

Auxiliary Police Officers

Auxiliary police officer qualifications

- 11 (1)** To be a candidate for appointment as an auxiliary police officer, a person must be at least 19 years old and must demonstrate all of the following qualifications to the satisfaction of the chief officer:
- (a) a good character;
 - (b) Canadian citizenship with residence in Canada, or permanent residence as defined by the *Immigration and Refugee Protection Act* (Canada);
 - (c) completion of Grade 12 or the equivalent;
 - (d) the ability to meet the minimum training standards established by the Minister in a standard operating procedure;
 - (e) the ability to carry out the services required of them as an auxiliary police officer;
 - (f) any qualifications prescribed by the Minister in addition to those specified in clauses (a) to (e).
- (2)** To be a candidate for appointment as an auxiliary police officer, a person must consent to criminal and background checks.
- (3)** A person must not be appointed as an auxiliary police officer if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the chief officer, would reasonably be expected to have a negative impact on their acting as an auxiliary police officer, or on the policing profession generally.

Conflict of interest

- 12** A person must not be appointed as an auxiliary police officer if acting as an auxiliary police officer would create a conflict of interest with their business operations or employment.

Liability insurance

- 13** A municipality or police department for which an auxiliary police officer is appointed must maintain third party liability insurance in respect of the performance of the auxiliary police officer's duties and must maintain documentation of the insurance for review by the Minister.

Record of appointments of auxiliary police officers

- 14** Each municipality must maintain a record of all of its appointments of auxiliary police officers, and must provide the record to the Minister on request.

Policies and procedures

- 15 (1)** A person appointing an auxiliary police officer must provide policies and procedures for all of the following in writing to the Minister, for the Minister's approval:
- (a) the auxiliary police officer carrying out their authority, responsibility and duty;
 - (b) the standard of conduct to be met by the auxiliary police officer;
 - (c) disciplining the auxiliary police officer;

- (d) subject to subsection (2), the handling of any complaint that is made against the auxiliary police officer.
- (2) If a complaint is made against an auxiliary constable, the person who appointed the auxiliary police officer must investigate the complaint no later than 30 days after the date that the complaint is received.

Oaths of Office

Oath of office for member

16 The oath of office or affirmation required for a member is prescribed as Form 1.

Oath of office for special constable and by-law enforcement officer

17 The oath of office or affirmation required for a special constable or a by-law enforcement officer is prescribed as Form 2.

Oath of office for auxiliary police officer

18 The oath of office or affirmation required for an auxiliary police officer is prescribed as Form 3.

Must take oath before assuming duties

19 A person referred to in Section 16, 17 or 18 must make their oath or affirmation before assuming their duties in the position for which the oath or affirmation is required.

Part 2 - Police Department Discipline and Conduct

Discipline and Duty

Definition of “member” for this Part

20 For the purposes of this Part, “member” includes a special constable and a by-law enforcement officer.

Disciplinary authority for police department

- 21 (1) Subject to subsection (2) and except as provided in subsection (3), the chief officer of a police department is the disciplinary authority for the police department.
- (2) A chief officer may delegate their powers as disciplinary authority to an officer not below the rank of inspector.
- (3) If a chief officer of a police department is the subject of a complaint or is alleged to have committed a disciplinary default, the disciplinary authority for the police department is the board.

Discipline standards for police departments and members

- 22 (1) Each police department must consistently maintain a high standard of police discipline.
- (2) Each member in a senior or supervisory rank must
- (a) set an example to all members in carrying out their assignments;
 - (b) display a strict sense of duty and impartiality in dealing with subordinates; and
 - (c) impartially administer disciplinary matters in accordance with these regulations.

Duty of member to assist board and Review Board

23 To enable the board and the Review Board to carry out their duties and functions pursuant to the Act, it is the duty of every member to assist and co-operate with the board and the Review Board, including board and Review Board staff, and to ensure that any required documentation is submitted to the parties in accordance with these regulations.

Code of Conduct and Disciplinary Defaults**Code of Conduct**

- 24 (1)** A member who engages in discreditable conduct in any of the following ways commits a disciplinary default:
- (a) acting in a disorderly manner or in a manner that is reasonably likely to bring discredit on the reputation of the police department;
 - (b) contravening an enactment of the Province, a province or territory of Canada or the Government of Canada in a manner that is likely to bring discredit on the reputation of the police department;
 - (c) assaulting another member;
 - (d) using oppressive or abusive conduct or language towards another member;
 - (e) being discourteous or uncivil to a member of the public, having regard to all the circumstances;
 - (f) knowingly being an accessory to a disciplinary default by aiding, abetting or conniving with a party;
 - (g) being improperly dressed or being untidy or unkempt in appearance while wearing a uniform on or off duty;
 - (h) withholding or suppressing a complaint or report against another member.
- (2)** A member who is insubordinate, either by word or action, by disobeying, omitting or neglecting to carry out a lawful order without adequate reason commits a disciplinary default.
- (3)** A member who neglects their duties in any of the following ways commits a disciplinary default:
- (a) neglecting to or, without adequate reason, failing to promptly, properly or diligently perform a duty as a member;
 - (b) failing to work in accordance with orders;
 - (c) leaving an area detail or other place of duty without permission or sufficient cause or, having left a place of duty with permission or cause, failing to return without undue delay;
 - (d) being absent from duty without adequate reason;
 - (e) being tardy in reporting for duty without adequate reason;
 - (f) neglecting or lacking concern for the health or safety of a person in the member's custody.

- (4) A member who is deceitful in any of the following ways commits a disciplinary default:
- (a) wilfully or negligently making or signing a false, misleading or inaccurate written statement or entry, including by electronic means, in an official document or record;
 - (b) wilfully or negligently making a false, misleading or inaccurate oral or written statement or signing a false, misleading or inaccurate written statement pertaining to the member's duties;
 - (c) without lawful excuse, destroying, mutilating or concealing an official document or record or altering, erasing or adding to an entry in an official document or record.
- (5) A member who improperly discloses information in any of the following ways commits a disciplinary default:
- (a) communicating information that the member has as a member of a police department without proper authority;
 - (b) making an anonymous communication to any member of a police department;
 - (c) signing or circulating a petition or statement in respect of a matter concerning the police department as a representative of a certified police union, association or federation, except through the proper official channel of correspondence or established grievance procedure or in the *bona fide* performance of the member's duties as a member.
- (6) A member who engages in corrupt practice in any of the following ways commits a disciplinary default:
- (a) failing to properly account for, or make a prompt or true return of, any money or property received by the member in the course of duty;
 - (b) directly or indirectly soliciting or receiving a payment, gift, pass, subscription, testimonial or favour without the consent of the chief officer;
 - (c) being under a pecuniary or other obligation to any person in a manner that might affect the proper performance of the member's duties as a member;
 - (d) improperly using their position as a member for private advantage.
- (7) A member who abuses their authority in any of the following ways commits a disciplinary default:
- (a) making an arrest without good or sufficient cause;
 - (b) using unnecessary force on or cruelly treating any prisoner or other person with whom the member may be brought into contact in the course of duty;
 - (c) unlawfully exercising authority as a member.
- (8) A member who improperly uses a firearm or intermediate weapon in any of the following ways commits a disciplinary default:
- (a) without proper authorization, carrying while on duty any firearm or intermediate weapon other than one issued by the police department;

- (b) discharging a firearm or intermediate weapon while on duty, other than during a training exercise, and failing to make a written report of the incident to a senior officer as soon as practicable.
- (9) A member who damages property in any of the following ways commits a disciplinary default:
- (a) wilfully or negligently causing waste, loss or damage to police property or any other property entrusted to the member's care as a member;
 - (b) failing to promptly report any waste, loss or damage referred to in clause (a), whether the waste, loss or damage was caused by the member or discovered by the member.
- (10) A member who consumes or uses alcohol or drugs in a manner prejudicial to the carrying out of their duty in any of the following ways commits a disciplinary default:
- (a) reporting for duty, being on duty or standing by for duty while unfit to do so because of the use of alcohol or a drug;
 - (b) without proper authority, using or possessing alcohol or drugs prohibited by law.

Penalty for disciplinary default by member other than chief officer

25 The penalty for a disciplinary default by a member other than a chief officer may be any one or more of the following, or a combination of any of the following:

- (a) a recommendation to the board that the member be dismissed or, if the chief officer has authority to dismiss in accordance with a by-law made under subsection 37(4) of the Act, an order to dismiss the member;
- (b) an order that the member resign from the police department and, if the member does not resign within 7 days after the date of the order, a recommendation to the board that the member be dismissed or, if the chief officer has authority to dismiss in accordance with a by-law made under subsection 37(4) of the Act, an order to dismiss the member;
- (c) reduction of the member's rank, seniority or pay;
- (d) suspension of the member without pay for no longer than 30 days;
- (e) an order that the member pay a fine in an amount not exceeding the equivalent of 10 days' pay payable to the member as a member, within a time determined by the chief officer;
- (f) an order for a period of close supervision of the member;
- (g) a reprimand of the member;
- (h) an order that the member undergo counseling, treatment or training acceptable to the chief officer, the expense of the counseling, treatment or training to be assumed by the police department;
- (i) any order not included in clauses (a) to (h) that the chief officer considers appropriate.

Penalty for disciplinary default by chief officer

26 The penalty for a disciplinary default by a chief officer may be any one or more of the following, or a combination of any of the following:

- (a) a recommendation to the council that the chief officer be dismissed;
- (b) an order that the chief officer resign from the police department and, if the chief officer does not resign within 7 days after the date of the order, a recommendation to the council that the chief officer be dismissed;
- (c) an order that the chief officer pay a fine in an amount not exceeding the equivalent of 10 days' pay payable to the chief officer as a member, within a time determined by the board;
- (d) a reprimand of the chief officer;
- (e) an order that the chief officer undergo counseling, treatment or training acceptable to the board, the expense of the counseling, treatment or training to be assumed by the police department;
- (f) any order not included in clauses (a) to (e) that the board considers appropriate.

General Complaint Procedures**Making complaint**

27 A complaint may be made to any of the following, as applicable:

- (a) for a complaint about a police department generally, the complaints officer of the police department or any other member of the police department;
- (b) for a complaint about a member, the complaints officer of the police department of which the member complained of is a member, or any other member of the police department;
- (c) for any complaint, the board or the Complaints Commissioner.

Complaint made by third party

- 28** (1) A complaint made by a person who is not personally affected by the occurrence that gave rise to the complaint must not be proceeded with unless the person who is personally affected by the occurrence consents to the processing of the complaint by endorsing the complaint in writing at the time it is made.
- (2) Subsection (1) does not apply if the person who is personally affected by the occurrence that gave rise to the complaint is not competent to give consent.

Complaint made more than 6 months after occurrence

29 If a complaint is made more than 6 months after the date of the occurrence that gave rise to the complaint, the complaint must not be processed.

Statement of procedures and rights to complainant

30 The person to whom a complaint is made must give the complainant a statement in the prescribed form that sets out the procedures that must be followed respecting the complaint and the rights of the complainant under the Act and these regulations.

Recording and forwarding copies of complaint

- 31** (1) A person to whom a complaint is made must record the complaint in the prescribed form and ensure that the complainant signs the complaint.
- (2) A person who records a complaint about a police department generally must forward a copy of the complaint, as recorded, to the chief officer of the police department, as required by subsection 71(1) of the Act, unless the complaint was first made to the chief officer.
- (3) A person who records a complaint about a member other than a chief officer must forward a copy of the complaint, as recorded, to each of the following:
- (a) the member complained of;
 - (b) the chief officer of the police department, as required by subsection 71(1) of the Act, unless the complaint was first made to the chief officer.
- (4) A person who records a complaint about a chief officer must forward a copy of the complaint, as recorded, to each of the following:
- (a) the chief officer complained of;
 - (b) the chair of the board, unless the complaint was originally made to the board.

Report of complaint to Complaints Commissioner

- 32** (1) A chief officer's report of a complaint to the Complaints Commissioner under subsection 71(4) of the Act must be in writing and filed with the Commissioner no later than 30 days after the date the chief officer received the complaint.
- (2) A board's report of a complaint to the Complaints Commissioner under subsection 73(6) of the Act must be in writing and filed with the Commissioner no later than 30 days after the date the board received the complaint.

Who may investigate complaint

- 33** (1) A member designated by a chief officer under subsection 71(3) of the Act to investigate a complaint about a member other than a chief officer must be of a higher rank than the member complained of.
- (2) A person designated by a board under 73(3) of the Act to investigate a complaint about a chief officer must be a barrister or a chief officer of another police department.

Informal resolution of complaint

- 34** (1) A complaint is resolved informally if
- (a) a resolution of the complaint is proposed; and
 - (b) the complainant and the member or police department complained of agree with the proposed resolution by signing a record of informal resolution in the prescribed form.
- (2) A disciplinary authority must forward a copy of an informal resolution, as recorded under clause (1)(b), to each of the following:
- (a) the complainant;

- (b) the member or police department complained of;
 - (c) the Complaints Commissioner.
- (3) A complaint that is resolved informally must not be processed further and, if the complaint is about a member, must not appear in the service record of the member .

Continuing investigation of unresolved complaint

35 If a complaint is not resolved informally under Section 34, the disciplinary authority or, if applicable, the investigator designated under Section 33, must continue to investigate the complaint.

Time limit for investigation

- 36 (1) An investigation must be completed no later than 60 days after the date the complaint was first made.
- (2) Despite subsection (1), the Complaints Commissioner may, on request before or after the time limit has expired, extend the time to complete the investigation if the Complaints Commissioner is satisfied that there are reasonable grounds for granting the extension and the extension will not unduly prejudice any member.

Retention of information, notes and evidence

37 Any information or evidence gathered or notes taken during an investigation of a complaint must be recorded and preserved and must be retained for 2 years after the complaint is finally disposed of.

Request for review and referral to Complaints Commissioner

38 A request to the Review Board for a review of a disciplinary authority's decision in a complaint matter, as referred to in subsection 72(2) or 73(5) of the Act, must be made by filing a notice of review with the Complaints Commissioner in the prescribed form no later than 30 days after the date the decision is received.

Referral by Complaints Commissioner to Review Board

- 39 (1) If the Complaints Commissioner does not refer a complaint to the Review Board for the reason that the complaint is frivolous or vexatious, without merit or an abuse of process, the Complaints Commissioner must notify the complainant, and the complainant may appeal to the Chair of the Review Board for a review of the record by filing a notice of appeal in the prescribed form no later than 30 days after the complainant is notified that the complaint has not been referred.
- (2) After receiving a record of a complaint for review, the Chair of the Review Board must do one of the following:
- (a) confirm the decision of the Complaints Commissioner to not refer the complaint to the Review Board; or
 - (b) order that the Complaints Commissioner refer the complaint to the Review Board.
- (3) On receiving a referral of a complaint from the Complaints Commissioner, the Review Board must notify each of the following of the time and place set for the hearing of the review by the Review Board:
- (a) the complainant;
 - (b) the member to whom the decision relates;

- (c) the disciplinary authority that made the decision in the complaint under review;
- (d) the Complaints Commissioner.

Withdrawing a complaint

- 40 (1)** A complainant may withdraw a complaint at any time by giving notice of the withdrawal of the complaint in the prescribed form to
- (a) the chief officer, if the member complained of is not the chief officer;
 - (b) the board, if the member complained of is the chief officer; or
 - (d) [the] Complaints Commissioner.
- (2)** On receipt of a notice of withdrawal of a complaint, a person must notify each of the following of the withdrawal:
- (a) the member complained of;
 - (b) the chief officer, unless the notice was given to the chief officer;
 - (c) the Complaints Commissioner, unless the notice was given to the Complaints Commissioner.
- (3)** If the disciplinary authority for a withdrawn complaint believes, for any good or sufficient reason, that the complaint should not have been withdrawn, the disciplinary authority, no later than 30 days after the date the complaint is withdrawn, may begin internal disciplinary proceedings against the member complained of by serving a notice of allegation on the member in the prescribed form, in accordance with the provisions in these regulations respecting internal discipline proceedings.
- (4)** A disciplinary authority must forward a copy of a notice served under subsection (3) to the Complaints Commissioner.

Investigation of Complaint About Member by Disciplinary Authority**Notice of allegation**

- 41** If a complaint about a member is not resolved informally, the investigator must serve a notice of allegation in the prescribed form on the member complained of as soon as practicable and forward a copy of the notice to the Complaints Commissioner.

Report and notification on completion of investigation of complaint

- 42 (1)** After completing an investigation of a complaint about a member, an investigator must promptly submit a report to the disciplinary authority that includes the following details:
- (a) whether, in the investigator's opinion, the evidence proves that the member has committed a disciplinary default;
 - (b) if applicable, any organizational or administrative practices of the police department that the investigator identifies as factors that may have caused or contributed to the alleged disciplinary default.
- (2)** An investigator's report may include a recommendation of what penalty should be imposed on the member if the allegation of disciplinary default is proved.

- (3) An investigator must notify each of the following in the prescribed form of the date the investigation was completed:
 - (a) the complainant;
 - (b) the member complained of;
 - (c) the Complaints Commissioner.

Consideration of organizational or administrative matters addressed in report

43 If an investigator's report in a complaint matter identifies departmental practices that may have caused or contributed to an alleged disciplinary default, the chief officer must consider, independently of the disposition of the complaint, all organizational or administrative matters that may need further consideration and report these matters, together with their disposition, to the board.

Disciplinary authority's decision

- 44** (1) No later than 30 days after the date a disciplinary authority receives an investigator's report on a complaint against a member, the disciplinary authority must
- (a) decide whether the evidence gathered in the investigation shows that the member may have committed a disciplinary default; and
 - (b) take action in accordance with subsection (2) or (3).
- (2) If a disciplinary authority decides that the evidence gathered in an investigation does not establish that the member has committed a disciplinary default, the disciplinary authority must dismiss the complaint and forward a report of the disposition of complaint proceedings in the prescribed form to each of the following:
- (a) the complainant;
 - (b) the member complained of;
 - (c) the Complaints Commissioner.
- (3) If a disciplinary authority decides that the evidence gathered in an investigation discloses that the member may have committed a disciplinary default, the disciplinary authority must immediately serve a notice on the member in the prescribed form that
- (a) states that the member is alleged to have committed a disciplinary default; and
 - (b) requires the member to appear at a private meeting of the disciplinary authority and the member to be held on the date and at the time and place specified in the notice.
- (4) At a private meeting with a disciplinary authority, a member may be represented by
- (a) counsel, a union representative or another member of the same police department; or
 - (b) if the member is a chief officer, counsel or a member of the Nova Scotia Chiefs of Police Association.
- (5) At a private meeting with a disciplinary authority, a member must be given an opportunity to

- (a) hear the results of the investigation; and
 - (b) admit or deny the allegation.
- (6) After a private meeting under this Section,
- (a) if a disciplinary authority decides that a member other than a chief officer has committed a disciplinary default, the disciplinary authority must impose a penalty specified in Section 25;
 - (b) if a disciplinary authority decides that a chief officer has committed a disciplinary default, the disciplinary authority may impose a penalty specified in Section 26;
 - (c) if a disciplinary authority decides that a member has not committed a disciplinary default, the disciplinary authority must dismiss the complaint and take no further action with respect to the complaint.
- (7) No later than 30 days after the date the disciplinary authority makes a decision under subsection (6), the disciplinary authority must forward a written copy of the decision and the reasons for their decision in the prescribed form to each of the following:
- (a) the member who is the subject of the decision;
 - (b) the complainant;
 - (c) the Complaints Commissioner.

Internal Discipline

Allegation of disciplinary default

- 45 (1) A member may allege that another member of the same police department has committed a disciplinary default by filing a written allegation with the disciplinary authority.
- (2) Subject to subsection (3), a disciplinary authority to whom a written allegation is made must give notice of the allegation in the prescribed form to the member alleged to have committed the disciplinary default and, if the disciplinary authority is other than the board, must forward a copy of the notice to the board.
- (3) Proceedings for an alleged disciplinary default must not be commenced if more than 6 months have elapsed from the time the member making the allegation should have been aware of the alleged disciplinary default.
- (4) For the purpose of subsection (3), proceedings against a member are commenced at the time a written allegation is filed with the disciplinary authority.
- (5) An allegation may be resolved informally if
- (a) a resolution of the allegation is proposed; and
 - (b) the member making the allegation, the member against whom the allegation is made and the police department agree with the proposed resolution by signing a record of informal resolution in the prescribed form.

- (6) An allegation that is resolved informally must not be processed further and must not appear in the service record of the member.
- (7) An allegation may be withdrawn at any time by giving notice of the withdrawal of the allegation in the prescribed form to the disciplinary authority.
- (8) If the disciplinary authority for a withdrawn allegation believes, for any good or sufficient reason, that the allegation should not have been withdrawn, the disciplinary authority may continue internal disciplinary proceedings against the member complained of.

Investigator for alleged disciplinary default

- 46 (1)** A disciplinary authority that commences discipline default proceedings under Section 45 must designate a person as investigator to investigate the allegation, as follows:
- (a) for an allegation against a member other than a chief officer, the chief officer must designate as investigator a member within the same police department who is of a higher rank than the member alleged to have committed the disciplinary default;
 - (b) for an allegation against a chief officer, the board must
 - (i) engage a barrister to act as investigator, or
 - (ii) designate a person to act as investigator.
- (2)** Despite the requirement in clause (1)(a) that the investigator be a member of the same police department, the chief officer may, after consulting with the chief officer of another police department, designate as investigator a member of the other police department who is of higher rank than the member alleged to have committed the disciplinary default.
- (3)** In investigating an allegation of a disciplinary default, an investigator has all the powers and privileges of a peace officer.

Time limit for investigation of alleged disciplinary default

- 47 (1)** An investigation of an allegation of disciplinary default must be completed promptly and in any case no later than 60 days after the date the written allegation is filed.
- (2)** Despite subsection (1), the Complaints Commissioner may, upon request before or after the time limit has expired, extend the time to complete the investigation if the Complaints Commissioner is satisfied that there are reasonable grounds for granting the extension and the extension will not unduly prejudice any member.

Report on investigation of allegation against member other than chief officer

- 48 (1)** After completing an investigation of an allegation of disciplinary default against a member other than a chief officer, an investigator must immediately submit a report to the chief officer that includes the following details:
- (a) whether, in the investigator's opinion, the evidence proves that the member has committed a disciplinary default;
 - (b) if applicable, any organizational or administrative practices of the police department that the investigator identifies as factors that may have caused or contributed to the alleged disciplinary default.

- (2) An investigator's report may include a recommendation of what penalty should be imposed on the member if the allegation of disciplinary default is proved.

Chief officer to consider departmental practices identified in report

49 If an investigator's report identifies departmental practices that may have caused or contributed to the alleged disciplinary default, the chief officer must consider, independently of the disposition of the disciplinary default matter, all organizational or administrative matters that may need further consideration and report these matters, together with their disposition, to the Complaints Commissioner.

Decision in disciplinary default matter for member other than chief officer

- 50 (1) No later than 30 days after the date a chief officer receives an investigator's report on an allegation of disciplinary default against a member other than the chief officer, the chief officer must decide whether the evidence gathered in the investigation discloses that the member may have committed a disciplinary default.
- (2) If the chief officer decides that the evidence gathered in the investigation establishes that the member has not committed a disciplinary default, the chief officer must dismiss the allegation and immediately notify the member and the Complaints Commissioner in writing that the allegation has been dismissed.
 - (3) If the chief officer decides that the evidence gathered in the investigation discloses that the member may have committed a disciplinary default, the chief officer must immediately send a notice of meeting to the member in the prescribed form for a private meeting of the chief officer and the member to be held on the date and at the time and place specified in the notice.
 - (4) A notice of meeting must include information about the penalty that the chief officer intends to consider if the disciplinary default is proved.
 - (5) At the meeting with the chief officer, the member may be represented by counsel, a union representative and another member of the same police department, and the member must be given an opportunity to
 - (a) hear the results of the investigation; and
 - (b) admit or deny the allegation.
 - (6) After a meeting referred to in subsection (5) the chief officer must do one of the following:
 - (a) if the chief officer decides that the member has committed a disciplinary default, impose a penalty specified in Section 27 [25];
 - (b) if the chief officer decides that the member has not committed a disciplinary default, dismiss the allegation.
 - (7) No later than 30 days after the date the chief officer makes a decision under subsection (6), the chief officer must forward a written copy of the decision and the reasons for their decision in the prescribed form to each of the following:
 - (a) the member who is the subject of the decision;
 - (b) the member who made the allegation;

- (c) the Complaints Commissioner.

Report on investigation of allegation against chief officer

- 51 (1)** After completing an investigation of an allegation of disciplinary default against a chief officer, an investigator must immediately submit a report to the board that includes all of the following details:
- (a) whether, in the investigator's opinion, the evidence proves that the chief officer has committed a disciplinary default;
 - (b) whether, in the investigator's opinion, the chief officer is able to carry out the chief officer's duties;
 - (c) if applicable, any organizational or administrative practices of the police department that the investigator identifies as factors that may have caused or contributed to the alleged disciplinary default.
- (2)** An investigator's report may include a recommendation of what penalty should be imposed on the chief officer if the disciplinary default is proved.

Board to consider departmental practices identified in report

- 52** If an investigator's report identifies any departmental practices that may have caused or contributed to the alleged disciplinary default, the board must consider, independently of the disposition of the disciplinary default matter, all organizational or administrative matters that may need further consideration.

Decision in disciplinary default matter for chief officer

- 53 (1)** No later than 30 days after the date a board receives an investigator's report on an allegation of disciplinary default against a chief officer, the board must decide whether the evidence gathered in the report establishes that the chief officer has committed a disciplinary default and whether the chief officer is able to carry out the chief officer's duties.
- (2)** If the board decides that the chief officer has not committed a disciplinary default, the board must dismiss the allegation and immediately notify the chief officer in writing that the allegation has been dismissed.
- (3)** If the board decides that the evidence gathered in the investigation discloses that the chief officer may have committed a disciplinary default, the board must immediately send a notice of meeting to the chief officer in the prescribed form for a private meeting of the board and the chief officer to be held on the date and at the time and place specified in the notice.
- (4)** A notice of meeting must include information about the penalty that the board intends to consider if the disciplinary default is proved.
- (5)** At the meeting with the board, the chief officer may be represented by counsel and a member of the Nova Scotia Chiefs of Police Association, and the chief officer must be given an opportunity to
- (a) hear the results of the investigation; and
 - (b) admit or deny the allegation.
- (6)** After a meeting referred to in subsection (5), the board must decide whether the chief officer has committed a disciplinary default, and

- (a) if the board decides that the chief officer has committed a disciplinary default and should be penalized, the board may impose a penalty specified in Section 26; or
 - (b) if the board decides that the chief officer has not committed a disciplinary default, the board must dismiss the allegation.
- (7) No later than 30 days after the date of the board's decision, the board must forward a written copy of the decision and the reasons for the decision in the prescribed form to each of the following:
- (a) the chief officer who is the subject of the decision;
 - (b) the member who made the allegation;
 - (c) the Complaints Commissioner.

Review of decision by Review Board

- 54 (1) A review of a disciplinary decision by the Review Board, as referred to in Section 81 of the Act, must be initiated by a member who is the subject of a disciplinary decision by filing a notice of review with the Complaints Commissioner in the prescribed form no later than 30 days after the date the decision is received.
- (2) After receiving a notice of review, the Complaints Commissioner must refer the matter to the Review Board.
- (3) On receiving a referral of a disciplinary decision from the Complaints Commissioner, the Review Board must notify each of the following of the time and place set for the hearing of the review by the Review Board:
- (a) the member who is the subject of the disciplinary decision; and
 - (b) the disciplinary authority that made the disciplinary decision.

Review Board Hearings

Quorum

- 55 Three members of the Review Board, including the Chair or Vice-chair, constitute a quorum, and a decision of the majority of the Review Board members present at a hearing is a decision of the Review Board.

Written submissions

- 56 The parties to a hearing of the Review Board may give written submissions to the Review Board.

Burden of proof

- 57 At a hearing of the Review Board, the burden of proof must be on the balance of probabilities.

Expungement of Disciplinary Default

When disciplinary default deemed expunged

- 58 If a penalty has been imposed on a member for a disciplinary default, and if there is no entry in the member's service record of a further disciplinary default after the date the penalty was imposed, the disciplinary default is deemed to be expunged from the member's record in the following applicable circumstance:

- (a) if the penalty was a reduction in rank, when 3 years have expired since the date of the reduction in rank;
- (b) if the penalty was a fine or a suspension, when 2 years have expired from the date the fine was paid or the suspension completed;
- (c) if the penalty was a period of close supervision, when 2 years have expired since the completion of the period of close supervision;
- (d) if the penalty was an order to undergo counseling, treatment or training, when 1 year has expired from the completion of the counseling, treatment or training;
- (e) if the penalty was a reprimand, when 1 year has expired since the date of reprimand;
- (f) if the penalty was any order made by the disciplinary authority other than as specified in clauses (a) to (e), when 1 year has expired from the date the order was made, fulfilled or completed.

Time periods deemed to run concurrently

59 When a combination of penalties is ordered under Section 25 or 26, the time periods set out in clauses 58(a) to (f) are deemed to run concurrently.

Dismissal and Reduction in Rank**Dismissing member on probation**

60 A chief officer may dismiss any member while the member is on probation.

Dismissing member guilty of offence

- 61** (1) A chief officer may dismiss a member who is found guilty of or has pleaded guilty to an indictable offence or an offence punishable on summary conviction under an enactment of the Province or a province or territory of Canada or the Government of Canada, if as a result, in the opinion of the chief officer, the member is unfit to perform their duties.
- (2) A council may dismiss a chief officer who is found guilty of or has pleaded guilty to an indictable offence or an offence punishable on summary conviction under an enactment of the Province or a province or territory of Canada or the Government of Canada, if as a result, in the opinion of the council, the chief officer is unfit to perform their duties.

Dismissal or reduction in rank and pay following investigation

- 62** (1) If an investigation ordered by the Minister under Section 7 of the Act discloses that a member does not perform or is incapable of performing their duties in a manner consistent with their position, or that the member's conduct does not satisfy the requirements of their position, the board, the chief officer in accordance with a by-law referred to in subsection 37(4) of the Act, or, in the case of the chief officer, the council on the recommendation of the board may
- (a) reduce the member's rank and reduce the member's pay in accordance with the rank to which the member is reduced; or
 - (b) subject to subsection (2), dismiss the member or, if the member is entitled to retirement, place the member on retirement.
- (2) A member must not be dismissed or placed on retirement under clause (1)(b) unless the dismissal or retirement is expressly recommended in the report resulting from the investigation and a majority of

the members of the board or, in the case of a chief officer, the council agree with the recommendation.

Suspension

Suspending member from duty

- 63 (1)** Despite any provision of these regulations, a chief officer may suspend a member other than a chief officer from duty if
- (a) the chief officer believes on reasonable grounds that the member has committed an indictable offence, an offence punishable on summary conviction under an enactment of the Province, a province or territory of Canada or the Government of Canada, or a disciplinary default and, in the chief officer's opinion, the member is unfit for duty as a result;
 - (b) the chief officer has received
 - (i) evidence that substantiates intentional misrepresentation or fraudulent information about the member's qualifications on appointment, or
 - (ii) information or evaluation results that substantiate that the member does not meet the qualification requirements specified in Section 4.
- (2)** A member of a rank equal to or higher than non-commissioned officer in charge, delegated by the chief officer for the purpose, may exercise the power of suspension exercisable by the chief officer under subsection (1).
- (3)** A member must inform the chief officer immediately after taking action under subsection (2).
- (4)** A suspension under subsection (2) is conditional on confirmation by the chief officer no later than 24 hours after the suspension takes effect.
- (5)** A chief officer may, at any time, revoke a suspension and order that the member be returned to duty, and in that case the chief officer must notify the Complaints Commissioner that the member has been returned to duty.
- (6)** The chair of a board must exercise the authority of a chief officer in respect of the suspension of a chief officer.

Deciding whether to continue suspension

- 64 (1)** No later than 72 hours after the time a member's suspension takes effect, the chief officer or, if the member is a chief officer, the chair of the board must decide whether the suspension is to continue in effect or be rescinded with or without conditions.
- (2)** A chief officer or, if applicable, a chair of a board must immediately inform the Complaints Commissioner of a decision to continue a suspension.
- (3)** Continuation of a suspension of a chief officer is conditional on confirmation by the board no later than 72 hours after the decision to continue is made.
- (4)** If the chair of a board has suspended a chief officer from duty, the chair must not participate in a decision to confirm the continuation of the chief officer's suspension under subsection (3).

Restrictions on member during suspension

65 During a suspension from duty, a member must not exercise powers as a peace officer or member or wear or use the uniform or equipment of the police department.

Internal discipline proceedings against member on suspension

66 During a member's suspension, the disciplinary authority may commence internal disciplinary proceedings against the member.

Pay and allowances during suspension

- 67** (1) A member who is suspended under Section 63 or 64 must receive pay and allowances for at least 60 days during the suspension, or for a longer period as determined by the disciplinary authority.
- (2) The pay and allowances received by a member during a suspension must be reduced by the amount that the member earns from other employment during the suspension.
- (3) Written notice of a decision by the disciplinary authority to discontinue a member's pay and allowances at the end of the first 60 days of the suspension must be given immediately to the member.
- (4) On receipt of a notice under subsection (3), a member whose pay and allowances are discontinued may appear personally or be represented by counsel or a member of the police department before the disciplinary authority for a review of the decision.
- (5) No later than 60 days after the receipt date of a notice under subsection (3), a member may initiate a review of the decision by filing a notice of review with the Complaints Commissioner in the prescribed form.
- (6) On receiving a notice of review filed under subsection (5), the Complaints Commissioner must
- (a) forward a copy of the notice to the disciplinary authority; and
 - (b) immediately notify each of the following of the date, time and place of the hearing of the review:
 - (i) the member on suspension,
 - (ii) the disciplinary authority.
- (7) A member who is acquitted of all charges and proceedings before a criminal court and against whom no disciplinary proceedings are taken arising out of the same facts and circumstances must receive full pay and allowances for any period of suspension for which the member was not given full pay and allowances.
- (8) A member who has been suspended during an investigation that results in no disciplinary action or criminal proceedings must receive full pay and allowances for any period of the suspension for which the member was not given full pay and allowances.
- (9) At a hearing in a complaint or internal discipline matter held under these regulations, a Review Board

- (a) may, if it finds that a disciplinary default that resulted in the decision to suspend the member has been proved, make any order that the Review Board considers proper for full or partial pay and any allowances for any unpaid period of suspension; or
 - (b) must, if the Review Board dismisses all of the alleged disciplinary defaults that caused the decision to suspend the member, order that the member receive full pay and allowances for any period of the suspension for which the member was not given full pay and allowances.
- (10) Subsection (9) does not apply to earnings from other employment that was commenced before the period of suspension.

No permanent suspension without internal discipline proceedings

- 68 (1) Action taken under Section 63 or 64 must not result in the permanent suspension of a member unless the disciplinary authority first complies with the provisions in these regulations respecting internal disciplinary proceedings.
- (2) For the purpose of these regulations, permanent suspension is deemed to be dismissal.

Criminal Misconduct by Member

Minister may request investigation of allegation

- 69 If a complaint or an allegation alleging criminal misconduct on the part of a chief officer, or a chief officer and one or more members, is referred to the Minister, the Minister may request another police department, provincial police or the RCMP to investigate the complaint or allegation.

Criminal charge against member

- 70 (1) If it appears that the facts alleged in a complaint or an allegation against a member constitute a violation by the member of a criminal statute enacted by the Parliament of Canada, the disciplinary authority to which the complaint or allegation is referred must determine whether a charge should be laid against the member.
- (2) Except as provided in subsection (3), the laying of criminal charges against a member who is the subject of complaint or internal discipline proceedings does not preclude the continuation of the proceedings.
- (3) If a complaint or allegation that is under investigation is also the subject of a criminal investigation or proceedings, the disciplinary authority or Review Board must suspend the investigation of the complaint or allegation until the completion of the criminal investigation or proceedings.
- (4) If an investigation is suspended under subsection (3), the time period provided for the completion of the investigation must be extended by the number of days that the investigation is suspended.
- (5) If a criminal charge is laid against a member for conduct that is the subject of a Review Board hearing in a complaint or internal discipline matter, the Review Board must adjourn the hearing until the criminal proceedings are completed.

Notices

Giving notice

- 71 Each notice required under this Part must be in writing and must be served personally or sent by fax, courier or mail.

When notice deemed received

- 72 (1) Except as provided in subsection (2), if notice is sent by mail, the addressee is deemed to have received the notice on the 5th day following the date of mailing.
- (2) If notice is sent by mail and the sender receives written confirmation, in the form of the addressee's signature, that the notice was received by the addressee, the addressee is deemed to have received the notice on the day specified in the written confirmation.

Transition for Complaint and Disciplinary Proceedings

- 73 Subject to subsection 96(3) of the Act, which provides for matters that were before the Review Board immediately before the Act came into force, a complaint that was made or an internal disciplinary proceeding that was begun before these regulations came into force and that has not been completed on that date must be dealt with by a disciplinary authority or the Review Board as if these regulations were not in force.

Part 3 - Administrative and Governing Bodies**Oaths of Office for Members of Administrative and Governing Bodies****Oath of office for member of Review Board, board or advisory board**

- 74 Form 4 is prescribed as the oath of office or affirmation for each of the following:

- (a) a Review Board member;
- (b) a board member;
- (c) an advisory board member.

Must take oath before assuming duties

- 75 A person referred to in Section 74 must make their oath or affirmation before assuming their duties in the position for which the oath or affirmation is required.

Municipal Boards of Police Commissioners**Board member selection process**

- 76 The selection process used by a council in appointing a board member to a vacancy on the board, except a board member appointed by the Minister under clause 44(3)(c) of the Act, must include all of the following:

- (a) the board vacancy must be advertised and applications must be solicited for the vacancy;
- (b) each application must be reviewed by a panel established by the council.

Board member qualifications

- 77 (1) To be a candidate for appointment as a board member under Section 76, a person must demonstrate all of the following qualifications to the satisfaction of the council:
- (a) residence in the municipality served by the board;
 - (b) knowledge of community issues;

- (c) a good character;
 - (d) the skills and abilities to make the commitment of time and effort required to carry out board responsibilities.
- (2) To be a candidate for appointment as a board member under Section 76, a person must consent to criminal and background checks.
- (3) A person must not be appointed as a board member if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the council, would reasonably be expected to have a negative impact on their acting as a board member or on the board generally.

Role of board chair

78 The role of a chair of a board includes the following responsibilities:

- (a) to preside over the board and to manage, organize, set agendas for and attend meetings, ensuring that all policies developed by the board are appropriately implemented;
- (b) to develop an operations and policy manual that will assist in the orientation of new appointees and direct acting board members regarding their roles and responsibilities;
- (c) to ensure that board members are informed of matters within the board's jurisdiction;
- (d) to act as the sole spokesperson for the board;
- (e) in conjunction with board members and in consultation with the Chief Administration Officer of the municipality, to evaluate the performance of the chief officer on a yearly basis.

Code of conduct for board members

79 (1) A board member must do all of the following:

- (a) uphold the letter and spirit of the code of conduct set out in this Section and discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board;
- (b) unless they have a reasonable excuse, attend every board meeting;
- (c) not interfere with the police department's operational decisions and responsibilities or with the day-to-day operation of the police department, including the recruitment and promotion of officers;
- (d) keep confidential any information disclosed or discussed at a board meeting;
- (e) not claim to speak on behalf of the board unless authorized by the chair of the board to do so;
- (f) discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law;
- (g) discharge their duties in a manner that respects the dignity of individuals and is in accordance with the *Human Rights Act* and the [*Canadian*] *Charter of Rights and Freedoms* (~~Canada~~);

- (h) not use their position inappropriately to advance their interests or the interests of any person or organization with whom or with which they are associated;
 - (i) immediately resign from the board if applying for employment with a police department, including employment on contract or on fee for service;
 - (j) refrain from engaging in professional or personal conduct that could discredit or compromise the integrity of the board or the police department;
 - (k) if their conduct or performance is the subject of investigation or inquiry, temporarily withdraw from all board activities and duties as a member of the board until the completion of the investigation or inquiry.
- (2) If the chair or the majority of the board determines that a board member has breached the code of conduct for board members, the board must record that determination in its minutes.
- (3) On determining that a board member has breached the code of conduct for board members, the board may take one or more of the following actions:
- (a) issue a reprimand to the board member;
 - (b) order a period of suspension for the board member;
 - (c) recommend to the Minister or the council that the board member be dismissed under subsection 44(7) of the Act.

Joint Boards and Boards of Amalgamated Municipalities

Agreement for joint policing services or amalgamated police department

80 An agreement under Section 84 of the Act for a single police department to provide services to 2 or more municipalities, or under Section 85 of the Act to organize an amalgamated police department, must include all of the following:

- (a) a statement of the boundaries of the region or amalgamated area to be policed under the agreement, which may include areas outside the limits of any municipality that is a party to the agreement;
- (b) a provision establishing a board for the region or amalgamated area;
- (c) a method for determining the contribution that each party must pay;
- (d) an interim budget;
- (e) a method for approving budgets proposed by the board;
- (f) a method for dealing with surplus funds;
- (g) a method for dealing with a deficit;
- (h) a method for sharing the debts and other liabilities of the board;
- (i) a method for the parties to the agreement to pay funds to the board;

- (j) a method for acquiring and disposing of property;
- (k) a method for selecting a chair of the board;
- (l) a provision establishing a quorum for meetings of the board;
- (m) a statement of the commencement date for the provision of police services under the agreement;
- (n) provisions to protect existing pensions and other rights and benefits of persons who are members or employees of police departments of the municipalities that are parties to the agreement and who will become members or employees of the police department established under the agreement;
- (o) provisions for administration and bookkeeping;
- (p) any provisions required by the Minister in addition to those referred to in clauses (a) to (o).

Membership of joint board or board of amalgamated municipality

81 A board established under an agreement referred to in Section 80 must consist of

- (a) 1 or more members representing each municipality that is a party to the agreement, appointed by council, at least one of whom must be a mayor or a councillor and all of whom must ordinarily reside in the municipality;
- (b) 1 or more persons ordinarily residing in each municipality that is a party to the agreement, appointed by the Minister; and
- (c) the chief officer of the police department of each municipality that is a party to the agreement, who is a board member by virtue of their office and who does not have voting privileges.

Advisory Boards

Advisory board member selection process

82 (1) The selection process used by a council in appointing an advisory board member to a vacancy on the advisory board, except an advisory board member appointed by the Minister under clause 57(3)(c) of the Act, must include all of the following:

- (a) the advisory board vacancy must be advertised and applications must be solicited for the vacancy;
 - (b) an applicant must be required to go through a screening process, including an interview, conducted by a panel established by the council;
 - (c) each applicant must be notified of the outcome of the selection process.
- (2)** In the process of selecting an advisory board member, the council must consider each candidate's education and work experience.

Advisory board member qualifications

83 (1) To be a candidate for appointment as an advisory board member under Section 82, a person must demonstrate all of the following qualifications to the satisfaction of the council:

- (a) residence in the municipality served by the board, or considerable interest in serving on the advisory board;
 - (b) considerable knowledge of community issues and an understanding of policing values and governance;
 - (c) a good character;
 - (d) willingness to make the commitment of time and effort required to carry out advisory board responsibilities.
- (2) To be a candidate for appointment as an advisory board member under Section 82, a person must consent to criminal and background checks.
- (3) A person must not be appointed as an advisory board member if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the council, would reasonably be expected to have a negative impact on their acting as an advisory board member or on the advisory board generally.

Code of conduct for advisory board members

84 (1) An advisory board member must do all of the following:

- (a) uphold the letter and spirit of the code of conduct set out in this Section and discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the advisory board;
- (b) unless they have a reasonable excuse, attend every advisory board meeting;
- (c) not interfere with the police department's operational decisions and responsibilities or with the day-to-day operation of the police department, including the recruitment and promotion of officers;
- (d) keep confidential any information disclosed or discussed at an advisory board meeting;
- (e) not claim to speak on behalf of the advisory board unless authorized by the chair of the advisory board to do so;
- (f) if publicly disagreeing with a decision of the advisory board, make it clear that they are expressing a personal opinion;
- (g) discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law;
- (h) discharge their duties in a manner that respects the dignity of individuals and is in accordance with the *Human Rights Act* and the [*Canadian*] *Charter of Rights and Freedoms* (~~Canada~~);
- (i) not use their position inappropriately to advance their interests or the interests of any person or organization with whom or with which they are associated;
- (j) immediately resign from the advisory board if applying for employment with a police department, including employment on contract or on fee for service;

- (k) refrain from engaging in professional or personal conduct that could discredit or compromise the integrity of the advisory board or the police department;
 - (l) if their conduct or performance is the subject of investigation or inquiry, temporarily withdraw from all advisory board activities and duties as a member of the advisory board until the completion of the investigation or inquiry.
- (2) If the chair or the majority of the advisory board determines that an advisory board member has breached the code of conduct for advisory board members, the advisory board must record that determination in its minutes.
- (3) On determining that an advisory board member has breached the code of conduct for advisory board members, the advisory board may take one or more of the following actions:
- (a) issue a reprimand to the advisory board member;
 - (b) order a period of suspension for the advisory board member;
 - (c) recommend to the Minister or the council that the [advisory] board member be dismissed under subsection 57(7) of the Act.

Form 1 - Oath of Office for Member of Police Department

Section 16 of the *Police Regulations*

I, _____, do solemnly (*select one*) swear/affirm that I will well and truly serve our Sovereign Lady the Queen and her heirs and successors according to law, as a member of the _____ Police Department without favour, affection, malice or ill will and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty’s subjects; and that I will not, except in the discharge of my duties, disclose to any person any matter or evidence which may come to my notice through my employment; and that while I continue to hold office I will, to the best of my judgement, skill, knowledge, and ability, carry out, discharge and perform all the duties of my office faithfully, impartially and according to the *Police Act* or any other Act, and any regulation rule or by-law, (*select one*) so help me God/I so affirm.

Sworn to/Affirmed at _____)
 in the County of _____)
 Province of Nova Scotia, on)
 _____, 20____,)
 before me,)
)
 _____) _____
 A Commissioner of Oaths in and for
 the Province of Nova Scotia

Form 2 - Oath of Office for Special Constable or By-law Enforcement Officer

Section 17 of the *Police Regulations*

I, _____, do solemnly (*select one*) swear/affirm that I will well and truly serve our Sovereign Lady the Queen and her heirs and successors according to law, as a (*select one*) special constable/by-law enforcement officer appointed under the *Police Act*, without favour, affection, malice or ill will, and that I will,

to the best of my judgment, skill, knowledge, and ability, carry out, discharge and perform the duties assigned to me faithfully according to law and that I will not, except in the discharge of my duties, disclose to any person any matter or evidence which may come to my notice through my employment, (*select one*) so help me God/I so affirm.

Sworn to/Affirmed at _____)
 in the County of _____)
 Province of Nova Scotia, on)
 _____, 20____,)
 before me,)
)
) _____)
 A Commissioner of Oaths in and for
 the Province of Nova Scotia

Form 3 - Oath of Office for Auxiliary Police Officer
 Section 18 of the *Police Regulations*

I, _____ do solemnly (*select one*) swear/affirm that I will faithfully, diligently and impartially execute and perform the duties required of me as an auxiliary police officer in and for the (*insert name of municipality*) _____, and will well and truly obey and perform all lawful orders and instructions that I receive as an auxiliary police officer, without fear, favour and affection of or toward any person, (*select one*) so help me God/I so affirm.

Sworn to/Affirmed at _____)
 in the County of _____)
 Province of Nova Scotia, on)
 _____, 20____,)
 before me,)
)
) _____)
 A Commissioner of Oaths in and for
 the Province of Nova Scotia

**Form 4 - Oath of Office for Member of Nova Scotia Police Review Board,
 Municipal Board of Police Commissioners or Police Advisory Board**
 Section 73 of the *Police Regulations*

I, _____, of _____, in the County of _____ (*select one*) swear/affirm that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the (*select one*) Nova Scotia Police Review Board/(*insert name of municipal board*) _____/(*insert name of municipal police advisory board*) _____, and while I continue to hold office I will, to the best of my judgement, skill, knowledge, and ability, carry out, discharge and perform all the duties of my office faithfully, impartially and according to the *Police Act* or any other Act and any regulation rule or by-law, and will not, except in the discharge of my duties, disclose to any person any matter or evidence brought before the (*select one*) Nova Scotia Police Review Board/(*insert name of municipal board*) _____/(*insert name of municipal police advisory board*) _____, (*select one*) so help me God/I so affirm.

Sworn to/Affirmed at _____)
 in the County of _____)
 Province of Nova Scotia, on)
 _____, 20____,)
 before me,)
)
)
 _____)

A Commissioner of Oaths in and for
 the Province of Nova Scotia

N.S. Reg. 231/2005

Made: November 10, 2005

Approved: December 20, 2005

Filed: December 21, 2005

Insurance Adjusters Licensing Regulations

Order in Council 2005-575 dated December 20, 2005
 Amendment to regulations made the Superintendent of Insurance and
 approved by the Governor in Council
 pursuant to Sections 53 and 55 of the *Insurance Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Insurance Act* dated November 28, 2005, and pursuant to Chapter 231 of the Revised Statutes of Nova Scotia, 1989, the *Insurance Act*, is pleased to approve of amendments made by the Superintendent of Insurance to the *Insurance Adjuster Licensing Regulations* [regulations respecting insurance adjuster licensing], N.S. Reg 245/92, approved by the Governor in Council by Order in Council 92-1145 dated November 24, 1992, to reflect changes made by the Insurance Institute of Canada to the course curriculum, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 20, 2005.

Schedule "A"

**In the matter of Sections 53 and 55 of Chapter 231 of the Revised Statutes
 of Nova Scotia, 1989, the *Insurance Act***

- and -

**In the matter of an amendment to the *Insurance Adjusters Licensing Regulations*
 made by the Superintendent of Insurance**

Order

I, Doug Murphy, Superintendent of Insurance for the Province of Nova Scotia, under Sections 53 and 55 of Chapter 231 of the Revised Statutes of Nova Scotia, 1989, the *Insurance Act*, hereby amend the *Insurance Adjuster Licensing Regulations* [regulations respecting insurance adjuster licensing], N.S. Reg. 245/92, made by the Superintendent of Insurance and approved by the Governor in Council by Order in Council 92-1145 dated November 24, 1992, in the manner set out in the attached, effective on and after the date the amendments are approved by the Governor in Council.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on Nov 10, 2005.

Sgd: *D. Murphy*
Doug Murphy
Superintendent of Insurance

**Amendment to the ~~Insurance Adjusters Licensing Regulations~~
[Regulations Respecting Insurance Adjuster Licensing],
made by [the] Superintendent of Insurance
pursuant to Sections 53 and 55 of Chapter 231 of the
Revised Statutes of Nova Scotia, 1989, the *Insurance Act***

- 1 Clause 4(b) of the ~~Insurance Adjuster Licensing Regulations~~ [regulations respecting insurance adjuster licensing], N.S. Reg 245/92, approved by the Governor in Council by Order in Council 92-1145 dated November 24, 1992, is repealed and the following clause substituted:
 - (b) pass the following courses administered by the Insurance Institute of Canada or such other courses as the Superintendent considers to be equivalent:
 - (i) C12 - Insurance on Property,
 - (ii) C14 - Automobile Insurance,
 - (iii) C110 - Essentials of Loss Adjusting; and
- 2 Section 5 of the regulations is amended by
 - (a) adding “do any or all of the following:” immediately after “insurers”; and
 - (b) striking out “or” at the end of clause (b).
- 3 Clause 6(b) of the regulations is repealed and the following clause substituted:
 - (b) pass the following courses administered by the Insurance Institute of Canada or such other courses as the Superintendent considers to be equivalent:
 - (i) C13 - Insurance Against Liability,
 - (ii) C111 - Advanced Loss Adjusting; and
- 4 Section 7 of the regulations is amended by
 - (a) adding “do any or all of the following:” immediately after “insurers”; and
 - (b) striking out “or” at the end of clause (b).
- 5 Clause 8(b) of the regulations is amended by striking out “or both”.
- 6 Clause 8(c) of the regulations is repealed and the following clause substituted:
 - (c) pass the following courses administered by the Insurance Institute of Canada or such other courses as the Superintendent considers to be equivalent:

- (i) C32 - Bodily Injury Claims,
- (ii) C112 - Practical Issues in Claims Management.

7 Section 9 of the regulations is amended by

- (a) adding “do any or all of the following:” immediately after “insurers”; and
- (b) striking out “or” at the end of clause (b).

N.S. Reg. 232/2005

Made: December 20, 2005

Filed: December 21, 2005

Insurance Agents Licensing Regulations

Order in Council 2005-576 dated December 20, 2005
Amendment to regulations made by the Governor in Council
pursuant to subsections 5(3) and 52(1) of the *Insurance Act*

The Governor in Council on the report and recommendation of the Minister responsible for the Insurance Act dated December 7, 2005, and pursuant to subsections 5(3) and 52(1) of Chapter 231 of the Revised Statutes of Nova Scotia, 1989, the *Insurance Act*, is pleased to amend Order in Council 2003-416 dated October 10, 2003, by striking out “January 1, 2006” and substituting “January 1, 2007”.

N.S. Reg. 233/2005

Made: December 20, 2005

Filed: December 21, 2005

Proclamation, S. 8, S.N.S. 2005, c. 48

Order in Council 2005-580 dated December 20, 2005
Proclamation made by the Governor in Council
pursuant to Section 8 of
*An Act to Amend Chapter 8 of the Acts of 1990, the Emergency Measures Act, and
Chapter 376 of the Revised Statutes, 1989, the Public Service Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Emergency Measures Act* dated December 19, 2005, pursuant to Section 8 of Chapter 48 of the Acts of 2005, *An Act to Amend Chapter 8 of the Acts of 1990, the Emergency Measures Act, and Chapter 376 of the Revised Statutes, 1989, the Public Service Act*, is pleased to order and declare by proclamation that Chapter 48 of the Acts of 2005, *An Act to Amend Chapter 8 of the Acts of 1990, the Emergency Measures Act, and Chapter 376 of the Revised Statutes, 1989, the Public Service Act*, come into force on and not before December 20, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: Myra A. Freeman

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 8 of Chapter 48 of the Acts of 2005, *An Act to Amend Chapter 8 of the Acts of 1990, the Emergency Measures Act, and Chapter 376 of the Revised Statutes, 1989, the Public Service Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 48 of the Acts of 2005, *An Act to Amend Chapter 8 of the Acts of 1990, the Emergency Measures Act, and Chapter 376 of the Revised Statutes, 1989, the Public Service Act*, come into force on and not before December 20, 2005;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 48 of the Acts of 2005, *An Act to Amend Chapter 8 of the Acts of 1990, the Emergency Measures Act, and Chapter 376 of the Revised Statutes, 1989, the Public Service Act*, come into force on and not before December 20, 2005 of which all persons concerned are to take notice and govern themselves accordingly.

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

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

AT Our Government House in the Halifax Regional
Municipality, this 20th day of December, in the
year of Our Lord two thousand and five and in
the fifty-fourth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 234/2005

Made: December 16, 2005

Approved: December 20, 2005

Filed: December 21, 2005

Weights and Dimensions of Vehicles Regulations

Order in Council 2005-583 dated December 20, 2005
Amendment to regulations made by the Minister of Transportation and Public Works
and approved by the Governor in Council
pursuant to subsection 191(1) of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Public Works dated December 16, 2005, and pursuant to subsection 191(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to approve of amendments to the *Weights and Dimensions of Vehicles Regulations*, N.S. Reg. 137/2001, made by Minister of Transportation and Public Works and approved by the Governor in Council by Order in Council 2001-526 dated November 15, 2001, to extend the period for which certain weight tolerances are allowed, to add some B-train routes to Schedule B and to make several housekeeping changes, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 20, 2005.

Schedule "A"**In the matter of subsection 191(1) of Chapter 293 of the
Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*****- and -****In the matter of an amendment to the *Weights and Dimensions of Vehicles Regulations*,
N.S. Reg. 137/2001**

I, Ronald S. Russell, Minister of Transportation and Public Works for the Province of Nova Scotia, pursuant to subsection 191(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby amend the *Weights and Dimensions of Vehicles Regulations*, N.S. Reg. 137/2001, made by the Minister of Transportation and Public Works and approved by Governor in Council by Order in Council 2001-526 dated November 15, 2001, to extend the period for ~~certain~~ which [certain] weight tolerances are allowed, to add some B-train routes to Schedule B and to make several housekeeping amendments, in the manner set forth in the attached, effective on and after the date they are approved by the Governor in Council.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, Dec 16, 2005

Sgd: *Ron Russell*
Honourable Ronald S. Russell
Minister of Transportation and Public Works

**Amendment to the *Weights and Dimensions of Vehicles Regulations*
made by the Minister of Transportation and Public Works pursuant to
subsection 191(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989
the *Motor Vehicle Act***

- 1 Subsection 6(5) of the *Weights and Dimensions of Vehicles Regulations*, N.S. Reg. 137/2001, made by the Minister of Transportation and Public Works and approved by the Governor in Council by Order in

Council 2001-526 dated November 15, 2001, is amended by striking out "December 31, 2005" and substituting "December 31, 2006"

- 2 Subsection 8(4) of the regulations is amended by striking out "December 31, 2005" and substituting "December 31, 2006"
- 3 Part 1 of Schedule A to the regulations is amended by
 - (a) striking out "Straight Truck, Tractor or Trailer Semi-trailer" in column 2 of row 3 of the table in Section C "Axle Weight Limits", and substituting "Straight Truck, Tractor, Trailer and Semi-trailer";
 - (b) striking out "December 31, 2005" in footnote 10 to Section C "Axle Weight Limits" and substituting "December 31, 2006"; and
 - (c) striking out "January 1, 2006" in Section E "Weight Related Tolerances" and substituting "January 1, 2007".
- 4 Part 2 of Schedule A to the regulations is amended by
 - (a) striking out "January 1, 2006" wherever it appears and substituting "January 1, 2007";
 - (b) striking out "December 31, 2005" in footnote 9 to Category 1, Section 2 and substituting "December 31, 2009";
 - (c) striking out "December 31, 2005" in footnotes 17 to 35 to Category 1, Section 2 and substituting "December 31, 2006";
 - (d) striking out "December 31, 2005" in footnotes 2, 3, 4 and 5 to Category 2, Section 2 and substituting "December 31, 2006";
 - (e) repealing Category 3, Section 1 and substituting Category 3, Section 1 as set forth in Appendix 1;
 - (f) striking out "December 31, 2005" in footnotes 2, 3, 4, 5 and 6 to Category 3, Section 2 and substituting "December 31, 2006";
 - (g) striking out "December 31, 2005" in footnotes 2, 3, 4 and 5 to Category 4, Section 2 and substituting "December 31, 2006";
 - (h) striking out "December 31, 2005" in footnote 2 to Category 6, Section 2 and substituting "December 31, 2006";
 - (i) striking out "December 31, 2005" in footnotes 1 and 2 to Category 7, Section 2 and substituting "December 31, 2006";
 - (j) renumbering the second footnote 2 to Category 8, Section 2 as footnote 3;
 - (k) striking out "December 31, 2005" in footnotes 2 and 3 to Category 8, Section 2 and substituting "December 31, 2006";

- (l) striking out “December 31, 2005” in footnotes 1 and 2 to Category 9, Section 2 and substituting “December 31, 2006”;
- (m) adding “and Recreational Vehicles” immediately after “Intercity Bus” in the headings to Category 10, Section 1, and Category 10, Section 2.

5 Schedule B to the regulations is amended as follows:

- (a) repealing item 6 in the list of roads under the heading “Annapolis County” and substituting the following item:

6. **East Dalhousie Road**, from Ridge Road to Annapolis-Kings County line, 8.4 km.

- (b) adding the following items immediately after item 18 in the list of roads under the heading “Annapolis County”:

19. **Trunk 1**, from CFB Cornwallis at Clementsport northeasterly to Annapolis Royal town line, 15.4 km.

20. **Route 201**, from Rice’s Road easterly to Highway 101 at East Bridgetown, 3.7 km.

21. **Arlington Road**, from Hampton Mountain Road northeasterly to Elliott Road, 11.0 km.

22. **Brown Road**, from the Elliott Road northeasterly to Mount Hanley Road, 3.4 km.

23. **Crisp Road**, from Trunk 10 at New Albany northwesterly to Route 201, 8.9 km.

24. **Elliott Road**, from Arlington Road northwesterly to Brown Road, 2.3 km.

25. **Ridge Road**, from Trunk 10 near Lunenburg County line northerly then westerly looping back to Trunk 10, 9.3 km.

26. **Young’s Mountain Road**, from Trunk 1 near Belleisle northwesterly, 4.0 km.

- (c) repealing item 80 in the list of roads under the heading “Colchester County” and substituting the following item:

80. **South Branch Road**, from Stewiacke Road northeasterly, 5.8 km.

- (d) adding the following items immediately after item 108 in the list of roads under the heading “Colchester County”:

109. **Route 256**, from Route 326 easterly to Colchester-Pictou County line, 2.7 km.

110. **Brenton Cross Road**, from Route 289 southerly, 1.2 km.

111. **Crowes Mills Road**, from Onslow Mountain Road southerly to Cross Road, 2.9 km.

112. **Kent Road**, from Route 236 southerly, 1.4 km.

113. **Reids Station Road**, from Meadowvale Road southerly to Colchester-Halifax County line, 5.5 km.
114. **Salmon River Road**, from Valley Road southeasterly to Greenfield Road, 2.6 km.
- (e) adding the following items immediately after item 91 in the list of roads under the heading “Cumberland County”:
92. **Route 301**, from Trunk 6 at Port Howe southerly to Carrington Road, 3.5 km.
93. **Route 366**, from Mud Creek Road westerly to Trunk 6 at Amherst, 36.1 km.
94. **Dickson Road**, from Route 301 westerly to Mount Pleasant Road, 6.0 km.
- (f) repealing item 8 in the list of roads under the heading “Digby County” and substituting the following item:
8. **Sissiboo Road**, from Clark Road at Bear River westerly to Gilbert’s Cove Road, 22.4 km.
- (g) repealing item 10 in the list of roads under the heading “Digby County” and substituting the following item:
10. **Upper Cross Road**, from Flat Iron West Road northerly to Digby Salvage Yard, 0.6 km.
- (h) adding the following items immediately after item 11 in the list of roads under the heading “Digby County”:
12. **Route 217**, from East Ferry northeasterly to Middle Cross Road, 39.5 km.
13. **Route 340**, from Yarmouth-Digby County line at Richfield northerly to Langford Road, 31.2 km.
14. **Back Road**, from Landsdowne Road at Landsdowne westerly to Highway 101 at Joggin Bridge, 3.2 km.
15. **Beaver Lane**, from Ginny Hill Road southwestly, 0.5 km.
16. **Clark Road**, from Sissiboo Road at Bear River westerly to Landsdowne Road at Bear River, 2.6 km.
17. **Doucetteville Road**, from Gilbert’s Cove Road northeasterly to North Range Cross Road, 4.6 km.
18. **French Road**, from Highway 101 southeasterly to Doucetteville Road, 10.4 km.
19. **Gilbert’s Cove Road**, from Doucetteville Road southwestly to the entrance to the fire tower, 4.8 km.
20. **Gilbert’s Cove Road**, from Highway 101 at Gilbert’s Cove southeasterly 0.3 km past old railway right-of-way, 5.0 km.

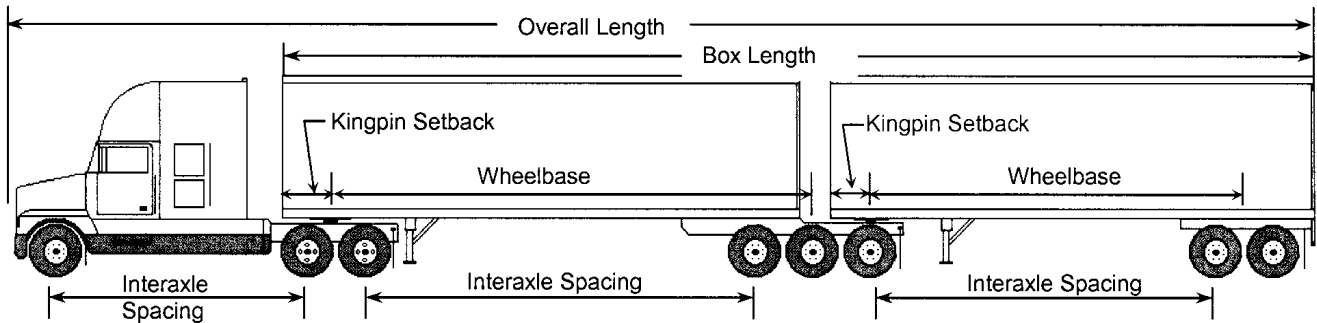
21. **Ginny Hill**, from Highway 101 southeasterly to Marshalltown Road, 0.3 km.
 22. **Landsdowne Road**, from Clark Road at Bear River westerly to Back Road at Landsdowne, 3.3 km.
 23. **Marshalltown Road**, from Highway 101 at Marshalltown easterly to Maud Lewis Road, 2.2 km.
 24. **Meagher Road**, from Ridge Road southeasterly to end, 1.5 km.
 25. **Middle Cross Road**, from Route 217 southeasterly to Highway 101 at Marshalltown, 4.2 km.
 26. **Morganville Road**, from 2.5 km southeasterly from the wooden structure at Morganville southeasterly to the J.D. Irving Limited forestry road, 1.3 km.
 27. **Weymouth Falls Road**, from Trunk 1 at Weymouth easterly, 1.5 km.
- (i) adding the following items immediately after item 5 in the list of roads under the heading “Halifax County”:
6. **Trunk 7**, from Highway 107 at Musquodoboit Harbour to the Transportation and Public Works Base in Spry Bay, 63.6 km.
 7. **Route 357**, from John Grant Back Road to Perry Grant Drive (formerly Perry Grant Road), 1.8 km.
 8. **Branch Road**, from Route 224 at Elmsdale northerly to Colchester County line, 4.9 km.
 9. **Butcher Hill Road**, from Route 224 at Upper Musquodoboit northerly, 1.0 km.
 10. **Chaswood-Elderbank Road**, from Route 224 southerly to Edlerbank-Cooks Brook Road, 7.0 km.
 11. **Glenmore Road**, from Route 224 at Middle Musquodoboit northerly, 3.0 km.
- (j) adding the following items immediately after item 27 in the list of roads under the heading “Hants County”:
28. **Route 202**, from Barr Settlement Road to Route 354, 6.0 km.
 29. **Barr Settlement Road**, from Route 202 northeasterly, 1.5 km.
 30. **Blois Road**, from Indian Road (also known as Shubenacadie Road) at MacPhee’s Corner southerly to Robinson Road, 5.0 km.
 31. **Indian Road** (also known as Shubenacadie Road), from Georgefield Road at MacPhee’s Corner easterly to the Irving Road, 4.5 km.
 32. **Robinson Road**, from Blois Road westerly, 1.0 km.

- (k) adding the following items immediately after item 32 in the list of roads under the heading “Kings County”:
33. **Alton Road**, from East Dalhousie Road northerly, 4.1 km.
 34. **Butler Road**, from Trunk 12 easterly to end of listing, 2.3 km.
 35. **English Mountain Road**, from North River Road southeasterly to Trunk 12 at Casey’s Corner, 0.7 km.
 36. **North River Road**, from Aylesford Road easterly to English Mountain Road, 19.3 km.
 37. **Sweet Road**, from Trunk 12 westerly to end of listing, 0.6 km.
- (l) adding the following items immediately after item 15 in the list of roads under the heading “Lunenburg County”:
16. **Cornwall Road**, from Route 325 at Blockhouse northwesterly to Newburne Road, 17.5 km.
 17. **Lake Ramsey Road**, from Forties Road at Forties northerly to end of listing, 5.2 km.
 18. **Mill Road**, from Windsor Road at New Ross northerly to Wallaback Bridge, 5.8 km.
 19. **Newburne Road**, from Cornwall Road northerly to Walburne Road, 6.7 km.
- (m) adding the following items immediately after item 65 in the list of roads under the heading “Pictou County”:
66. **Route 256**, from Campbell Hill Road westerly to the Pictou County line, 18.7 km.
 67. **Lorne Station Road**, from Rose MacKenzie Quarry northwesterly to White Hill Road, 0.4 km.
- (n) adding the following items immediately after item 4 in the list of roads under the heading “Yarmouth County”:
5. **Route 340**, from Highway 101 at Hebron easterly to Yarmouth-Digby County line at Richfield, 31.8 km.
 6. **Brazil Lake Road**, from Holley Road northerly to bridge at Gardner’s Mill, 4.6 km.
 7. **Holley Road**, from Route 340 at Pleasant Valley westerly to Brazil Lake Road, 3.3 km.
- 6 Schedule C to the regulations is amended by
- (a) repealing clause 1(u) and substituting the following clause:
 - (u) **Starr’s Point Road**, from Route 358 at Port Williams easterly to Evangeline Transport Inc., 0.9 km.
 - (b) repealing clause 3(f) and substituting the following clause:

- (f) **East River Connector and Trunk 3**, from Highway 103 Exit 7 easterly to Civic No. 1043 at Simms Settlement, 6.1 km east of the Highway 103 connector.

Appendix 1

Category 3: B Train Double
Section 1 - Dimension Limits



DIMENSION	LIMIT
Overall Length	Maximum 25 m
Overall Width	Maximum 2.6 m
Overall Height	Maximum 4.15 m
Box Length	Maximum 20.0 m
Tractor	
Wheelbase	Maximum 6.2 m
Tandem axle spread	Minimum 1.2 m/Maximum 1.85 m
Lead Semi-trailer	
Wheelbase	Minimum 6.25 m
Kingpin setback	Maximum 2.0 m radius
Tandem axle spread	Minimum 1.2 m/Maximum 1.85 m
Tridem axle spread	Minimum 2.4 m/Maximum 3.1 m
Track width	Minimum 2.5 m/Maximum 2.6 m
Fifth wheel position	No more than 0.3 m behind the centre of the rearmost axle on the semi-trailer.
Second Semi-trailer	
Wheelbase	Minimum 6.25 m
Kingpin setback	Maximum 2.0 m radius
Tandem axle spread	Minimum 1.2 m/Maximum 1.85 m
Tridem axle spread	Minimum 2.4 m/Maximum 3.1 m
Track width	Minimum 2.5 m/Maximum 2.6 m
Sum of Semi-trailer Wheelbases	Maximum 17.0 m
Interaxle Spacings	
Single Axle to Single or Tandem Axle	Minimum 3.0 m
Tandem Axle to Tandem Axle	Minimum 5.0 m
Tandem Axle to Tridem Axle	Minimum 5.5 m