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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. 206/2007

Made: April 4, 2007

Filed: April 4, 2007

Cemetery and Funeral Services Regulations

Order in Council 2007-197 dated April 4, 2007
Amendment to regulations made by the Governor in Council
pursuant to Section 28 of the *Cemetery and Funeral Services Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated March 22, 2007, and pursuant to Section 28 of Chapter 62 of the Revised Statutes of Nova Scotia, 1989, the *Cemetery and Funeral Services Act*, is pleased to amend the regulations respecting cemetery and funeral services, N.S. Reg. 16/84, made by the Governor in Council by Order in Council 84-156 dated February 7, 1984, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 4, 2007.

Schedule "A"

**Amendment to the Cemetery and Funeral Services Act Regulations
made pursuant to Section 28 of Chapter 62 of the
Revised Statutes of Nova Scotia, 1989,
the *Cemetery and Funeral Services Act***

The regulations respecting cemetery and funeral services, N.S. Reg. 16/84, made by the Governor in Council by Order in Council 84-156 dated February 7, 1984, are amended by adding the following Section immediately after Section 27:

- 27A** If the circumstances described in subsection 27C(4) of the Act exist, requiring further arrangement for carrying on the operation of a cemetery, the Minister may re-appoint an administrator, or appoint a different administrator, for subsequent terms of up to 1 year.

N.S. Reg. 207/2007

Made: April 4, 2007

Filed: April 4, 2007

Off-highway Vehicle Insurance Regulations

Order in Council 2007-198 dated April 4, 2007
Regulations made by the Governor in Council
pursuant to Section 25 of the *Off-highway Vehicles Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations and the Minister of Natural Resources dated March 22, 2007, and pursuant to Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act*, is pleased to make regulations respecting off-highway vehicle third-party liability insurance in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 4, 2007.

Schedule "A"**Regulations Respecting Third-Party Liability Insurance
for Off-highway Vehicles
made under Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia,
the *Off-highway Vehicles Act*****Citation**

1 These regulations may be cited as the *Off-highway Vehicle Insurance Regulations*.

Definitions for these regulations

2 In these regulations,

- (a) "Act" means the *Off-highway Vehicles Act*;
- (b) "authorized insurer" means [an] authorized insurer as defined in the *Motor Vehicle Act*;
- (c) "Minister" means the Minister of Service Nova Scotia and Municipal Relations;
- (d) "motor vehicle liability policy" means [a] motor vehicle liability policy as defined in Part VI of the *Insurance Act*;
- (e) "OHV" means off-highway vehicle;
- (f) "proof of financial responsibility" means a certificate in a form approved by the Registrar that is issued to the owner of an OHV as evidence that a motor vehicle liability insurance policy is in force;
- (g) "recognized club" means a club that is registered and in good standing under the *Societies Act* or the *Companies Act* and has racing OHVs as one of its objects.

Definitions for the Act and its regulations

3 In the Act and its regulations, "third party liability insurance" means insurance under a motor vehicle liability policy that provides the insurance coverage in accordance with Sections 139 and 140 of the *Insurance Act* for an OHV.

Amount of third party liability insurance

4 The minimum amount of third party liability insurance an owner of an OHV is required to maintain under Section 15B of the Act with an authorized insurer for each OHV they own is the amount required by the *Insurance Act*.

Form and filing of proof of financial responsibility

- 5 (1) An individual who is issued a motor vehicle liability insurance policy for an OHV in accordance with these regulations may request that the insurer file proof of financial responsibility on their behalf with the Registrar.
- (2) The Registrar may request any further information the Registrar considers necessary.

Proof of financial responsibility for non-resident owner

6 A person who is not a resident of the Province may file proof of financial responsibility in accordance with Section 5 or may file a certificate of insurance in a form approved by the Registrar issued by any insurer authorized to transact insurance in the province or state in which the person resides, if the insurer files all of the following with the Registrar:

- (a) a power of attorney authorizing the Registrar to accept service of notice or process for the insurer and its insured in any action or proceeding in a court of law arising out of an [an] OHV accident in the Province;
- (b) an undertaking to appear in any action or proceeding in a court of law involving a motor vehicle liability policy issued by it that it has knowledge of;
- (c) an undertaking not to set up as defence to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence which might not be set up if such policy had been issued in the Province in accordance with the law of the Province relating to motor vehicle liability policies;
- (d) an undertaking to satisfy, up to the limits of liability stated in the policy, any judgment rendered by a court in the Province that is final against it or its insured.

Proof of financial responsibility is conclusive

7 Proof of financial responsibility filed in accordance with Section 5 or a certificate of insurance filed in accordance with Section 6 is conclusive admission by the insurer that a motor vehicle liability policy has been issued for the OHVs owned by the insured.

Registrar may refuse proof of responsibility

8 The Registrar may refuse to accept proof of financial responsibility from an insurer who fails to honour their obligations under a motor vehicle liability policy or these regulations for as long as the failure continues.

Exemption from third party liability insurance

9 The owner of an OHV is exempt from the requirement in Section 15B of the Act to have third party liability insurance for the OHV and from the requirements of these regulations for the OHV, if all of the following apply:

- (a) the OHV is designed or modified for racing purposes and is used solely for that purpose;
- (b) the owner of the OHV is a member in good standing of a recognized club and holds a valid membership card.

N.S. Reg. 208/2007

Made: April 4, 2007

Filed: April 4, 2007

Off-highway Vehicles General Regulations

Order in Council 2007-199 dated April 4, 2007
Amendment to regulations made by the Governor in Council
pursuant to Section 25 of the *Off-highway Vehicles Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 20, 2007, and pursuant to Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act*, is pleased to amend the *Off-highway Vehicles General Regulations*, N.S. Reg. 13/88, made by the Governor in Council by Order in Council 88-66 dated January 21, 1988, to clarify that the definition of "written permission" applies to all regulations under the *Off-highway Vehicles Act*, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"**Amendment to the *Off-highway Vehicles General Regulations*
made by the Governor in Council pursuant to Section 25 of
Chapter 323 of the Revised Statutes of Nova Scotia, 1989,
the *Off-highway Vehicles Act***

Section 1A of the *Off-highway Vehicles General Regulations*, N.S. Reg. 13/88, made by the Governor in Council by Order in Council 88-66 dated January 21, 1988, is amended by striking out "these regulations" and substituting "its regulations".

N.S. Reg. 209/2007

Made: April 4, 2007

Filed: April 4, 2007

Violence in the Workplace Regulations

Order in Council 2007-200 dated April 4, 2007
Regulations made by the Governor in Council
pursuant to Section 82 of the *Occupational Health and Safety Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated March 19, 2007, and pursuant to Section 82 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, is pleased to make new regulations respecting violence in the workplace in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 1, 2008, except Sections 1 to 6 which are effective on and after October 1, 2007.

Schedule "A"**Regulations Respecting Violence in the Workplace
made by the Governor in Council under Section 82 of Chapter 7
of the Acts of 1996,
the *Occupational Health and Safety Act*****Citation**

1 These regulations may be cited as the *Violence in the Workplace Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Occupational Health and Safety Act*;
- (b) "adequate" means sufficient to protect a person from injury or damage to health;
- (c) "committee" means [a] committee as defined in the Act;
- (d) "healthcare workplace" means any of the following:
 - (i) a district health authority under the *Health Authorities Act*,

- (ii) a nursing home, a home for the aged, a residential care facility under the *Homes for Special Care Act* or any other long-term-care facility, and
- (iii) a place where emergency health services or home care services are provided;
- (e) “representative” means [a] representative as defined in the Act;
- (f) “violence” means any of the following:
 - (i) threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury,
 - (ii) conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.

Violence as an occupational health and safety hazard

3 These regulations do not diminish the responsibility of all workplace parties to recognize violence as a occupational health and safety hazard in carrying out their precautions and duties under the Act.

Application of these regulations

4 These regulations apply at any workplace where the primary business is any of the following:

- (a) health services, including services provided at a healthcare workplace;
- (b) ambulance, emergency ambulance and emergency health services provided under the *Emergency Health Services Act*;
- (c) medical services;
- (d) dental services;
- (e) veterinary services;
- (f) blood collection services;
- (g) testing and diagnostic services;
- (h) pharmaceutical-dispensing services, including facilities operating under the *Pharmacy Act*;
- (i) education services provided by institutions, including any of the following:
 - (i) the Nova Scotia Community College,
 - (ii) a degree granting institution designated under the *Degree Granting Act*,
 - (iii) a private career college registered under the *Private Career Colleges Regulation Act*,
 - (iv) a school governed by the *Education Act*;
- (j) policing services, detective services and other law enforcement services, including services provided under the *Police Act*, the *Police Services Act* and the *Constables Act*;
- (k) correctional services, including services provided at any of the following:

- (i) a correctional facility as defined in the *Corrections Act*,
- (ii) a facility under the *Correctional Services Act*,
- (iii) a facility under the *Court Houses and Lockup Houses Act*,
- (iv) a place or facility designated as a youth custody facility under subsection 85(2) of the *Youth Criminal Justice Act (Canada)*,
- (v) a place or facility designated as a place of temporary detention under subsection 30(1) of the *Youth Criminal Justice Act (Canada)*;
- (l) probation services provided by a probation officer or assistant probation officer appointed under the *Correctional Services Act*;
- (m) security and related services, including licensees under the *Private Investigators and Private Guards Act*;
- (n) crisis counseling and intervention services, including any services provided by an agency as defined in the *Children and Family Services Act*;
- (o) retail sales;
- (p) delivery services, including parcel delivery services;
- (q) financial services, including services provided by any of the following:
 - (i) facilities operating under the *Trust and Loan Companies Act*,
 - (ii) facilities operating under the *Credit Union Act*,
 - (iii) [an] insurer licensed to carry on business under the *Insurance Act*,
 - (iv) a money lender under the *Money-lenders Act*;
- (r) sales of liquor or providing premises for consuming liquor, including premises licensed under the *Liquor Control Act*;
- (s) taxi services;
- (t) passenger transit services;
- (u) gaming activities conducted and managed under the *Gaming Control Act*;
- (v) services provided by or on behalf of the departments, offices and special operating agencies established under the *Public Service Act* that involve regular interaction with the public;
- (w) homemakers' services as defined in the *Homemakers' Services Act*.

Violence risk assessment

- 5 (1)** An employer must conduct a violence risk assessment for each of their workplaces in accordance with this Section to determine if there is a risk of violence in the workplace and prepare a written report concerning the violence risk assessment detailing the extent and nature of any risk identified by the assessment.

- (2) In conducting a violence risk assessment, an employer must take all of the following into consideration:
 - (a) violence that has occurred in the workplace in the past;
 - (b) violence that is known to occur in similar workplaces;
 - (c) the circumstances in which work takes place;
 - (d) the interactions that occur in the course of performing work;
 - (e) the physical location and layout of the workplace.
- (3) An employer must consult with any committee established at the workplace when conducting a violence risk assessment and must provide the committee with a copy of the written report of the assessment.
- (4) An employer must consult with any representative selected at the workplace when conducting a violence risk assessment and must provide the representative with a copy of the written report of the assessment.

When new violence risk assessment required

- 6 (1) An employer must conduct a new violence risk assessment for a workplace in any of the following circumstances:
 - (a) the employer becomes aware of a type of violence occurring in similar workplaces that was not taken into consideration when the previous violence risk assessment was conducted;
 - (b) there is a significant change in any of the following:
 - (i) the circumstances in which work takes place,
 - (ii) the interactions that occur in the course of performing work,
 - (iii) the physical location or layout of the workplace;
 - (c) the employer plans to construct a new facility or renovate an existing facility;
 - (d) the employer is ordered to do so by an officer.
- (2) An employer must conduct a new violence risk assessment for each of their workplaces at least every 5 years.

Workplace violence prevention plan

- 7 (1) An employer must establish and implement a workplace violence prevention plan for each workplace for which a significant risk of violence is identified through a violence risk assessment or that an officer orders a plan for.
- (2) As part of a workplace violence prevention plan, an employer must do all of the following:
 - (a) prepare a written workplace violence prevention statement;
 - (b) either

- (i) take and document reasonable measures to minimize and, to the extent possible, eliminate the risk of violence in the workplace, or
 - (ii) adopt a code of practice on violence in the workplace published by the Director governing the primary business conducted at the employer's workplace;
 - (c) establish and document procedures for providing employees with the information and training required by Sections 10 and 11;
 - (d) establish and document procedures for reporting, documenting and investigating incidents of violence as required by Sections 12 and 13.
- (3) An employer must consult with any committee established at the workplace when establishing, reviewing or revising a workplace violence prevention plan.
- (4) An employer must consult with any representative selected at the workplace when establishing, reviewing or revising a workplace violence prevention plan.
- (5) An employer must make a copy of the workplace violence prevention plan available for examination at the workplace by any employer, contractor, constructor, supplier, employee, owner or self-employed person in that workplace.

Review and revision of workplace violence prevention plan

- 8 (1) If a new violence risk assessment indicates a significant change to the extent and nature of the risk of violence, an employer who is required to establish and implement a workplace violence prevention plan must ensure that the plan is reviewed and, if necessary, revised.
- (2) At least every 5 years, an employer who is required to establish and implement a workplace violence prevention plan must ensure that the plan is reviewed and, if necessary, revised.

Workplace violence prevention statement

- 9 (1) An employer must prepare a workplace violence prevention statement that includes all of the following:
- (a) a statement of the employer's recognition that violence is an occupational health and safety hazard at the workplace;
 - (b) a statement of the employer's recognition of the physical and emotional harm resulting from violence;
 - (c) a statement of the employer's recognition that any form of violence in the workplace is unacceptable;
 - (d) a statement of the employer's commitment to minimize and, to the extent possible, eliminate the risk of violence in the workplace.
- (2) An employer must post a copy of their workplace violence prevention statement in a prominent place or places in each of their workplaces so it can be easily accessed by employees, and must ensure that it remains posted.

Information that must be provided to employees

- 10 (1) An employer must provide an employee who is exposed to a significant risk of violence in a workplace with information on the nature and extent of the risk and on any factors that may increase or decrease the extent of the risk.

- (2) Except as prohibited by law, the duty to provide information to an employee under subsection (1) includes a duty to provide information related to a risk of violence from a person who has a history of violent behavior if that person is likely to be encountered by the employee.

Training and supervision for employees

- 11 (1) In accordance with the procedure in an employer's workplace violence prevention plan, an employer must provide adequate training on all of the following for any employee who is exposed to a significant risk of violence:
- (a) the rights and responsibilities of employees under the Act;
 - (b) the workplace violence prevention statement;
 - (c) the measures taken by the employer to minimize or eliminate the risk of violence;
 - (d) how to recognize a situation in which there is a potential for violence and how to respond appropriately;
 - (e) how to respond to an incident of violence, including how to obtain assistance;
 - (f) how to report, document and investigate incidents of violence.
- (2) An employer must provide any employee who is required by the employer to perform a function under the workplace violence prevention plan with training on the plan generally and on the particular function to be performed by the employee.

Duty to report incidents of violence

- 12 An employer, contractor, constructor, supplier, employee, owner or self-employed person in the workplace has a duty to report all incidents of violence in a workplace to the employer.

Documentation, investigation and actions to prevent reoccurrence

- 13 (1) An employer must ensure that incidents of violence in a workplace are documented and promptly investigated to determine their causes and the actions needed to prevent reoccurrence in accordance with the procedures established under clause 7(2)(d).
- (2) An employer must ensure that notice of the actions taken to prevent reoccurrence of an incident of violence are given to all of the following:
- (a) any employee affected by the incident of violence;
 - (b) any committee established at the workplace;
 - (c) any representative selected at the workplace.

Dealing with employees exposed to or affected by violence

- 14 An employer must provide an employee who has been exposed to or affected by violence at the workplace with an appropriate debriefing and must advise the employee to consult a health professional of the employee's choice for treatment or counseling.

Employers with multiple temporary workplaces

- 15 Despite anything in these regulations, an employer who has employees performing work at multiple temporary workplaces is not required to conduct a violence risk assessment or prepare a workplace violence prevention plan for each individual workplace if the employer conducts a violence risk

assessment and prepares a workplace violence prevention plan that covers similar workplaces collectively and takes into account the circumstances and interactions that an employee is likely to encounter in the performance of their work.

Ability to meet duties collectively

- 16 (1)** Despite anything in these regulations, 2 or more employers may enter into a written agreement to collectively provide and maintain the statements, plans and services required under these regulations.
- (2)** A copy of any agreement made under subsection (1) must be kept by each of the employers and must be provided to any of the following, engaged at the workplace of 1 of the employers, who request a copy:
- (i) an employee,
 - (ii) a contractor,
 - (iii) a constructor,
 - (iv) a supplier,
 - (v) an owner or self-employed person,
 - (vi) an officer.

N.S. Reg. 210/2007

Made: April 4, 2007

Filed: April 4, 2007

Designation of the Joggins Fossil Cliffs as a Protected Site

Order in Council 2007-201 dated April 4, 2007

Amendment to designation made by the Minister of Tourism, Culture and Heritage
and approved by the Governor in Council
pursuant to Section 7 of the *Special Places Protection Act*

The Governor in Council on the report and recommendation of the Minister of Tourism, Culture and Heritage dated March 23, 2007, and pursuant to Section 7 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, is pleased, effective on and after the date of publication in the *Royal Gazette*, to approve of an amendment to the designation of the Joggins Fossil Cliffs Protected Site, N.S. Reg. 53/2006, made by the Minister of Education on February 24, 1972, to add certain lands to be included as part of the site, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**In the matter of Section 7 of Chapter 438 of the Revised Statutes of Nova Scotia,
1989, the *Special Places Protection Act***

- and -

**In the matter of an amendment to the designation of land at or near Joggins
in the County of Cumberland as the Joggins Fossil Cliffs Protected Site**

I, Len Goucher, Minister of Tourism, Culture and Heritage for the Province of Nova Scotia, pursuant to Section 7 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby amend

the designation of the Joggins Fossil Cliffs Protected Site, N.S. Reg. 53/2006, made by the Minister of Education on February 24, 1972, pursuant to Chapter 8 of the Acts of 1970, the *Historical Objects Protection Act*, to add certain lands to be included as part of the Joggins Fossil Cliffs Protected Site. The additional lands hereby designated, together with the lands previously designated, are described in Appendix "A" and shown on the map in Appendix "B" attached to and forming part of this order.

This designation is effective on and after the date it is published in the *Royal Gazette*.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, March 23, 2007.

Sgd.: *Len Goucher*
Honourable Len Goucher
Minister of Tourism, Culture & Heritage

Appendix "A" **Joggins Fossil Cliffs Protected Site**

All that certain tract of land and land covered by water as shown on a Plan of **Joggins Fossil Cliffs Protected Site** at Joggins in the County of Cumberland, Province of Nova Scotia, on file at Department of Natural Resources Office at Halifax under Field Plot P-044/04 and being more particularly described as follows:

Beginning at the northeastern point at the top of the cliff or bank (in its natural state) on the eastward side of Chignecto Bay, on the west side of the mouth of Downing Cove;

Thence southwesterly and following the various courses of the top of the cliff or bank (in its natural state) and extending across the mouth of all tributaries on the eastward side of Chignecto Bay, to the northwestern point of Ragged Reef Point;

Thence due grid north seaward to a point being located at a perpendicular distance of 500 metres northerly from the top of the cliff or bank, on the eastward side of Chignecto Bay;

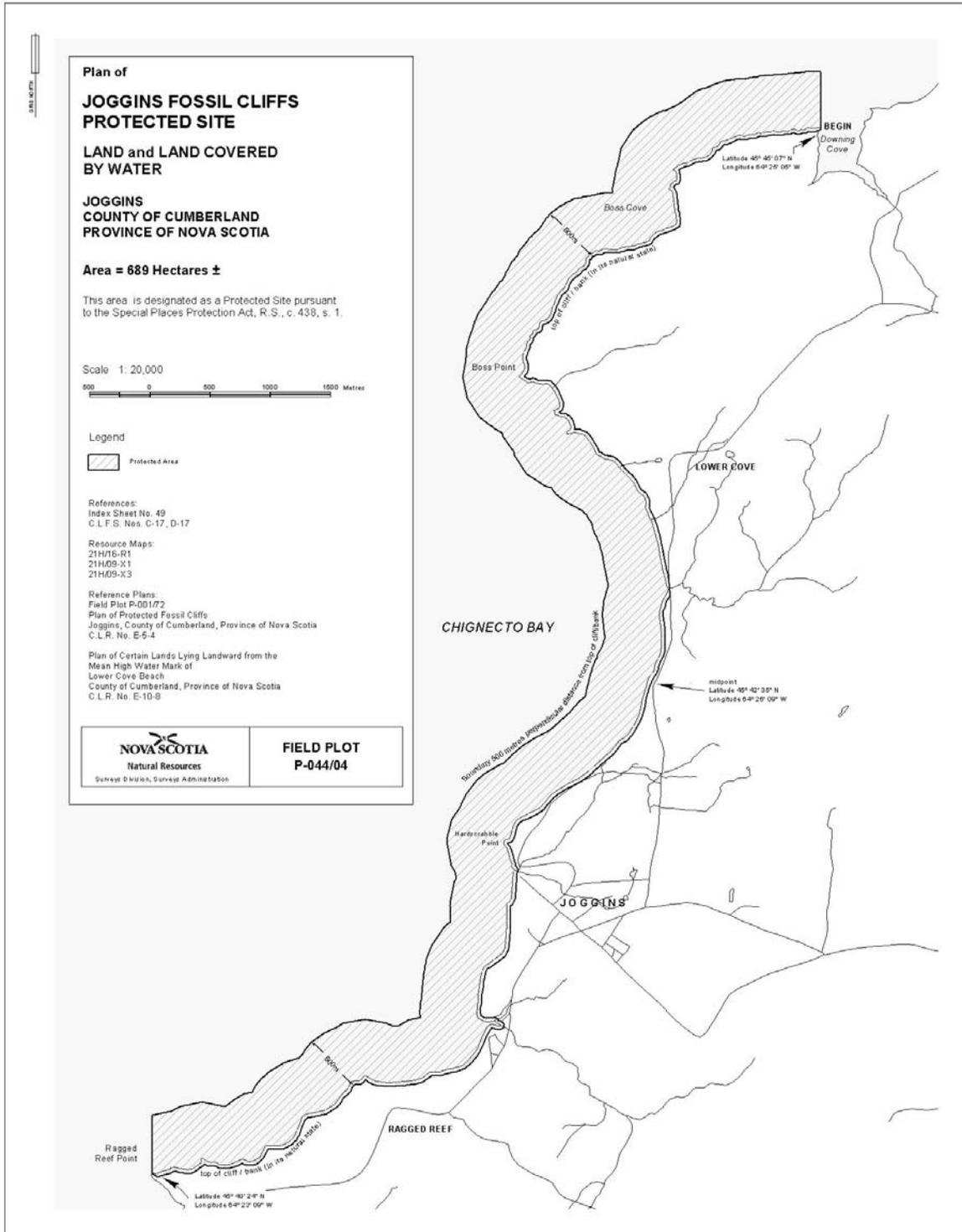
Thence in a generally northeasterly direction remaining parallel to and 500 metres perpendicularly distant from the top of the cliff or bank on the eastward side of Chignecto Bay, to a point being located due grid north from the **Place of beginning**;

Thence due grid south to the **Place of beginning**.

Containing an approximate area of 689 hectares.

The above described parcel having a seaward boundary lying 500 metres perpendicularly distant from the top of the cliff or bank and having a landward boundary that will follow parallel to the top of the cliff or bank, as its location varies over time.

Appendix "B" Map of Joggins Fossil Cliffs Protected Site



N.S. Reg. 211/2007

Made: April 5, 2007

Filed: April 10, 2007

Prescribed Petroleum Products Prices

Order dated April 5, 2007
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*
made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

Order

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated March 22, 2007, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on March 23, 2007; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on April 6, 2007.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on April 5, 2007.

Sgd.: *Jamie Muir*
Honourable Jamie Muir
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on April 6, 2007**

Regular unleaded gasoline	63.4
Mid-grade unleaded gasoline	66.4
Premium unleaded gasoline	69.4
Ultra low-sulfur diesel oil	63.5

		Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
Zone 1									
Regular Unleaded	95.2	4.0	5.5	4.0	7.5	113.1	114.8	113.1	117.1
Mid-Grade Unleaded	98.2	4.0	5.5	4.0	7.5	116.5	118.2	116.5	120.5
Premium Unleaded	101.2	4.0	5.5	4.0	7.5	119.9	121.6	119.9	123.9
Ultra Low-Sulfur Diesel	89.2	4.0	5.5	4.0	7.5	106.2	108.0	106.2	110.2
Zone 2									
Regular Unleaded	95.6	4.0	5.5	4.0	7.5	113.5	115.3	113.5	117.5
Mid-Grade Unleaded	98.6	4.0	5.5	4.0	7.5	117.0	118.7	117.0	121.0
Premium Unleaded	101.6	4.0	5.5	4.0	7.5	120.4	122.1	120.4	124.4
Ultra Low-Sulfur Diesel	89.6	4.0	5.5	4.0	7.5	106.7	108.4	106.7	110.7
Zone 3									
Regular Unleaded	96.1	4.0	5.5	4.0	7.5	114.1	115.8	114.1	118.1
Mid-Grade Unleaded	99.1	4.0	5.5	4.0	7.5	117.5	119.2	117.5	121.5
Premium Unleaded	102.1	4.0	5.5	4.0	7.5	121.0	122.7	121.0	124.9
Ultra Low-Sulfur Diesel	90.1	4.0	5.5	4.0	7.5	107.3	109.0	107.3	111.3
Zone 4									
Regular Unleaded	96.1	4.0	5.5	4.0	7.5	114.1	115.8	114.1	118.1
Mid-Grade Unleaded	99.1	4.0	5.5	4.0	7.5	117.5	119.2	117.5	121.5
Premium Unleaded	102.1	4.0	5.5	4.0	7.5	121.0	122.7	121.0	124.9
Ultra Low-Sulfur Diesel	90.1	4.0	5.5	4.0	7.5	107.3	109.0	107.3	111.3

Zone 5									
Regular Unleaded	96.1	4.0	5.5	4.0	7.5	114.1	115.8	114.1	118.1
Mid-Grade Unleaded	99.1	4.0	5.5	4.0	7.5	117.5	119.2	117.5	121.5
Premium Unleaded	102.1	4.0	5.5	4.0	7.5	121.0	122.7	121.0	124.9
Ultra Low-Sulfur Diesel	90.1	4.0	5.5	4.0	7.5	107.3	109.0	107.3	111.3
Zone 6									
Regular Unleaded	96.9	4.0	5.5	4.0	7.5	115.0	116.7	115.0	119.0
Mid-Grade Unleaded	99.9	4.0	5.5	4.0	7.5	118.4	120.2	118.4	122.4
Premium Unleaded	102.9	4.0	5.5	4.0	7.5	121.9	123.6	121.9	125.9
Ultra Low-Sulfur Diesel	90.9	4.0	5.5	4.0	7.5	108.2	109.9	108.2	112.2

N.S. Reg. 212/2007

Made: March 12, 2007

Filed: April 10, 2007

Upper Clements Provincial Park Designation

Order in Council 2007-140 dated March 12, 2007
Amendment to designation made by the Governor in Council
pursuant to Section 8 of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated February 15, 2007, and pursuant to Section 8 of Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, is pleased to decrease the size of Upper Clements Provincial Park, so designated by Order in Council 79-346, by approving the withdrawal from the park of approximately 3.661 hectares of land as shown outlined in red on the plan marked Schedule "A" attached to and form[ing] part of the report and recommendation, and to authorize the Minister of Natural Resources to execute such documents as may be necessary to achieve the purposes of this Order.

Schedule "A"

**Plan Showing Upper Clements Provincial Park,
County of Annapolis, Province of Nova Scotia**

[Note: The plan contained in Schedule "A" was not provided to the Registry of Regulations in an electronic format and therefore publication of Schedule "A" has been dispensed with by the Registrar of Regulations under subsection 3(5) of the *Regulations Act*. For a hard copy of Schedule "A", contact the Registry of Regulations or the Department of Natural Resources.]

N.S. Reg. 213/2007 to 214/2007

Made: April 13, 2007

Filed: April 16, 2007

French Mill Brook Watershed Protected Water Area Designation and
French Mill Brook Watershed Protected Water Area RegulationsOrder dated April 13, 2007
made by the Minister of Environment and Labour
pursuant to Section 106 of the *Environment Act***In the matter of Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*****- and -****In the matter of an amendment to the Designation of the French Mill Brook
Watershed Protected Water Area and replacement of the
*French Mill Brook Watershed Protected Water Area Regulations*****Order**

I, Mark Parent, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, hereby, effective on and after April 13, 2007,

- (a) amend the designation of the French Mill Brook Watershed Protected Water Area, N.S. Reg. 148/2004, ratified by the Minister of Environment and Labour by order dated May 3, 2004, in the manner set forth in Schedule "A", attached to and forming part of this order;
- (b) repeal the *French Mill Brook Watershed Protected Water Area Regulations*, N.S. Reg. 149/2004, made by the Minister of Environment and Labour by order dated May 3, 2004; and
- (c) make new regulations respecting the French Mill Brook Watershed Protected Water Area in the form set forth in Schedule "B" attached to and forming part of this order.

Dated and made at Halifax, Nova Scotia, April 13, 2007.

Sgd.: *Mark Parent*
The Honourable Mark Parent
Minister of Environment and Labour**N.S. Reg. 213/2007**

French Mill Brook Watershed Protected Water Area Designation

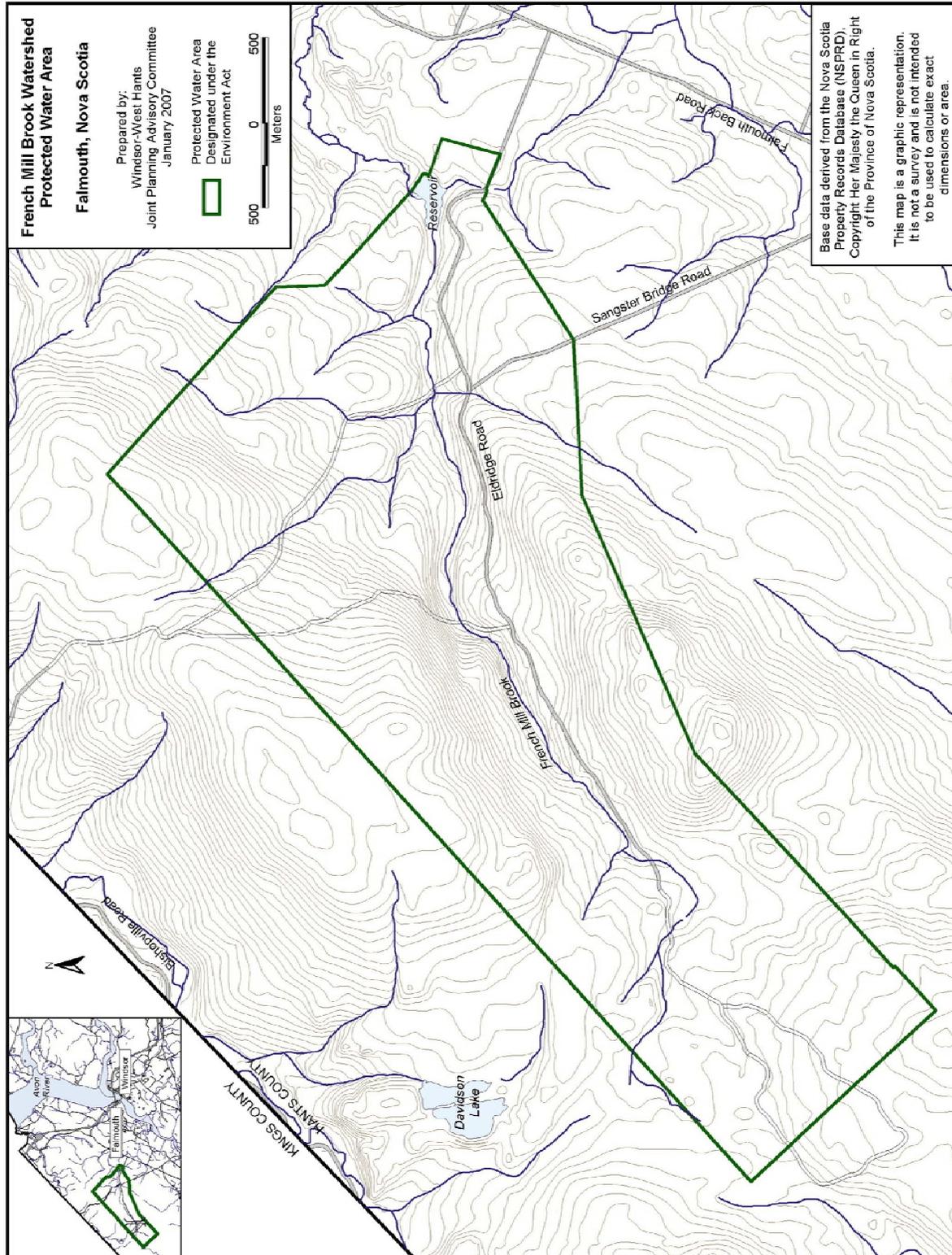
Schedule "A"**Amendment to the Designation of the French Mill Brook Watershed Protected Water Area
made pursuant to Section 106 of Chapter 1 of the Acts of 1994-95,
the *Environment Act***

- 1 Schedule "A" to the designation of the French Mill Brook Watershed Protected Water Area, N.S. Reg. 148/2004, ratified by the Minister of Environment and Labour by order dated May 3, 2004, is amended by adding the following sentence immediately after "THENCE on a bearing north forty-nine degrees seventeen minutes west a distance of four hundred and five feet to the place of beginning.":

The boundaries set out above are approximated on the map attached as Appendix A.

- 2 The designation is further amended by adding the attached Appendix A–Map of Approximate Boundaries of French Mill Brook Watershed Protected Water Area immediately after Schedule “A” to the designation.

Appendix A–Map of Approximate Boundaries of French Mill Brook Watershed Protected Water Area



N.S. Reg. 214/2007

French Mill Brook Watershed Protected Water Area Regulations

Schedule "B"**Regulations Respecting Activities in the French Mill Brook Watershed Protected Water Area made by the Minister of Environment and Labour pursuant to subsection 106(6) of Chapter 1 of the Acts of 1994-95, the *Environment Act*****Citation**

1 These regulations may be cited as the *French Mill Brook Watershed Protected Water Area Regulations*.

Interpretation

2 In these regulations,

- (a) "Act" means the *Environment Act*;
- (b) "clear cut" means to harvest all merchantable trees from a piece of land more than 2 acres (0.81 ha) in size;
- (c) "Department" means the Nova Scotia Department of Environment and Labour;
- (d) "forestry operation" means an activity related to using a forest to produce timber, wood fiber or Christmas trees, including the following activities:
 - (i) forest management planning,
 - (ii) silviculture,
 - (iii) wood harvesting,
 - (iv) watershed protection,
 - (v) road, bridge construction and stream crossings, and
 - (vi) operating, storing and using equipment and supplies;
- (e) "pesticide" or "pest control product" has the same meaning as set out in clause 2(q) of the *Pesticide Regulations* made under the Act;
- (f) "Protected Water Area" means the land and water designated by the Minister under subsection 106(1) of the Act as the French Mill Brook Watershed Protected Water Area, as described in Schedule "A" to the designation;
- (g) "release" means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;
- (h) "Special Management Areas" means buffer zones, watercourses and wetlands, soft or wet ground, such as unstable soil structure, and areas where slopes exceed 20%;
- (i) "Water Works Operator" means the Municipality of the District of West Hants, operator of the Falmouth Water Works.

Notice to the public

- 3 (1) The Water Works Operator must post signs around the perimeter of the Protected Water Area to provide notice to the general public of the designation of the Protected Water Area.
- (2) The Water Works Operator must replace any signs posted under subsection (1) that have been damaged or removed.
- (3) The Water Works Operator must take reasonable measures to advertise and provide notice to the general public of these regulations.
- (4) A person must not remove or alter any sign, notice or advertisement posted pursuant to this Section.

Prohibition on release of substance

- 4 (1) A person must not release or cause or permit the release of oil, petroleum products, soap, detergent, toxic chemicals, pest control product waste, garbage, litter, solid or liquid waste, or any other material that causes or may cause an adverse effect in the Protected Water Area.
- (2) A person who is using mechanical equipment or transporting gasoline or oil in the Protected Water Area must not release, and must take precautions to prevent the release of a petroleum product onto the ground, into a watercourse, or into the runoff from the area.
- (3) A person must not refuel a vehicle within 20 m of any wetland or the bank of any lake, river, stream, pond or other watercourse in the Protected Water Area.

Soil erosion and sedimentation control

- 5 (1) A person must not undertake any activity that causes or might cause soil erosion resulting in sediment being deposited in a watercourse located in the Protected Water Area.
- (2) A person who contravenes subsection (1) must immediately
- (a) cease the activity causing sedimentation and take measures to control the soil erosion and sediment deposition; and
- (b) notify the Water Works Operator.
- (3) A person may alter the land levels within 65 m of a watercourse located in the Protected Water Area only if the alteration is necessary for road construction and stream crossings permitted under these regulations.
- (4) A person must not erect a structure or alter the level of the land in the Protected Water Area where the slope is greater than 15% if the activity is not for the purpose of any of the following:
- (a) preventing floods or erosion, or facilitating drainage;
- (b) municipal water treatment and distribution.

Prohibition on landfills

- 6 A person must not locate a landfill, refuse dump, incinerator or waste disposal site in the Protected Water Area.

Restricted activities

- 7 (1) A person must not swim, bathe, wash or cut ice at any time, in any watercourse in the Protected Water Area.

- (2) A person must not fish in the French Mill Brook reservoir located in the Protected Water Area.
- (3) A person must not skate or operate a snowmobile or other off-highway vehicle on ice covering the French Mill Brook reservoir located in the Protected Water Area.
- (4) A person may operate a vessel on, through or over the French Mill Brook reservoir located in the Protected Water Area only if authorized by the Water Works Operator for the protection of the Protected Water Area.
- (5) Except as provided in subsection (6), a person must not ride a horse or a bicycle or operate a vehicle of any kind, including off-highway vehicles, on, through or over any watercourse in the Protected Water Area.
- (6) A person may use a horse, bicycle or a vehicle, including off-highway vehicles, to cross a watercourse in the Protected Water Area only if the person crosses the watercourse on a bridge or at a location permitted under these regulations.
- (7) A person must not wash a vehicle or mechanical equipment in the Protected Water Area.
- (8) A person must not carry out maintenance of mechanical equipment in the Protected Water Area.
- (9) A person may carry out emergency repair of mechanical equipment in the Protected Water Area only if the person complies with Section 4 of these regulations.
- (10) A person may withdraw water from the Protected Water Area only if the withdrawal is related to the operation of the Falmouth Water Works, or to fight fires, and carried out under the supervision of the Water Works Operator.
- (11) A person must not store lubricants or fuel in bulk quantities of more than 450 L in the Protected Water Area.

Water course or wetland alteration

- 8 (1) A person must not construct a bridge or culvert or otherwise alter a watercourse or wetland in the Protected Water Area without first obtaining
 - (a) written permission from the Water Works Operator; and
 - (b) an approval from the Department.
- (2) An owner, operator or person responsible for a bridge or culvert approved under subsection (1)
 - (a) must maintain and repair the bridge or culvert; and
 - (b) must not remove the bridge or culvert without first obtaining an approval from the Department, and providing notification and a copy of the approval to the Water Works Operator prior to undertaking the removal of the bridge or culvert.
- (3) Pipe arches and other similar open-bottomed box culverts which retain the streambed in its natural form must be used where roads are constructed to cross watercourses.

Pest control products

- 9 A person may apply or use pest control products only if applied on a small scale, either for personal application, such as mosquito repellent, or for application within structures associated with a camp, in the Protected Water Area.

Roads

- 10 (1)** A person must not undertake any road construction, including drainage works required for the maintenance of the roadbed without first obtaining written permission from the Water Works Operator.
- (2)** Any new roads must be constructed
- (a)** a minimum of 20 m from watercourses other than the portion of a road that crosses a watercourse; and
 - (b)** at right angles to watercourses where they cross the watercourses.
- (3)** A person who is responsible for a road must maintain or repair the road and must notify the Water Works Operator before undertaking any maintenance, repair or removal of roads.

Forestry operations

- 11 (1)** A person must not conduct forestry operations involving a clear cut or harvesting of more than 50 cords of wood in a calendar year without first obtaining written permission, which may include time restrictions on forestry operations and directions for sediment control on any disturbed land, from the Water Works Operator.
- (2)** A request for permission for a forestry operation referred to in subsection (1) must include a cutting plan that contains all of the following information:
- (a)** size of cut (acreage);
 - (b)** type of cut;
 - (c)** map of the property showing area to be cut, showing the location of all of the following:
 - (i)** existing or proposed access or haul roads, landings and skid trails;
 - (ii)** existing or proposed watercourse or wetland crossings;
 - (iii)** Special Management Areas;
 - (d)** type of equipment to be used;
 - (e)** anticipated start and completion dates for the operation;
 - (f)** proposed monitoring schedule for checking vehicles and mechanical equipment for leaks, and general environmental monitoring;
 - (g)** proposed monitoring schedules for water sampling and checking sediment traps, if required by the Water Works Operator; and
 - (h)** any other information required by the Water Works Operator.
- (3)** A person must not clear cut forest land within 65 m of any wetland or the bank of any lake, river, stream, spring, pond or other watercourse in the Protected Water Area.
- (4)** Selective cutting of mature trees may be undertaken within 65 m of a watercourse or wetland only if the Water Works Operator has been notified of the start date of the cutting and written permission

has been given and the person complies with all time restrictions and directions for sediment control on any disturbed land contained in the permission.

- (5) A person must not pile or accumulate wood processing waste such as sawdust, bark, wood chips and wood shavings within 650 m of the bank of the French Mill Brook reservoir or within 65 m of any wetland or the bank of any lake, river, stream, spring, pond or other watercourse in the Protected Water Area.

Agricultural waste setbacks from watercourses

- 12 A person must not pile or accumulate agricultural refuse or farm waste such as manure and compost within 650 m of the bank of the French Mill Brook reservoir or within 65 m of any wetland or the bank of any lake, river, stream, spring, pond or other watercourse in the Protected Water Area.

Pasture restriction

- 13 A person must not pasture any cow, sheep, horse, pig or any other domesticated animal in the Protected Water Area.

Gravel and mineral excavation

- 14 A person must not operate or use any pit, mine or quarry for extraction of gravel, rock or minerals in the Protected Water Area without first obtaining the written permission of the Water Works Operator.

Easement restriction

- 15 A person must not construct a pipeline, railway, telephone line, power line or other similar undertaking or grant an easement on, over or across the Protected Water Area, without first obtaining the written permission of the Water Works Operator.

N.S. Reg. 215/2007

Made: April 16, 2007

Filed: April 16, 2007

Credit Union Regulations

Order in Council 2007-213 dated April 16, 2007
Amendment to regulations made by the Governor in Council
pursuant to Section 257 of the *Credit Union Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated March 22, 2007, and pursuant to Section 257 of Chapter 4 of the Acts of Nova Scotia, 1994, the *Credit Union Act*, is pleased to amend the regulations respecting credit unions, N.S. Reg. 45/95, made by the Governor in Council by Order in Council 95-304 dated April 11, 1995, to change the conditions under which credit unions can promote insurance in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 16, 2007.

Schedule "A"

**Amendment to the Regulations Respecting Credit Unions
made by the Governor in Council pursuant to
Section 257 of Chapter 4 of the Acts of 1994,
the *Credit Union Act***

- 1 Subsection 7(1) of the regulations respecting credit unions, N.S. Reg. 45/95, made by the Governor in Council by Order in Council 95-304 dated April 11, 1995, is amended by
- (a) adding "or" immediately after the semicolon in clause (b); and
 - (b) repealing clauses (c) and (d) and substituting the following clause:
 - (c) the promotion does not take place inside a branch of the credit union and the promotion is directed to
 - (i) all of the holders of credit or charge cards issued by the credit union who receive regularly mailed statements of account,
 - (ii) all of the credit union's customers who are natural persons and who receive regularly mailed statements of account, or
 - (iii) the general public.
- 2 Subsection 7(2) of the regulations is amended by striking out "clause (1)(d)" and substituting "clause (1)(c)".

N.S. Reg. 216/2007

Made: April 16, 2007

Filed: April 16, 2007

Business Registry Regulations

Order in Council 2007-214 dated April 16, 2007
Amendment to regulations made by the Governor in Council
pursuant to Section 4 of the *Business Electronic Filing Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations, and the Minister of Natural Resources dated March 29, 2007, and pursuant to Section 4 of Chapter 3 of the Acts of 1995-96, the *Business Electronic Filing Act*, is pleased, effective on and after April 16, 2007, to amend the *Business Registry Regulations*, N.S. Reg. 14/2000, made by Order in Council 2000-24 dated February 2, 2000, by adding the following row immediately after the row that starts with "*Wilderness Areas Protection Act*" in the table in Section 3:

<i>Wildlife Act</i>	all
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N.S. Reg. 217/2007

Made: March 30 and April 16, 2007

Filed: April 16, 2007

Summary Offence Tickets Regulations

Order in Council 2007-215 dated April 16, 2007

Amendment to regulations made by the Minister of Justice and Governor in Council
pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated March 30, 2007, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to include certain offences under the *Crane Operators and Power Engineers Act* as summary offence ticket offences and set the out-of-court settlement amounts for the offences in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 16, 2007.

Order

I, Murray K. Scott, M.B., Minister of Justice and Attorney General of Nova Scotia, hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence set out in amendments to the Schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule "A", is the amount of the out-of-court settlement set out opposite the description of that offence, and the out-of-court settlement amount includes the charge provided for, and in accordance with, Sections 8 and 9 of the Act.

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

Dated and made March 30, 2007, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Murray Scott*

Honourable Murray K. Scott, M.B.

Minister of Justice and Attorney General

Schedule "A"

**Amendment to the *Summary Offence Ticket Regulations*
made by the Governor in Council and the Minister of Justice
pursuant to Section 8 of Chapter 450 of the
Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

The *Summary Offence Ticket Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, are amended by repealing Schedule 27A and substituting the following Schedule:

Schedule 27A
Regulations made pursuant to the Crane Operators
and Power Engineers Act

Offence	Section	Out of Court Settlement
Crane Operators Regulations		
1. Owner failing to provide crane log	25(1)	\$387.50
2. Owner failing to ensure that crane log is used to record required information	25(3)	\$387.50
3. Owner failing to provide load chart for crane	26(1)	\$387.50
4. Owner or crane operator (specify) failing to report accident in writing within 24 hours	28	\$675.00
Power Engineers Regulations		
1. Owner failing to provide information on plant operation when requested by Inspector-Examiner	9(1)	\$675.00
2. Owner failing to provide evidence of maintenance contract when requested by Inspector-Examiner	9(2)	\$675.00
3. Owner failing to provide continuous supervision of plant	11	\$675.00
4. Owner of plant authorized for reduced supervision failing to provide continuous supervision when required by regulations (specify)	13	\$675.00
5. Owner permitting plant to be operated with reduced supervision when requirements of regulations regarding operation under periodic supervision, minimum supervision or operation as unsupervised plant (specify) not met (specify)	14	\$675.00
6. Owner, chief power engineer or chief operator (specify) failing to maintain guarded plant equipment as required	17(1)	\$387.50
7. Owner, chief power engineer or chief operator (specify) failing to test or calibrate guarded plant equipment as required	17(2)	\$387.50
8. Owner failing to provide log book at plant site	23(1)	\$675.00
9. Operator or power engineer (specify) in charge of shift failing to record required information in log book	23(2)	\$387.50
10. Operator or power engineer (specify) in charge of shift failing to sign log book	23(2)(b)	\$387.50
11. Owner failing to keep log book for 12 months from date of last entry	23(4)	\$387.50
12. Owner failing to ensure that trainee is registered with the Inspector-Examiner as required	23A(1)	\$387.50
13. Chief power engineer or chief power operator (specify) failing to provide procedures for safe installing, inspecting, operating or maintaining plant and plant equipment in accordance with applicable standards (specify)	51(1)	\$675.00
14. Chief power engineer or chief operator (specify) failing to supervise the work of people at plant as required	51(2)	\$675.00
15. Chief power engineer or chief operator (specify) failing to ensure copy of Act and regulations available at plant site	51(3)(c)	\$387.50
16. Chief power engineer or chief operator (specify) failing to notify Inspector-Examiner of action that endangers health or safety of person within 24 hours	51(3)(e)	\$675.00

17. Chief power engineer or chief operator (specify) failing to notify Inspector-Examiner of accident within 24 hours	53(1)	\$675.00
18. Operating plant equipment that has been sealed	54(2)	\$1250.00

N.S. Reg. 218/2007

Made: April 16, 2007

Filed: April 16, 2007

Proclamation, S. 3, S.N.S. 2006, c. 33

Order in Council 2007-216 dated April 16, 2007

Proclamation made by the Governor in Council

pursuant to Section 3 of

An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act

The Governor in Council on the report and recommendation of the Minister of Justice dated April 12, 2007, pursuant to Section 3 of Chapter 33 of the Acts of 2006, *An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act*, is pleased to order and declare by proclamation that Chapter 33 of the Acts of 2006, *An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act*, do come into force on and not before April 16, 2007.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

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 3 of Chapter 33 of the Acts of 2006, *An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act*, it is enacted as follows:

- 3** 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 33 of the Acts of 2006, *An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act*, do come into force on and not before April 16, 2007;

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 33 of the Acts of 2006, *An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act*, do come into force on and not before April 16, 2007, 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 Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 16th day of April in the year of
Our Lord two thousand and seven and in the fifty-
sixth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 219/2007

Made: April 16, 2007

Filed: April 16, 2007

Proclamation, S. 4, S.N.S. 2006, c. 42

Order in Council 2007-217 dated April 16, 2007

Proclamation made by the Governor in Council
pursuant to Section 4 of

An Act to Amend Chapter 340 of the Revised Statutes, 1989, the Pension Benefits Act

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated April 12, 2007, pursuant to Section 4 of Chapter 42 of the Acts of 2006, *An Act to Amend Chapter 340 of the Revised Statutes, 1989, the Pension Benefits Act*, is pleased to order and declare by proclamation that Chapter 42 of the Acts of 2006, *An Act to Amend Chapter 340 of the Revised Statutes, 1989, the Pension Benefits Act*, do come into force on and not before July 1, 2007.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

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 4 of Chapter 42 of the Acts of 2006, *An Act to Amend Chapter 340 of the Revised Statutes, 1989, the Pension Benefits Act*, it is enacted as follows:

- 4 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 42 of the Acts of 2006, *An Act to Amend Chapter 340 of the Revised Statutes, 1989, the Pension Benefits Act*, do come into force on and not before July 1, 2007;

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 42 of the Acts of 2006, *An Act to Amend Chapter 340 of the Revised Statutes, 1989, the Pension Benefits Act*, do come into force on and not before July 1, 2007, 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 Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 16th day of April in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 220/2007

Made: March 27, 2007

Approved: April 16, 2007

Filed: April 16, 2007

Power Engineers Regulations

Order in Council 2007-218 dated April 16, 2007
Amendment to regulations made by the Minister of Environment and Labour
and approved by the Governor in Council
pursuant to Section 38 of the *Crane Operators and Power Engineers Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated March 27, 2007, and pursuant to Section 38 of Chapter 23 of the Acts of 2000, the *Crane Operators and Power Engineers Act*, is pleased to approve of amendments made by the Minister of Environment and Labour to the *Power Engineers Regulations*, N.S. Reg. 108/2001, approved by the Governor in Council by Order in Council 2001-412 dated August 23, 2001, to increase flexibility, respond to advances in technology and to update and clarify some of the provisions, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 16, 2007.

Schedule "A"**In the matter of Section 38 of Chapter 23 of the Acts of 2000,
the *Crane Operators and Power Engineers Act*****and****In the matter of an amendment to the *Power Engineers Regulations*
made by the Minister of Environment and Labour****Order**

I, Mark Parent, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to Section 38 of Chapter 23 of the Acts of 2000, the *Crane Operators and Power Engineers Act*, hereby amend the *Power Engineers Regulations*, N.S. Reg. 108/2001, made by the Minister of Environment and Labour on August 15, 2001, and approved by the Governor in Council by Order in Council 2001-434 dated August 23, 2001, in the manner set forth in the attached.

These amendments are effective on and after the date they are approved by the Governor in Council.

Dated and made at Halifax, Nova Scotia, March 27, 2007.

Sgd.: *Mark Parent*
Honourable Mark Parent
Minister of Environment and Labour

**Amendment to the *Power Engineers Regulations*
made by the Minister of Environment and Labour
and approved by the Governor in Council
pursuant to subsection 38(1) of Chapter 23 of the Acts of 2000
the *Crane Operators and Power Engineers Act***

- 1 (1) Clause 2(b) of the *Power Engineers Regulations*, N.S. Reg. 108/2001, made by the Minister of Environment and Labour and approved by the Governor in Council by Order in Council 2001-412 dated August 23, 2001, is repealed.
- (2) Section 2 of the regulations is further amended by adding the following clause immediately after clause (d):
 - (da) "assistant shift operator" means an operator or power engineer who holds a certificate of qualification at least equivalent to 1 class lower than is required for the shift operator and who, under the supervision of a shift operator or shift power engineer, operates or is responsible for a section of a refrigeration or compressor plant;
- (3) Clause 2(e) of the regulations is repealed and the following clause substituted:
 - (e) "assistant shift power engineer" means a power engineer who holds a certificate of qualification at least equivalent to 1 class lower than is required for the shift power engineer and who, under the supervision of a shift power engineer, operates or is responsible for a section of a plant;
- (4) Section 2 of the regulations is further amended by adding the following clause immediately after clause (i):

(ia) “direct supervision” means, in relation to a trainee at a plant, that the person who is supervising the trainee is physically in the plant, has control over the trainee’s activities, instructs and directs the trainee and is in direct communication with the trainee whenever they are performing the duties of a power engineer or operator;

(5) Section 2 of the regulations is further amended by adding “or a record kept in an electronic format approved by the Inspector-Examiner” immediately after “pages” in clause (o).

(6) Section 2 of the regulations is further amended by striking out “and” in clause (w).

(7) Section 2 of the regulations is further amended by adding the following clauses immediately after clause (w):

(wa) “supervision” means, in relation to a person in a plant other than a trainee, that a power engineer or operator who holds a certificate of qualification and who instructs and directs the person is responsible for their actions at the plant and provides assistance and support to them;

(wb) “trainee” means a person who is in training for certification;

(8) Section 2 of the regulations is further amended by adding the following clause immediately after clause (x):

(xa) “unsupervised” means, in relation to a plant, that the plant is operated without an operator who holds a certificate of qualification;

2 The regulations are further amended by adding the following Section immediately after Section 2:

References to codes and standards as amended

2A A reference to a code or standard in these regulations is a reference to the code or standard as amended.

3 Subsection 3(2) of the regulations is amended by

(a) striking out “B1” wherever it appears; and

(b) adding “or B1” immediately after “A1” wherever it appears.

4 Subsection 3(4) of the regulations is amended by striking out “centrifical” and substituting “centrifugal”.

5 Subsection 4(2) of the regulations is amended by

(a) striking out “Subject to subsection (3)” and substituting “Except as provided in subsection (3)”; and

(b) striking out “input” and substituting “output”.

6 Sections 8 and 9 of the regulations are repealed and the following Sections substituted:

Term of plant registration certificate

8 (1) A plant registration certificate shall be valid until the earliest of all of the following dates:

(a) the expiry date provided upon registration;

(b) the day on which there is a change in a condition under which the plant operates that differs from the conditions under which the plant was registered;

- (c) the day on which there is a change in the ownership of the plant.
- (2) The Inspector-Examiner may issue a temporary plant registration certificate that is valid for less than a year if the conditions for the temporary plant registration are met and the registration fees for a plant registration certificate are paid.

Information on registered plant

- 9 (1) Every owner applying for renewal of their plant registration certificate shall provide the Inspector-Examiner with any information the Inspector-Examiner requests that pertains to the operation of the plant, for the Inspector-Examiner to ensure that the plant complies with the Act and these regulations.
- (2) When requested by the Inspector-Examiner, an owner of a registered unsupervised plant shall provide the Inspector-Examiner with evidence of a current maintenance contract or any other information the Inspector-Examiner requests that pertains to the operation of the plant, for the Inspector-Examiner to ensure that the plant complies with CSA standard CSA B52-05, *Mechanical Refrigeration Code*, the Act and these regulations.

7 Sections 12 to 14 of the regulations are repealed and the following Sections substituted:

Authorization for reduced supervision

- 12 (1) On application by an owner for reduced supervision of their plant, the Inspector-Examiner may authorize periodic supervision or minimum supervision of the plant or authorize that the plant be operated as an unsupervised plant if the plant meets all of the following:
- (a) the plant is guarded;
 - (b) the plant is equipped with an extended alarm system;
 - (c) the plant meets the specifications for the type of plant and any requirements for the level of reduced supervision in Sections 15 to 16A.
- (2) On application by an owner for reduced supervision of their plant, the Inspector-Examiner may authorize reduced supervision or a change in the required supervision level of a plant on a temporary basis if the conditions set out in subsection (1) are met.

Loss of status as a guarded plant

- 13 An owner of a plant that is authorized to operate with a level of reduced supervision under Section 12 shall provide continuous supervision of the plant if any of the following occurs:
- (a) the extended alarm system or one of the control, alarm and safety devices and systems or requirements of a guarded plant is inoperative or ineffective;
 - (b) the specifications for the type of plant and any requirements for the level of reduced supervision in Sections 15 to 16A are not met;
 - (c) any additional requirements imposed by the Inspector-Examiner under subsection 34(3) of the Act are not met.

Plant must continue to meet conditions for reduced supervision

- 14 An owner shall not operate or permit to be operated a plant that is authorized under Section 12 to be operated under periodic supervision or minimum supervision, or as an unsupervised plant, unless the plant continues to meet the specifications for the type of plant and any requirements for the level of reduced supervision in Sections 15 to 16A.

8 Subsection 15(1) is repealed and the following subsection substituted:

15 (1) Periodic supervision may be authorized under Section 12 for any of the following plants:

- (a) a fired power boiler plant with a power rating of 3500 kW or less;
- (b) a heating boiler plant with a power rating of 10 000 kW or less;
- (c) a refrigeration plant whose primary occupancy is a commercial or industrial occupancy and that meets all of the following:
 - (i) the plant uses Group A2, A3, B2 or B3 refrigerants,
 - (ii) the plant has capacity control, failure detection and controller systems,
 - (iii) the plant has a power rating of 1000 kW or less;
- (d) a refrigeration plant whose primary occupancy is a public assembly, institutional or residential occupancy and that meets all of the following:
 - (i) the plant uses a Group A2, A3, B2 or B3 refrigerant,
 - (ii) the plant has a power rating of 450 kW or less;
- (e) a compressor plant with a power rating of 350 kW or less that compresses oxygen or a flammable or toxic gas;
- (f) an air or non-flammable or non-toxic gas compressor plant of any power rating.

9 Subsection 16(1) is repealed and the following subsection substituted:

16 (1) Minimum supervision may be authorized under Section 12 for any of the following plants:

- (a) a fired power boiler plant with a power rating of 1000 kW or less;
- (b) an unfired power boiler plant that meets the guarded control requirements specified by the Inspector-Examiner;
- (c) a refrigeration plant whose primary occupancy is a commercial or industrial occupancy and that meets all the following:
 - (i) the plant uses a Group A2, A3, B2 or B3 refrigerant,
 - (ii) the plant has capacity control, failure detection and controller systems,
 - (iii) the plant has a power rating of 450 kW or less;
- (d) a refrigeration plant whose primary occupancy is a commercial or industrial occupancy and that meets all the following:
 - (i) the plant uses a Group A1 or B1 refrigerant,
 - (ii) the plant has capacity control, failure detection and controller systems,

- (iii) the plant has a power rating of 1000 kW or less;
- (e) a refrigeration plant whose primary occupancy is a public assembly, institutional or residential occupancy and that meets all of the following:
 - (i) the plant uses a Group A2, A3, B2 or B3 refrigerant,
 - (ii) the plant has a power rating of 150 kW or less;
- (f) a refrigeration plant whose primary occupancy is a public assembly, institutional or residential occupancy and that meets all of the following:
 - (i) the plant uses a Group A1 or B1 refrigerant,
 - (ii) the plant has a power rating of 450 kW or less;
- (g) a compressor plant that compresses oxygen or a flammable or toxic gas that has a power rating of 150 kW or less; or
- (h) an air, or a non-flammable or non-toxic gas compressor plant that has a power rating of 750 kW or less.

10 The regulations are further amended by adding the following Section immediately after Section 16:

- 16A (1)** A refrigeration plant may be authorized to operate as an unsupervised plant under Section 12 if the plant meets all of the following:
- (a) it has a self-contained system installed in accordance with CSA standard CSA B52-05, *Mechanical Refrigeration Code*, and the plant has a power rating of 350 kW or less;
 - (b) it is made up of centrifugal chillers that
 - (i) are used for air conditioning for the comfort of inhabitants and cool the air by circulating chilled water only, and
 - (ii) use a Group A1 or B1 refrigerant;
 - (c) it operates at a pressure of less than 103 kPa (15 psig).
- (2)** An unsupervised plant must operate in accordance with
- (a) a maintenance procedure acceptable to the Inspector-Examiner; and
 - (b) the manufacturer's specifications.
- (3)** An owner of an unsupervised plant must provide the name of the maintenance contractor to the Inspector-Examiner.
- (4)** An unsupervised plant must operate in compliance with CSA standard CSA B52-05, *Mechanical Refrigeration Code*.

11 Section 23 of the regulations is amended by adding the following subsections immediately after subsection (4):

- (5)** The information recorded in a logbook may be computerized.

- (6) The signature of a supervisor ~~maybe~~ [may be] in the form of an electronic signature if the electronic signature can only be entered into the computer by the person who is signing the record.
- 12 The regulations are further amended by adding the following heading and Section immediately after Section 23:

Trainees

- 23A (1)** An owner must ensure that a trainee, who is not registered under the Nova Scotia Apprenticeship Program, registers with the Inspector-Examiner before working in the plant.
- (2) An owner must ensure that a trainee only performs the duties of a power engineer or operator for the class of certificate they are training for or a lower class of certificate.
- (3) An owner of a plant must ensure that a trainee is under the direct supervision of a person who holds a valid certificate of qualification for the class of certificate that the trainee is being trained for, or a higher class of certificate.
- (4) An owner must ensure that the extent of the direct supervision by a person who holds a certificate of qualification over the trainee is appropriate for the risk associated with the task the trainee is performing.
- (5) An owner must not use a trainee as a replacement for a power engineer or operator at the class of certificate the trainee is training for or higher.
- 13 Sections 24 to 35 of the regulations are repealed and the following Sections substituted:

Certificates of Qualification

Types of certificates

- 24 (1)** The inter-provincial certificates of qualification are as follows:
- (a) first class power engineer;
 - (b) second class power engineer;
 - (c) third class power engineer;
 - (d) fourth class power engineer;
 - (e) second class refrigeration plant operator.
- (2) The Provincial certificates of qualification are as follows:
- (a) first class refrigeration plant operator;
 - (b) second class refrigeration plant operator;
 - (c) compressor plant operator;
 - (d) unfired power boiler plant operator.

- (3) Except for a Provincial certificate issued under subsection (4) or subsection 39(1), the following Provincial certificates of qualification may be issued only to renew or replace Provincial certificates that were previously issued and remain valid:
- (a) first class power engineer;
 - (b) second class power engineer;
 - (c) third class power engineer;
 - (d) fourth class power engineer.
- (4) The Inspector-Examiner may issue Provincial certificates with or without restrictions under special circumstances where the Inspector-Examiner decides that it is appropriate.

Inter-provincial Certificates

Inter-provincial first class power engineer

25 A holder of an inter-provincial first class power engineer certificate of qualification may act as any of the following for any plant:

- (a) chief power engineer;
- (b) chief operator;
- (c) shift power engineer;
- (d) shift operator;
- (e) assistant shift power engineer;
- (f) assistant shift operator.

Inter-provincial second class power engineer

26 A holder of an inter-provincial second class power engineer certificate of qualification may act as any of the following:

- (a) chief power engineer or chief operator for any of the following plants:
 - (i) a fired power boiler plant with a power rating of 20 000 kW or less,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a refrigeration plant,
 - (v) a compressor plant;
- (b) for any plant, any of the following:
 - (i) shift power engineer,
 - (ii) shift operator,

- (iii) assistant shift power engineer,
- (iv) assistant shift operator.

Inter-provincial third class power engineer

27 A holder of an inter-provincial third class power engineer certificate of qualification may act as any of the following:

- (a) chief power engineer or chief operator for any of the following plants:
 - (i) a fired power boiler plant with a power rating of 10 000 kW or less,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a refrigeration plant that uses a Group A1 or B1 refrigerant as classified in CSA standard CSA B52-05, *Mechanical Refrigeration Code*, and has a total plant power rating of 1000 kW or less,
 - (v) a refrigeration plant that uses a Group A2, A3, B2 or B3 refrigerant as classified in CSA standard CSA B52-05, *Mechanical Refrigeration Code*, and has a total plant power rating of 450 kW or less,
 - (vi) a compressor plant;
- (b) shift power engineer or shift operator for any of the following plants:
 - (i) a fired power boiler plant with a power rating of 20 000 kW or less,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a refrigeration plant,
 - (v) a compressor plant;
- (c) assistant shift power engineer for any plant;
- (d) assistant shift operator for any plant.

Inter-provincial fourth class power engineer

28 A holder of an inter-provincial fourth class power engineer certificate of qualification may act as any of the following:

- (a) chief power engineer or chief operator for any of the following plants:
 - (i) a fired power boiler plant with a power rating of 3500 kW or less,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant with a power rating of 10 000 kW or less,

- (iv) a refrigeration plant that uses a Group A1 or B1 refrigerant as classified in CSA standard CSA B52-05, *Mechanical Refrigeration Code*, and has a total plant power rating of 750 kW or less,
 - (v) a refrigeration plant that uses a Group A2, A3, B2 or B3 refrigerant as classified in CSA standard CSA B52-05, *Mechanical Refrigeration Code*, and has a total plant power rating of 150 kW or less,
 - (vi) a compressor plant;
- (b) shift power engineer or shift operator for any of the following plants:
- (i) a fired power boiler plant with a power rating of 10 000 kW or less,
 - (ii) an unfired power boiler plant,
 - (iv[iii]) a refrigeration plant that uses a Group A1 or B1 refrigerant as classified in CSA standard CSA B52-05, *Mechanical Refrigeration Code*, and has a total plant power rating of 1000 kW or less,
 - (v[vi]) a refrigeration plant that uses a Group A2, A3, B2 or B3 refrigerant as classified in CSA standard CSA B52-05, *Mechanical Refrigeration Code*, and has a total plant power rating of 450 kW or less,
 - (vi[v]) a compressor plant;
- (c) assistant shift power engineer or assistant shift operator for any of the following plants:
- (i) a fired power boiler plant with a power rating of 20 000 kW or less, unless special approval to act for a plant with a higher power rating is given in writing by the Inspector-Examiner,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a refrigeration plant,
 - (v) a compressor plant.

Provincial Certificates

Provincial first class power engineer

29 A holder of a Provincial first class power engineer certificate of qualification may act as any of the following for a boiler plant or a compressor plant:

- (a) chief power engineer;
- (b) shift power engineer;
- (c) assistant shift power engineer.

Provincial second class power engineer

30 A holder of a Provincial second class power engineer certificate of qualification may act as any of the following:

- (a) chief power engineer for any of the following plants:
 - (i) a fired power boiler plant with a power rating of 20 000 kW or less,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a compressor plant;
- (b) shift power engineer or assistant shift power engineer for any of the following plants:
 - (i) a boiler plant,
 - (ii) a compressor plant.

Provincial third class power engineer

31 A holder of a Provincial third class power engineer certificate of qualification may act as any of the following:

- (a) chief power engineer for any of the following plants:
 - (i) a fired power boiler plant with a power rating of 10 000 kW or less,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a compressor plant;
- (b) shift power engineer for any of the following plants:
 - (i) a fired power boiler plant with a power rating of 20 000 kW or less,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a compressor plant;
- (c) assistant shift power engineer for any of the following plants:
 - (i) a fired power boiler plant,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a compressor plant.

Provincial fourth class power engineer

32 A holder of a Provincial fourth class power engineer certificate of qualification may act as any of the following:

- (a) chief power engineer for any of the following plants:
 - (i) a fired power boiler plant with a power rating of 3500 kW or less,
 - (ii) a heating boiler plant with a power rating of 10 000 kW or less,
 - (iii) a compressor plant,
 - (iv) an unfired power boiler plant;
- (b) shift power engineer for any of the following plants:
 - (i) a fired power boiler plant with a power rating of 10 000 kW or less,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a compressor plant;
- (c) assistant shift power engineer for any of the following plants:
 - (i) a fired power boiler plant with a power rating of 20 000 kW or less, unless special approval to act for a plant with a higher power rating is given in writing by the Inspector-Examiner,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a compressor plant.

First class refrigeration plant operator

33 A holder of a first class refrigeration plant operator certificate of qualification may act as any of the following for any refrigeration plant:

- (a) chief operator;
- (b) shift operator;
- (c) assistant shift operator.

Second class refrigeration plant operator

34 A holder of a second class refrigeration plant operator certificate of qualification may act as any of the following:

- (a) chief operator for any of the following plants:

- (i) a refrigeration plant that uses a Group A1 or B1 refrigerant as classified in CSA standard CSA B52-05, *Mechanical Refrigeration Code*, and has a total plant power rating of 1000 kW or less,
 - (ii) a refrigeration plant that uses a Group A2, A3, B2 or B3 refrigerant as classified in CSA standard CSA B52-05, *Mechanical Refrigeration Code*, and has a total plant power rating of 450 kW or less;
- (b) shift operator for any refrigeration plant;
 - (c) assistant shift operator for any refrigeration plant.

Compressor plant operator

35 A holder of a compressor plant operator certificate of qualification may act as any of the following for any compressor plant:

- (a) chief operator;
- (b) shift operator;
- (c) assistant shift operator.

Unfired power boiler plant operator

35A A holder of an unfired power boiler plant operator certificate of qualification may act as any of the following for any unfired power boiler plant:

- (a) chief operator;
- (b) shift operator;
- (c) assistant shift operator.

14 Subsection 41(2) of the regulations is repealed.

15 (1) Subsection 42(3) of the regulations is amended by

- (a) striking out “, and 6 months of operating experience described in clause (a), (b) or (c)” in clause (e); and
- (b) striking out “, from an accredited university” in clause (f).

(2) Subsection 42(4) of the regulations is amended by

- (a) striking out “assisting” wherever it appears and substituting “training”; and
- (b) striking out “, from an accredited university” in clause (e).

16 (1) Subsection 44(1) of the regulations is amended by striking out “, from an accredited university” in clause (d).

(2) Subsection 44(2) of the regulations is amended by

- (a) striking out “assisting” wherever it appears and substituting “training”; and
- (b) striking out “, from an accredited university” in clause (c).

- 17 (1) Section 45 of the regulations is amended by adding “training” immediately after “experience” in clause (a).
- (2) Section 45 of the regulations is further amended by striking out “, from an accredited university” in clause (c).
- 18 The regulations are further amended by adding the following Section immediately after Section 45:

Unfired power boiler plant operator certificate of qualification

45A Every applicant for an unfired plant operator certificate of qualification shall meet one of the following requirements for practical experience:

- (a) 12 months’ experience training in the operation of boiler equipment in an unfired power boiler plant;
- (b) a combination of 6 months of the experience described in clause (a) and at least 12 months’ experience in the designing, constructing, installing, repairing or maintaining the equipment of an unfired boiler plant;
- (c) a combination of 3 months of the experience described in clause (a) and a degree in mechanical or chemical engineering, or the equivalent.

- 19 Section 46 of the regulations is repealed and the following Section substituted:

Practical experience equivalencies

- 46 (1)** For Sections 44 to 45A, the Inspector-Examiner may consider completion of all or part of a course of study to be equivalent to practical experience required and determine the amount of experience that it is equivalent to.
- (2)** In Sections 42 to 46, 166 hours of practical experience is equal to 1 month of practical experience and any more hours of experience acquired in a month cannot be carried over to another month.

- 20 Subsection 47(3) of the regulations is repealed.

- 21 (1) Subsection 49(2) of the regulations is amended by striking out “Every” and substituting “Except as provided in subsection (5), every”.
- (2) Section 49 of the regulations is further amended by adding the following subsection immediately after subsection (4):
- (5)** A person who fails an examination 3 consecutive times cannot retake the exam for at least 6 months from the date they last took the exam.

- 22 (1) Subsection 50(1) of the regulations is amended by adding “power” immediately after “one”.
- (2) Subsection 50(2) of the regulations is amended by adding “power” immediately before “engineer” wherever it appears.
- (3) Subsection 50(4) of the regulations is repealed and the following subsections substituted:
- (4)** When the chief power engineer or chief operator of a registered plant is absent from the plant site for more than 96 consecutive hours, the owner shall, in accordance with subsections 35(2), (3) and

(4) of the Act, assign the duties and responsibilities of the chief power engineer or chief operator during their absence to another power engineer or operator.

- (5) The chief power engineer or chief operator of a registered plant must be available during the regular working hours of the plant and must not work as a shift power engineer while employed as a chief power engineer in a first or second class boiler plant.

23 (1) Subsection 51(1) of the regulations is repealed and the following subsection substituted:

- (1) Every chief power engineer or chief operator shall provide procedures for safely installing, inspecting, operating and maintaining plant and plant equipment in accordance with the following applicable standards:
- (a) ASME standard ASME BPVC-2004, *Boiler & Pressure Vessel Code*, Section I—Rules for Construction of Power Boilers;
 - (b) ASME standard ASME BPVC-2004, *Boiler & Pressure Vessel Code*, Section IV—Rules for Construction of Heating Boilers;
 - (c) ASME standard ASME BPVC-2004, *Boiler & Pressure Vessel Code*, Section VI—Recommended Rules for the Care and Operation of Heating Boilers;
 - (d) ASME standard ASME BPVC-2004, *Boiler & Pressure Vessel Code*, Section VII—Recommended Guidelines for the Care of Power Boilers;
 - (e) ASME standard ASME BPVC-2004, *Boiler & Pressure Vessel Code*, Section VIII—Rules for Construction of Pressure Vessels, Division 1;
 - (f) ASME standard ASME BPVC-2004, *Boiler & Pressure Vessel Code*, Section VIII—Rules for Construction of Pressure Vessels, Division 2—Alternative Rules;
 - (g) CSA standard CSA B51-03, *Boiler, Pressure Vessel and Pressure Piping Code*;
 - (h) CSA standard CSA B52-05, *Mechanical Refrigeration Code*;
 - (i) ASME standard ASME B31.1-2004, *Power Piping*;
 - (j) ASME standard ASME B31.3-2004, *Process Piping*;
 - (k) ASME standard ASME B31.5-2001, *Refrigeration Piping and Heat Transfer Components*;
 - (l) ASME standard ASME-CSD-1-2004, *Controls and Safety Devices for Automatically Fired Boilers*;
 - (m) ASHRAE standard ANSI/ASHRAE-34-2004, *Designation and Safety Classification of Refrigerants*.

(2) Subsection 51(3) of the regulations is amended by

- (a) striking out “and” at the end of clause (c);
- (b) striking out the period at the end of clause (d) and substituting “; and”;
- (c) adding the following clause immediately after clause (d):

- (e) notify or have a delegate notify the Inspector-Examiner of any action of a power engineer, operator or other person who is carrying out their duties under the scope of the Act or these regulations that endangers the health or safety of a person, including themselves, within 24 hours of the action.
- 24 (1) Subsection 53(1) of the regulations is amended by striking out “send a written report of the accident to” and substituting “notify”.
- (2) Section 53 of the regulations is further amended by adding the following subsection immediately after subsection (2):
- (3) In this Section, an accident is an event that affects the structural integrity of equipment in a registered plant or that poses a risk to the safety of employees or the public and that occurs as a result of the action of a person under the scope of the Act or these regulations.
- 25 Section 59 of the regulations is repealed.
- 26 Schedule 2 to the regulations is amended by
- (a) striking out “B1” wherever it appears; and
- (b) adding “or B1” immediately after “A1” wherever it appears.
- 27 The regulations are further amended by striking out “CSA B52-99[,] *Mechanical Refrigeration Code*, as amended from time to time” and “CSA B52-99 *Mechanical Refrigeration Code*, as amended from time to time” wherever it appears and substituting “CSA standard CSA B52-05, *Mechanical Refrigeration Code*”.

N.S. Reg. 221/2007

Made: April 16, 2007

Filed: April 16, 2007

Proclamation, S. 3, S.N.S. 2006, c. 20

Order in Council 2007-220 dated April 16, 2007
Proclamation made by the Governor in Council
pursuant to Section 3 of the
Provincial Fish Act

The Governor in Council on the report and recommendation of the Minister of Fisheries and Aquaculture dated April 12, 2007, pursuant to Section 3 of Chapter 20 of the Acts of 2006, the *Provincial Fish Act*, is pleased to order and declare by proclamation that Chapter 20 of the Acts of 2006, the *Provincial Fish Act*, do come into force on and not before April 16, 2007.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann Francis**

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 3 of Chapter 20 of the Acts of 2006, the *Provincial Fish Act*, it is enacted as follows:

- 3 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 20 of the Acts of 2006, the *Provincial Fish Act*, do come into force on and not before April 16, 2007;

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 20 of the Acts of 2006, the *Provincial Fish Act*, do come into force on and not before April 16, 2007, 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 Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 16th day of April in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 222/2007

Made: March 29, 2007

Approved: April 10, 2007

Filed: April 17, 2007

Bulk Haulage Regulations

Order dated April 10, 2007
Amendment to regulations made by the Dairy Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to clause 15(1)(b) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia

The Dairy Farmers of Nova Scotia, pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held on March 29, 2007, amended the *Bulk Haulage Regulations* in the manner set out in the manner attached to this certificate as Schedule "A", effective on and after May 1, 2007.

Dated and signed at Truro, Nova Scotia April 11, 2007.

Sgd.: *Brian Cameron*
Brian Cameron
General Manager
Dairy Farmers of Nova Scotia

Approved by the Natural Products Marketing Council at Truro, Nova Scotia, April 10, 2007.

Sgd.: *E. A. Crouse*
Elizabeth A. Crouse
Acting General Manager
Natural Products Marketing Council

Schedule "A"

**Amendments to the *Bulk Haulage Regulations*
made by the Dairy Farmers of Nova Scotia
pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000,
the *Dairy Industry Act***

Clause 7(a) of the *Bulk Haulage Regulations* made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council on August 13, 2002, is amended by

- (a) striking out "\$2.14" directly opposite "Bedford Transport Limited" and substituting "\$2.14";
- (b) striking out "\$3.01" directly opposite "Scotsburn Co-operative Services Limited" and substituting "\$3.00";
- (c) striking out "\$1.73" directly opposite "Fisher Transport Limited" and substituting "\$1.74";
- (d) striking out "\$2.54" directly opposite "Winterthur Farm-Rudolph Burghardt" and substituting "\$2.54";
- (e) striking out "1.78" directly opposite "Cook's Dairy Farm Limited" and substituting "\$1.78".

N.S. Reg. 223/2007

Made: February 14, 2006

Approved: March 16, 2007

Filed: April 17, 2007

Cobequid Marsh Body Land Use Regulations

Order dated March 16, 2007
made by the NS 128 Cobequid Marsh Body and
approved by the Agricultural Marshland Conservation Commission
pursuant to clause 14(e) of the *Agricultural Marshland Conservation Act*

I certify that the NS 128 Cobequid Marsh Body pursuant to clause 14(e) of Chapter 22 of the Acts of 2000, the *Agricultural Marshland Conservation Act*, at its meeting on February 14, 2006, carried a motion to make land use regulations in the form attached.

The regulations are effective on and after the date they are approved by the Agricultural Marshland Conservation Commission.

Signed at Truro, in Colchester County, Nova Scotia, on February 28, 2007.

NS 128 Cobequid Marsh Body

sgd.: *Ruth Sandeson*
Ruth Sandeson
Secretary

The regulations made by the NS 128 Cobequid Marsh Body of Truro, Nova Scotia on February 14, 2006 respecting land use were made pursuant to ~~section~~ [clause] 14(e) of the [*Agricultural*] *Marshland Conservation Act*, S.N.S. 2000, c. 22 were approved by the Agricultural Marshland Conservation Commission on March 16, 2007.

Certified by Brad Crewe, Secretary to the Agricultural Marshland Conservation Commission.

sgd.: *Brad Crewe*
Brad Crewe

**Regulations Respecting Land Use in the Cobequid Marsh Body
made pursuant to clause 14(e) of Chapter 22 of the Act[s] of 2000,
the *Agricultural Marshland Conservation Act***

- 1 These regulations may be cited as the *Cobequid Marsh Body Land Use Regulations*.
- 2 (1) No person shall construct works or use or develop lands within, on, or affecting the NS 128 Cobequid Marsh marshland sections in any way that is not conducive to and in conformity with sound agricultural purposes and practices.
- (2) For the purposes of subsection (1), uses and activities deemed to be conducive to and in conformity with sound agricultural purposes and practices include the following:
 - (a) the tilling of soil;
 - (b) the planting and harvesting of crops;
 - (c) the growing of grains and forage crops for livestock feed;
 - (d) the growing of grass and legume crops;
 - (e) the growing of food crops for human consumption;
 - (f) the spreading of manure;
 - (g) the spreading of commercial (chemical) and natural fertilizer;
 - (h) the spreading of limestone;
 - (i) pest and weed control;
 - (j) pre-existing, non-conforming uses, only where and as they presently exist (e.g., driving range and removed controlled airplane clubs).
- (3) For the purposes of subsection (1), non-permitted works, uses, or developments include the following:

- (a) land-fill sites or dumps of any kind;
- (b) recreational activities of any kind;
- (c) residential or commercial structures;
- (d) drilled wells;
- (e) sewage treatment plants or lagoons;
- (f) industrial structures or uses;
- (g) ponds for non-agricultural uses;
- (h) top soil and sod removal.