

Royal



Gazette

Part II

Regulations under the Regulations Act

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

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

N.S. Reg. 330/2009

Made: December 10, 2009

Filed: December 11, 2009

Prescribed Petroleum Products Prices

Order dated December 10, 2009
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*

Order**NSUARB-GAS-W-09-11****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Roland A. Deveau, LL.B, Member**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the average of the average of the daily high and low report product prices (in Canadian cents) for the week ended December 9, 2009, are:

Grade 1 Regular gasoline	53.7¢ per litre
Ultra-low-sulfur diesel oil	54.6¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:

Grade 1	53.7¢ per litre
Grade 2	56.7¢ per litre
Grade 3	59.7¢ per litre
Ultra-low-sulfur diesel oil	54.6¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 1.6¢ per litre
Ultra-low-sulfur diesel oil:	minus 1.0¢ per litre

And whereas a winter blending adjustment of plus 2.9¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., December 11, 2009.

Dated at Halifax, Nova Scotia, this 10th day of December, 2009.

Sgd: *Elaine Wagner*
Clerk of the Board

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 December 11, 2009**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
(Pump Prices includes 13% HST)								
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	58.4	10.0	15.5	83.9	99.3	101.0	99.3	999.9
Mid-Grade Unleaded	61.4	10.0	15.5	86.9	102.7	104.4	102.7	999.9
Premium Unleaded	64.4	10.0	15.5	89.9	106.1	107.8	106.1	999.9
Ultra-Low-Sulphur Diesel	62.8	4.0	15.4	82.2	97.4	99.1	97.4	999.9
Zone 2								
Regular Unleaded	58.8	10.0	15.5	84.3	99.8	101.5	99.8	999.9
Mid-Grade Unleaded	61.8	10.0	15.5	87.3	103.2	104.9	103.2	999.9
Premium Unleaded	64.8	10.0	15.5	90.3	106.6	108.3	106.6	999.9
Ultra-Low-Sulphur Diesel	63.2	4.0	15.4	82.6	97.9	99.6	97.9	999.9
Zone 3								
Regular Unleaded	59.3	10.0	15.5	84.8	100.3	102.0	100.3	999.9
Mid-Grade Unleaded	62.3	10.0	15.5	87.8	103.7	105.4	103.7	999.9
Premium Unleaded	65.3	10.0	15.5	90.8	107.1	108.8	107.1	999.9
Ultra-Low-Sulphur Diesel	63.7	4.0	15.4	83.1	98.4	100.1	98.4	999.9
Zone 4								
Regular Unleaded	59.3	10.0	15.5	84.8	100.3	102.0	100.3	999.9
Mid-Grade Unleaded	62.3	10.0	15.5	87.8	103.7	105.4	103.7	999.9
Premium Unleaded	65.3	10.0	15.5	90.8	107.1	108.8	107.1	999.9
Ultra-Low-Sulphur Diesel	63.7	4.0	15.4	83.1	98.4	100.1	98.4	999.9
Zone 5								
Regular Unleaded	59.3	10.0	15.5	84.8	100.3	102.0	100.3	999.9
Mid-Grade Unleaded	62.3	10.0	15.5	87.8	103.7	105.4	103.7	999.9
Premium Unleaded	65.3	10.0	15.5	90.8	107.1	108.8	107.1	999.9
Ultra-Low-Sulphur Diesel	63.7	4.0	15.4	83.1	98.4	100.1	98.4	999.9
Zone 6								
Regular Unleaded	60.1	10.0	15.5	85.6	101.2	102.9	101.2	999.9
Mid-Grade Unleaded	63.1	10.0	15.5	88.6	104.6	106.3	104.6	999.9
Premium Unleaded	66.1	10.0	15.5	91.6	108.0	109.7	108.0	999.9
Ultra-Low-Sulphur Diesel	64.5	4.0	15.4	83.9	99.3	101.0	99.3	999.9

N.S. Reg. 331/2009

Made: November 26, 2009

Approved: December 15, 2009

Filed: December 16, 2009

General Civil Service Regulations

Order in Council 2009-514 dated December 15, 2009
Amendment to regulations made by the Public Service Commission
and approved by the Governor in Council pursuant to Section 45 of the *Civil Service Act*

The Governor in Council on the report and recommendation of the Minister of the Public Service Commission dated November 26, 2009, and pursuant to Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, is pleased to approve an amendment made by the Public Service Commission to the *General Civil Service Regulations*, N.S. Reg 311/2009, made by the Public Service Commission and approved by the Governor in Council by Order in Council 2009-453 dated October 27, 2009, to correct an error and include the Legal Aid Commission in the list of departments, offices and public entities in Schedule A to the regulations, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

The Public Service Commission, pursuant to Sections 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, hereby amends the *General Civil Service Regulations*, N.S. Reg. 311/2009, made by the Public Service Commission and approved by the Governor in Council by Order in Council 2009-453 dated October 27, 2009, to correct an error in the list of departments, offices and public service entities in Schedule A to the regulations, by adding "Legal Aid Commission" immediately before "Legislative Expenses" in the list in Schedule A to the regulations.

This amendment is effective on and after the date of its approval by the Governor in Council.

Dated at Halifax, Nova Scotia, Nov. 26, 2009.

Sgd.: *Frank Corbett*
Honourable Frank Corbett
Minister of the Public Service Commission

N.S. Reg. 332/2009 to 333/2009

Made: November 19, 2009 (332/2009) and December 15, 2009 (333/2009)

Approved: December 15, 2009 (332/2009)

Filed: December 16, 2009

Commercial Vehicle Drivers' Hours of Service Regulations and
Commercial Carrier Safety Fitness Rating and Compliance Regulations

Order in Council 2009-517 dated December 15, 2009

Regulations made by the Minister of Transportation and Infrastructure Renewal and approved
by the Governor in Council and amendment to regulations made by the Governor in Council
pursuant to Sections 303 and 303G of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Infrastructure Renewal dated November 19, 2009, and pursuant to Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased, effective on and after December 15, 2009, to:

- (a) pursuant to Section 303 of the *Motor Vehicle Act*,
 - (i) approve the repeal by the Minister of Transportation and Infrastructure Renewal of the regulations respecting commercial vehicle drivers' hours of work, N.S. Reg. 226/90, made by the Minister of Transportation and ~~Public Works~~ [Communications] and approved by the Governor in Council by Order in Council 90-946 dated July 31, 1990, and
 - (ii) approve new regulations respecting commercial vehicle drivers' hours of service made by the Minister of Transportation and Infrastructure Renewal in the form set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 303G of the *Motor Vehicle Act*, amend the *Commercial Carrier Safety Fitness Rating and Compliance Regulations*, N.S. Reg. 84/2005, made by the Governor in Council by Order in Council 2005-145 dated March 31, 2005, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation.

N.S. Reg. 332/2009

Commercial Vehicle Drivers' Hours of Service Regulations

Schedule "A"

**In the Matter of Section 303 of Chapter 293 of the
Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act***

- and -

**In the Matter of Regulations Respecting
Commercial Vehicle Drivers' Hours of Service
made by the Minister of Transportation and Infrastructure Renewal
under Section 303 of the *Motor Vehicle Act***

Order

I, Bill Estabrooks, Minister of Transportation and Infrastructure Renewal for the Province of Nova Scotia, pursuant to Section 303 of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby

- (a) repeal the regulations respecting commercial vehicle drivers' hours of work, N.S. Reg. 226/90, made by the Minister of Transportation and ~~Public Works~~ [Communications] and approved by the Governor in Council by Order in Council 90-946 dated July 31, 1990; and
- (b) make new regulations respecting commercial vehicle drivers' hours of service in the form attached.

This order is effective on and after the date it is approved by the Governor in Council.

Dated and made at Halifax Regional Municipality, Nova Scotia, November 19, 2009.

Sgd.: *Bill Estabrooks*
Honourable Bill Estabrooks, M.B.
Minister of Transportation and Infrastructure Renewal

**Regulations Respecting Commercial Vehicle Drivers' Hours of Service
made by the Minister of Transportation and Infrastructure Renewal under
Section 303 of Chapter 293 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

Citation

1 These regulations may be cited as the *Commercial Vehicle Drivers' Hours of Service Regulations*.

Definitions

2 The following definitions apply in these regulations:

“adverse driving conditions” means snow, sleet, fog or other adverse weather or road conditions that were not known, and could not reasonably have been known, to a driver or a carrier dispatching a driver immediately before the driver began driving;

“carrier” means a person who owns, leases or is otherwise responsible for the operation of a commercial vehicle;

“co-driver” means a person who is present in a commercial vehicle because they have been or are about to be its driver;

“commercial vehicle” means

- (i) a truck, truck-tractor or trailer, or any combination of them, that exceeds a registered gross vehicle weight of 4500 kg, or
- (ii) a bus that is designed and constructed to have a designated seating capacity of more than 10 persons, including the driver, and is used for transporting passengers for compensation;

“cycle” means 1 of the following periods during which a driver's on-duty time is accumulated:

- (i) cycle 1, under which on-duty time is accumulated over 7 consecutive days,
- (ii) cycle 2, under which on-duty time is accumulated over 14 consecutive days;

“daily log” means a record required by Section 31 that accounts for all of a driver's on-duty time and off-duty time for a particular day;

“day”, in relation to a driver’s hours of service, means a 24-hour period that begins at the start time;

“director” means the person designated by the Minister under Section 4;

“driver” means any of the following and, for the purposes of Section 41, includes a co-driver:

- (i) a person who operates a commercial vehicle,
- (ii) in relation to a carrier, a person who is employed or otherwise engaged by the carrier to operate a commercial vehicle, including a self-employed driver;

“duty status” means any of the following periods of time:

- (i) off-duty time, other than time spent in a sleeper berth,
- (ii) off-duty time spent in a sleeper berth,
- (iii) driving time,
- (iv) on-duty time, other than driving time;

“elapsed time” means the 16-hour period referenced in subsection 7(2);

“electronic recording device” means an electric, electronic or telematic device that is installed in a commercial vehicle and is capable of accurately recording, in accordance with Section 33, each period of duty status, in whole or in part;

“emergency vehicle” means any of the following vehicles:

- (i) a fire-fighting vehicle, ambulance, police vehicle or other vehicle that is used for emergency purposes,
- (ii) a vehicle engaged in snow removal or ice control operated by or on behalf of a government agency,
- (iii) a vehicle operated by or on behalf of a public utility when performing emergency repair services;

“home terminal” means a carrier’s place of business where a driver ordinarily reports for work and, in Sections 30 to 32 and Schedule 2, includes a temporary work site designated by the carrier;

“inspector” means a motor vehicle inspector appointed under Section 6 of the *Motor Vehicle Act*;

“Minister” means the Minister of Transportation and Infrastructure Renewal;

“off-duty time” means any time other than on-duty time;

“oil well service vehicle” means a commercial vehicle that meets all of the following criteria:

- (i) it is specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry,

- (ii) it is used exclusively in the oil or natural gas industry for transporting equipment or materials to and from oil or natural gas facilities or for servicing and repairing oil or natural gas facilities;

“on-duty time” means the time beginning from when a driver starts work or is required by the carrier to be available to work, other than when the driver is waiting to be assigned to work, and ending when the driver stops work or is relieved of responsibility by the carrier, and includes driving time and time spent by the driver doing any of the following activities:

- (i) inspecting, servicing, repairing, conditioning or starting a commercial vehicle,
- (ii) travelling in a commercial vehicle as a co-driver, when the time is not spent in the sleeper berth of the vehicle,
- (iii) participating in the loading or unloading of a commercial vehicle,
- (iv) inspecting or checking the load of a commercial vehicle,
- (v) waiting for a commercial vehicle to be serviced, loaded, unloaded or dispatched,
- (vi) waiting for a commercial vehicle or its load to be inspected,
- (vii) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (viii) performing any work for any carrier,
- (ix) resting in or occupying a commercial vehicle for any other purpose, except during any of the following times:
 - (A) time counted as off-duty time in accordance with Section 8,
 - (B) time spent in the sleeper berth of the vehicle,
 - (C) time spent in the vehicle when it is stationary to satisfy the off-duty requirements of Section 9,
 - (D) time spent in the vehicle when it is stationary that is in addition to the off-duty requirements of Section 9;

“out-of-service declaration” means a declaration issued by the director or an inspector under Section 38 to a driver for contravention of these regulations;

“personal use” of a commercial vehicle means the use of the vehicle by a driver other than in the course of business as a carrier;

“principal place of business” of a carrier means the place or places in the Province designated by the carrier as the place where daily logs, supporting documents and any related relevant records required to be kept by these regulations will be kept;

“recreational vehicle” means a vehicle that is designed as mobile accommodation and used as transportation for personal and recreational purposes without compensation, and includes a cabin trailer, collapsible cabin trailer, tent trailer and camping trailer;

“sleeper berth” means a sleeper berth as defined in Schedule 1;

“special permit” means an authorization to operate a commercial vehicle with exceptions and variances to the provisions of these regulations that is granted to a carrier under Section 20, 21 or 22;

“start time”, in relation to a day, means the hour a driver’s day begins, as designated by a carrier for the duration of the driver’s cycle;

“supporting document” means a document or information that is recorded or stored by any means and that is required by the director or an inspector to assess compliance with these regulations, and includes fuel receipts, bills of lading, shipping documents and accommodation receipts.

Application of regulations

3 These regulations apply to all commercial vehicles other than the following vehicles:

- (a) a 2-axle or 3-axle commercial vehicle while it is being used for any of the following when the driver or the carrier is the producer of the products:
 - (i) a trip to pick up feed grain or the primary products of a farm, forest, sea or lake,
 - (ii) a trip to transport feed grain or the primary products of a farm, forest, sea or lake,
 - (iii) a return trip after transporting feed grain or the primary products of a farm, forest, sea or lake;
- (b) an emergency vehicle;
- (c) a vehicle engaged in providing relief during a public welfare emergency as defined in the *Emergencies Act* (Canada) or during an emergency as defined in the *Emergency Management Act*;
- (d) a bus that is part of the public transit service that is provided in any of the following:
 - (i) a municipality;
 - (ii) 2 or more bordering municipalities;
 - (iii) within 25 km of the boundary of a municipality or 2 or more bordering municipalities that the transit service serves;
- (e) a commercial vehicle when driven for personal use, if all of the following conditions are met:
 - (i) the vehicle does not have a load,
 - (ii) no trailers are hitched to the vehicle,
 - (iii) the vehicle does not travel farther than 75 km in a day,
 - (iv) the driver records the odometer reading in the daily log at the beginning and end of the personal use,
 - (v) the driver is not the subject of an out-of-service declaration;

- (f) a recreational vehicle.

Director designated by Minister

4 The Min[i]ster may designate a person to exercise the duties and functions of the director under these regulations.

Responsibility of carrier, shipper, consignee and driver to restrict driving

5 A carrier, shipper, consignee or other person must not request, require or allow a driver to drive and a driver must not drive in any of the following circumstances:

- (a) the driver's faculties are impaired to the point that it is unsafe for the driver to drive;
- (b) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier;
- (c) the driver is the subject of an out-of-service declaration;
- (d) by driving the driver would not be in compliance with these regulations.

On-duty Time and Off-duty Time**Maximum daily driving time and maximum daily on-duty time**

6 Except as otherwise provided in these regulations, a carrier must not request, require or allow a driver to drive and a driver must not drive again in a day after the driver has accumulated:

- (a) 13 hours of driving time in the day; or
- (b) 14 hours of on-duty time in the day.

Mandatory off-duty time

7 (1) Unless a driver has taken at least 8 consecutive hours of off-duty time before driving again, a carrier must not request, require or allow the driver to drive and the driver must not drive again after the driver has accumulated:

- (a) 13 hours of driving time; or
- (b) 14 hours of on-duty time.

(2) A carrier must not request, require or allow a driver to drive and a driver must not drive again if 16 hours has elapsed between the end of the driver's most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.

Time spent travelling as passenger is off-duty time

8 Time spent by a driver as a passenger is counted as off-duty time if all of the following conditions are met:

- (a) at the request of the carrier who employs or otherwise engages the driver, the time is spent travelling to the destination where the driver will begin driving;
- (b) the driver has taken 8 consecutive hours of off-duty time before the driver begins to drive.

Minimum daily off-duty time

- 9** (1) Except as otherwise provided in these regulations, a carrier must ensure that a driver takes and the driver must take at least 10 hours of off-duty time in a day and the 10 hours must include:
- (a) 8 consecutive hours of off-duty time;
 - (b) at least 2 hours of off-duty time that is not part of the 8 consecutive hours of off-duty time required by clause (a).
- (2) Off-duty time other than the 8 consecutive hours required by clause (1)(b) may be distributed throughout the day in blocks of at least 30 minutes each.

Deferral of daily off-duty time

- 10** (1) Except as prohibited in subsection (2), a driver may defer a maximum of 2 hours of daily off-duty time to the following day if all of the following criteria are met:
- (a) the off-duty time deferred is not part of the daily 8 consecutive hours of off-duty time required by clause 9(1)(a);
 - (b) the total off-duty time taken in the 2 days is at least 20 hours;
 - (c) the deferred off-duty time is taken consecutively with the daily 8 consecutive hours of off-duty time that the driver takes in the 2nd day;
 - (d) the total driving time accumulated by the driver in the 2 days does not exceed 26 hours;
 - (e) the driver adds a declaration in the “Remarks” section of their daily log that
 - (i) states that the driver is deferring off-duty time under this Section, and
 - (ii) clearly indicates whether the driver is driving under day 1 or day 2 of the days affected by the deferral.
- (2) The following drivers must not defer their daily off-duty time under this Section:
- (a) a driver who is splitting off-duty time in accordance with Section 12 or 13;
 - (b) a driver operating under an oil well service vehicle special permit granted under Section 22.

Mandatory off-duty time when driver travelling by ferry

- 11** A driver taking a commercial vehicle on a ferry crossing that takes more than 5 hours is not required to take 8 consecutive hours of off-duty time as required by Sections 7 and 9 if all of the following criteria are met:
- (a) all of the following time spent by the driver totals at least 8 hours:
 - (i) time spent in a sleeper berth at the terminal while waiting to board the ferry,
 - (ii) time spent in rest accommodations on the ferry,
 - (iii) time spent in a sleeper berth at a rest stop that is 25 km or less from the point where the vehicle disembarks from the ferry;
 - (b) the times listed in subsection (1) are recorded in the daily log as off-duty time spent in a sleeper berth;

- (c) the driver retains the receipt for the crossing and rest accommodation fees as a supporting document, and the receipt coincides with the daily log entries.

Single driver splitting daily off-duty time

- 12 (1)** A driver of a commercial vehicle fitted with a sleeper berth may meet the 8 consecutive hours of mandatory off-duty time required by Section 7 and the minimum 10 hours of daily off-duty time required by Section 9 by accumulating off-duty time in 2 periods if all of the following criteria are met:
- (a) neither period of off-duty time is shorter than 2 hours;
 - (b) the total of the 2 periods of off-duty time is at least 10 hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (d) none of the daily off-duty time is deferred to the next day;
 - (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time is not longer than 13 hours;
 - (f) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 14th hour;
 - (g) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on-duty.
- (2)** The 16th hour referred to in clause (1)(g) is calculated as follows:
- (a) by excluding any period spent in the sleeper berth that
 - (i) is 2 hours or longer in duration, and
 - (ii) totals at least 10 hours when added to a subsequent period in the sleeper berth; and
 - (b) by including all of the following:
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 2 hours spent in the sleeper berth,
 - (iv) any time spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this Section.
- (3)** After a driver takes their split daily off-duty time in accordance with subsection (1), a carrier must not request, require or allow the driver to drive again and the driver must not drive again in accordance with the requirements of Sections 7 and 9 without first taking at least 8 consecutive hours of off-duty time.

Team of drivers splitting daily off-duty time

- 13 (1)** A team of drivers of a commercial vehicle fitted with a sleeper berth may meet the 8 consecutive hours of mandatory off-duty time required by Section 7 and the minimum 10 hours of daily off-duty time required by Section 9 by accumulating off-duty time in 2 periods if all of the following criteria are met:
- (a) neither period of off-duty time is shorter than 4 hours;
 - (b) the total of the 2 periods of off-duty time is at least 8 hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (d) none of the daily off-duty time is deferred to the next day;
 - (e) the total of the driving time in the periods immediately before and after each of the periods of off-duty time is not longer than 13 hours;
 - (f) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 14th hour;
 - (g) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the driver comes on duty.
- (2)** The 16th hour referred to in clause (1)(g) is calculated as follows:
- (a) by excluding any period spent in the sleeper berth that
 - (i) is 4 hours or longer in duration, and
 - (ii) totals at least 8 hours when added to a subsequent period in the sleeper berth; and
 - (b) by including all of the following:
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 4 hours spent in the sleeper berth,
 - (iv) any time spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this Section.
- (3)** After a team of drivers takes their split daily off-duty time in accordance with subsection (1), a carrier must not request, require or allow the team drivers to drive again and the team drivers must not drive again in accordance with the requirements of Sections 7 and 9 without each driver first taking at least 8 consecutive hours of off-duty time.

Cycles**Driver must follow cycle 1 or cycle 2**

- 14** A carrier must require that a driver follow either cycle 1 or cycle 2 and a driver must follow either cycle 1 or cycle 2.

Mandatory off-duty time in 14-day period

15 Subject to the longer minimums required by Sections 18 and 19 for when a cycle is reset or switched, a carrier must not request, require or allow a driver to drive and a driver must not drive again unless the driver has taken at least 24 consecutive hours of off-duty time in the previous 14 days.

Maximum on-duty time for cycle 1 driver

16 A carrier must not request, require or allow a driver who is following cycle 1 to drive and a driver who is following cycle 1 must not drive again after the driver has accumulated 70 hours of on-duty time during any of the following:

- (a) any 7 consecutive days;
- (b) the cycle that was ended or switched from, for a driver who has reset their cycle in accordance with Section 18 or switched their cycle in accordance with Section 19.

Maximum on-duty time for cycle 2 driver

17 A carrier must not request, require or allow a driver who is following cycle 2 to drive and a driver who is following cycle 2 must not drive again in their current cycle after the driver has accumulated

- (a) 120 hours of on-duty time during any of the following:
 - (i) any 14 consecutive days, or
 - (ii) the cycle that was ended or switched from, for a driver who has reset their cycle in accordance with Section 18 or switched their cycle in accordance with Section 19; or
- (b) 70 hours of on-duty time, unless the driver takes at least 24 consecutive hours of off-duty time.

Off-duty time before cycle reset

18 (1) A driver may end their current cycle and begin a new cycle that is the same as their current cycle if the driver first takes the following off-duty time:

- (a) for cycle 1, at least 36 consecutive hours;
- (b) for cycle 2, at least 72 consecutive hours.

(2) After a driver takes the off-duty time required by subsection (1), the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Off-duty time before cycle switched

19 (1) A carrier must not request, require or allow a driver to switch and a driver must not switch from one cycle to the other without first taking the following off-duty time before driving again:

- (a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours;
- (b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

(2) After a driver takes the off-duty time required by subsection (1), the driver begins the other cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Special Permits

Special permits for research or pilot projects

- 20** (1) The director may issue a special permit to a carrier for the purpose of a research or pilot project if the safety and health of the public, the driver and the employees of the carrier are not jeopardized or are unlikely to be jeopardized.
- (2) An applicant for a special permit under this Section must include a detailed work plan with their application that includes at least all of the following information for the proposed research or pilot project:
- (a) the nature of the project;
 - (b) the objectives of the project;
 - (c) the competence of the applicant to participate in the project;
 - (d) the criteria and method for measuring results;
 - (e) the safety implications and the approach to addressing any possible risks identified;
 - (f) the duration of the project;
 - (g) the manner of and timing for reporting results.
- (3) Sections 6 to 19 and 27 to 42 do not apply to a carrier and its drivers when operating under a special permit issued under this Section, but Sections 23 to 26 apply with any modifications that the circumstances require.

Special permits for commercial vehicles other than oil well service vehicles

- 21** (1) The director may issue a special permit to a carrier for a commercial vehicle other than an oil well service vehicle if all of the following conditions are met:
- (a) off-duty time required under these regulations needs to be reduced or driving time and on-duty time required under these regulations needs to be increased for any of the following purposes:
 - (i) to allow a driver following a regular itinerary to reach their home terminal or destination,
 - (ii) to allow the delivery of perishable goods,
 - (iii) to accommodate a significant temporary increase in the transportation of passengers or goods by the carrier;
 - (b) the safety and health of the public, the driver and the employees of the carrier are not jeopardized or are unlikely to be jeopardized.
- (2) The only deviations from the requirements of these regulations that may be authorized in a special permit issued under this Section are the following:
- (a) reducing the 2 additional hours of daily off-duty time required by clause 9(1)(b); and

- (b) increasing the maximum daily driving time and on-duty time required by Section 6 by up to a total of 2 hours.

Special permits for oil well service vehicles

- 22** (1) The director may issue a special permit to a carrier for an oil well service vehicle if all of the following conditions are met:
- (a) the driver has successfully completed training directly related to safety requirements associated with operating within the field services sector of the oil or natural gas industry;
 - (b) the safety and health of the public, the driver and the employees of the carrier are not jeopardized or are unlikely to be jeopardized.
- (2) Sections 14 to 19 do not apply to a carrier and its drivers when operating under an oil well service vehicle special permit, but the special permit must require that the driver take, and the driver must take, all of the following off-duty time instead:
- (a) a minimum of 3 periods of off-duty time during any 24 consecutive days that are
 - (i) at least 24 consecutive hours each; and
 - (ii) taken consecutively or separated by on-duty time;
 - (b) a minimum of 72 consecutive hours of off-duty time after the driver finishes driving under the special permit and before the driver begins driving again.
- (3) Waiting time and standby time at an oil or natural gas well site or ancillary facility is not included as on-duty time for a driver operating under an oil well service vehicle special permit if all of the following conditions are met:
- (a) the driver performs no work during the time;
 - (b) the time is fully and accurately recorded in the daily log as off-duty time and denoted as waiting or standby time in the "Remarks" section;
 - (c) the time is not included in the 8 consecutive hours of mandatory off-duty time required by Section 7 or the daily 8 consecutive hours of off-duty time required by Section 9.
- (4) When a driver who has been driving under an oil well service vehicle special permit begins to drive again under Sections 14 to 19, they begin to accumulate hours in the cycle.

Applying for a special permit

- 23** (1) A carrier may apply to the director for a special permit by providing all of the following information and documents to the director:
- (a) the name of the carrier;
 - (b) all of the following for each driver who will operate a commercial vehicle under the special permit:
 - (i) name,
 - (ii) driver's license number and province where the license was issued;

- (c) a list of the commercial vehicles which will be operated by the carrier under the special permit;
 - (d) a list of all accidents involving the carrier or any of its drivers that occurred during the previous 6 months, if the laws of the province, state or country in which the accidents occurred require the accidents to be reported to police;
 - (e) the duration requested by the carrier for the special permit;
 - (f) the schedule requested by the carrier for operating under the special permit;
 - (g) the reasons for the application and evidence supporting the reasons;
 - (h) a copy of each special permit issued to the carrier under these regulations in the previous 5 years;
 - (i) a signed declaration that discloses all of the following:
 - (i) any application made under these regulations by the carrier for a special permit,
 - (ii) any application for a special permit made by the carrier to any provincial or territorial director in the previous 6 months under any province's regulations respecting commercial drivers hours of service;
 - (j) if trucks will be operated under the special permit, a detailed description of the load for which the permit will apply;
 - (k) if buses will be operated under the special permit, a detailed description of the route for which the permit will apply;
 - (l) for a special permit issued under Section 20, the work plan required by subsection 20(2);
 - (m) any information the director requires to evaluate whether the granting of a special permit would jeopardize or would likely jeopardize the safety or health of the public, the driver or the employees of the carrier.
- (2) A carrier applying for a special permit must make all of the following information available to the director on request for each driver who will operate a commercial vehicle under the special permit:
- (a) the daily logs for the previous 6 months;
 - (b) supporting documents or records of on-duty times for the previous 6 months.

Information specified in special permit

24 The director must specify all of the following in a special permit:

- (a) the reasons for issuing the permit;
- (b) the duration of the permit, which must not exceed 1 year;
- (c) any terms or conditions required for the protection of the safety or health of the public, the driver or the employees of the carrier.

Obligations of special permit holders

- 25** (1) A carrier to whom a special permit is issued must do all of the following:
- (a) require that a copy of the special permit is placed in each commercial vehicle operating under the permit;
 - (b) provide the director with a list of the commercial vehicles that will be operating under the permit and keep the director informed of any changes to the list;
 - (c) make all of the following information immediately available to the director on request for each driver who operates a commercial vehicle under the permit:
 - (i) daily log,
 - (ii) supporting documents and any related relevant records;
 - (d) notify the director without delay of any accidents involving any of the commercial vehicles operating under the permit if the laws of the province, state or country in which the accidents occurred require that the accident be reported to the police.
- (2) A carrier must ensure that a driver driving under a special permit issued to the carrier drives and a driver driving under a special permit must drive in accordance with the terms and conditions of the special permit.

Amending, suspending or cancelling special permits

- 26** The director may amend, suspend or cancel a carrier's special permit in any of the following circumstances by giving the carrier written notice:
- (a) the carrier or any of its drivers contravenes these regulations or any condition of the special permit;
 - (b) the director determines that the safety and health of the public, the driver or the employees of the carrier are jeopardized or are likely to be jeopardized.

Emergencies and Adverse Driving Conditions**Extending driving time in emergencies**

- 27** (1) In this Section and in Section 29, "emergency", in relation to a commercial vehicle, means an unexpected event or situation that constitutes a danger to any of the following:
- (a) the occupants of the commercial vehicle;
 - (b) the security of the commercial vehicle and its load;
 - (c) road users.
- (2) Despite any other provision of these regulations, a driver who requires more driving time in an emergency to avoid the dangers listed in subsection (1) and reach a safe destination may drive longer than the maximum driving times and on-duty times required by these regulations and take less than the off-duty times required by these regulations to reach the safe destination.

Extending driving time in adverse driving conditions

28 A driver who encounters adverse driving conditions while driving a commercial vehicle may drive longer than the maximum 13 hours of driving time and the maximum 14 hours of daily on-duty time required by Sections 6 and 7 and reduce the 2 hours of daily off-duty time required by Section 9 by the amount of time needed to complete the trip if all of the following criteria are met:

- (a) the driving, on-duty and elapsed times in the cycle are not extended more than 2 hours;
- (b) the driver takes the 8 consecutive hours of mandatory off-duty time required by Section 7;
- (c) the trip could have been completed under normal driving conditions without extending the driving, on-duty and elapsed times and reducing off-duty time.

Reason for extending time recorded in daily log

29 A driver who exceeds their driving time, on-duty time or elapsed times, or reduces their off-duty time because of an emergency or adverse driving conditions must record the reason for doing so in the "Remarks" section of the daily log.

Daily Logs**Time recorded as local time**

30 Time recorded by a driver in a daily log must be recorded using the local time at the driver's home terminal.

Requirement to fill out daily log

- 31** (1) Except as provided in subsection (2), a carrier must require a driver to fill out and each driver must fill out a daily log each day that accounts for all of the driver's on-duty time and off-duty time for that day.
- (2) The requirement to fill out a daily log in subsection (1) does not apply if all of the following criteria are met:
- (a) the driver is not driving under a special permit;
 - (b) the driver operates or is instructed by the carrier to operate a commercial vehicle within a radius of 160 km of the home terminal;
 - (c) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time;
 - (d) either 1 of the following conditions is met:
 - (i) for at least 6 months after the date the records were created, the carrier maintains accurate and legible records for each driver for each day showing all of the following:
 - (A) the driver's duty status and elected cycle,
 - (B) the hour that each duty status begins and ends, and
 - (C) the total number of hours spent in each status,

- (ii) for at least 6 months after the date the records were created, the carrier maintains accurate and legible records for each driver for each day showing the hour that each on-duty segment starts and ends and the total on-duty time, and all of the following conditions are met:
 - (A) the driver's elapsed time does not exceed 16 hours,
 - (B) the driver's total on-duty time does not exceed 14 hours,
 - (C) the driver maintains accurate and legible records for each day showing the hour that each on-duty segment starts and ends and the total on-duty time, and the records for the previous 7 days are kept in the vehicle for inspection.

Content of daily log

- 32 (1)** A carrier must require that a driver legibly enters and the driver must legibly enter all of the following information in a daily log for the day at ~~the time~~ the beginning of the driver's first on-duty time for the day:
- (a) the date;
 - (b) their start time, if other than midnight;
 - (c) the driver's name;
 - (d) the names of any co-drivers;
 - (e) the cycle the driver is following, other than for a driver who is driving under an oil well service vehicle special permit;
 - (f) the license plates or unit numbers of each commercial vehicle operated by the driver;
 - (g) for each commercial vehicle operated by the driver, the odometer reading when the driver begins driving;
 - (h) the names and the addresses of
 - (i) the home terminal,
 - (ii) the principal place of business of each carrier who employs or otherwise engages the driver during the day;
 - (i) if the carrier or driver was not required to keep a daily log immediately before the beginning of the day, in the "Remarks" section of the daily log, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the previous 14 days;
 - (j) for a driver who has deferred off-duty time under Section 10, the declaration in the "Remarks" section of the daily log in accordance with clause 10(1)(e).
- (2)** A carrier must require that a driver records and a driver must record all of the following information in a daily log as the information becomes known:
- (a) the time the driver spends in each duty status during the day, in accordance with Schedule 2;

- (b) if the driver's driving time is interrupted by a number of periods of other on-duty time of less than 1 hour each, the periods of driving time may be combined and the periods of other on-duty time may be combined;
 - (c) in the "Remarks" section, the name of the municipality, or the location on a highway or in a community, and the name of the province or state where each of the driver's duty status changes occurred during the day.
- (3) A carrier must require that a driver records and a driver must record all of the following in a daily log at the end of each day:
- (a) the total time the driver spends in each duty status during the day;
 - (b) the total distance driven by the driver during the day, excluding any distance driven for the driver's personal use;
 - (c) the odometer reading of each commercial vehicle operated by the driver at the end of the day.
- (4) A carrier must require that a driver signs and a driver must sign the daily log completed by the driver, attesting to the accuracy of the information recorded in it.

Using electronic recording devices

33 A driver may use an electronic recording device for recording their duty status if all of the following criteria are met:

- (a) the information contained in the electronic recording device is the same as the information that would have been provided if it had been submitted as a daily log in paper format;
- (b) the driver can immediately provide the information for the previous 14 days to the director or an inspector, when requested, by producing it in any of the following ways or combination of the following ways:
 - (i) on a digital display screen of the electronic recording device,
 - (ii) in handwritten form,
 - (iii) on a print-out or other intelligible output;
- (c) the device is capable of displaying all of the following information:
 - (i) the driving time and other on-duty time for each day the device is used,
 - (ii) the total on-duty time accumulated and the total on-duty time remaining in the cycle the driver is following,
 - (iii) the changes in duty status in chronological order and the time that each change occurred for each day the device is used;
- (d) the driver can prepare a handwritten daily log from the information stored in the device for each day the device is used if requested by an inspector;
- (e) the device automatically records the time and date any time it is disconnected and any time it is reconnected and stores the record;

- (f) the device records the time the driver spent in each duty status;
- (g) any hard copy of the daily log that is generated from the information stored in the device is signed on each page by the driver, attesting to its accuracy;
- (h) the carrier provides blank daily log forms in the commercial vehicle for the driver's use.

Possession of daily logs and supporting documents by drivers

34 A driver who is required to fill out a daily log must not drive and a carrier must not request, require or allow the driver to drive unless the driver has all of the following in their possession:

- (a) a copy of the daily logs for the previous 14 days;
- (b) for a driver driving under an oil well service vehicle special permit, a copy of the logs for each of the 3 periods of 24-hour off-duty time required by clause 22(2)(a) during any 24 consecutive days;
- (c) the daily log for the current day, completed up to the time that the driver's duty status last changed;
- (d) any supporting documents and any related relevant records that the driver received during the current trip.

Distributing and keeping daily logs

- 35** (1) Except as provided in subsection (2) for a driver employed or otherwise engaged by more than 1 carrier in a day, a carrier must ensure that a driver sends and a driver must send the original daily log and supporting documents to the home terminal no later than 20 days after the driver completes the daily log.
- (2) A carrier must ensure that a driver sends, and a driver who is employed or otherwise engaged by more than 1 carrier in a day must send all of the following to the specified home terminal no later than 20 days after the driver completes a daily log:
- (a) the original of the daily log to the home terminal of the first carrier the driver worked for that day;
 - (b) a copy of the daily log to the home terminal of each other carrier the driver worked for that day;
 - (c) the original supporting documents to the home terminal of the carrier the driver was driving for when the documents were created or received.
- (3) A carrier must do all of the following with the daily logs and supporting documents of the drivers it employs or otherwise engages:
- (a) deposit them at its principal place of business no later than 30 days after the date they are received;
 - (b) keep them for at least 6 months, in chronological order for each driver.

Tampering and falsifying daily log

36 (1) A carrier must not request, require or allow a driver to keep and a driver must not keep more than 1 daily log for each day.

- (2) A carrier must not request, require or allow any person to do any of the following and a person must not do any of the following:
- (a) enter inaccurate information in a daily log, whether it is handwritten or produced using an electronic recording device;
 - (b) falsify, mutilate or deface a daily log or supporting documents.

Driver Compliance

Monitoring by carriers

- 37 (1) A carrier must monitor each of its drivers to ensure the driver complies with these regulations.
- (2) A carrier that determines that a driver who is employed or otherwise engaged by the carrier has not complied with these regulations must take immediate remedial action, issue a notice of non-compliance to the driver and record all of the following:
- (a) the dates the non-compliance occurred;
 - (b) the date the notice of non-compliance was issued;
 - (c) the remedial action taken.

Out-of-service declarations

- 38 (1) The director or an inspector may issue an out-of-service declaration for a driver in any of the following circumstances:
- (a) the driver contravenes clause 5(a) or 5(b);
 - (b) the driver fails to comply with any of the driving time or off-duty time requirements
 - (i) in Sections 6 to 19, or
 - (ii) for a special permit;
 - (c) the driver is unable or refuses to produce the daily log, supporting documents and any other related relevant records as required by Section 41;
 - (d) there is evidence that shows that the driver has done any of the following in contravention of Section 36:
 - (i) completed more than 1 daily log,
 - (ii) entered inaccurate information in a daily log,
 - (iii) falsified information in a daily log;
 - (e) in contravention of Section 36, the driver has mutilated or defaced a daily log or a supporting document in such a way that the director or inspector cannot determine whether the driver has complied with the driving time and off-duty time requirements
 - (i) in Sections 6 to 19, or

- (ii) for a special permit issued under Section 20, 21 or 22.
- (2) An out-of-service declaration issued under subsection (1) must be issued in writing to both the driver and the carrier who employs or otherwise engages the driver and must include all of the following:
 - (a) the reasons the driver has been issued the declaration;
 - (b) the length of time the declaration applies, in accordance with subsection (3).
- (3) An out-of-service declaration issued for a driver prohibits the driver from operating a commercial vehicle, including operating a commercial vehicle for personal use, and applies for the following applicable length of time:
 - (a) for 10 consecutive hours, if the driver contravenes clause 5(a) or 5(b);
 - (b) for 10 consecutive hours, if the driver contravenes Section 6;
 - (c) for the number of hours needed to correct the failure, if the driver fails to comply with the off-duty time requirements of any of Sections 6 to 19;
 - (d) subject to any further hours required to comply with subsection (4), for 72 consecutive hours, if the driver contravenes Section 36 or 41.
- (4) An out-of-service declaration issued for a driver who contravenes Section 36 or 41 continues to apply beyond the 72 hours specified in clause (3)(d) until the driver makes any necessary changes to correct the daily log and provides the daily log to the director or inspector, and the director or inspector is able to determine whether the driver has complied with these regulations.

False statements to director

- 39** A person must not knowingly make any false or misleading statements either orally or in writing to the director engaged in carrying out their duties and functions under these regulations.

Inspections

Authority to enter premises for an inspection

- 40** (1) During business hours, an inspector may enter a home terminal or principal place of business, other than living quarters, to inspect daily logs, supporting documents and any related relevant records.
- (2) At any time, an inspector may stop and enter a commercial vehicle, except for its sleeper berth, to inspect daily logs and supporting documents.
- (3) At any time, an inspector may stop a commercial vehicle and enter its sleeper berth to verify that the sleeper berth meets the criteria in Schedule 1.

Daily logs and supporting documents produced by driver

- 41** (1) At the request of an inspector, a driver must immediately produce all of the following for inspection for the current trip and the previous 14 days:
- (a) daily logs;
 - (b) supporting documents and any related relevant records;

- (c) any special permit that the driver has driven under.
- (2) At the request of an inspector, a driver must retrieve the information stored by any electronic recording device installed in a commercial vehicle for each day the device was used.
- (3) At the request of an inspector, a driver must immediately give the inspector a copy of all of the following for the previous 14 days, or the originals of all of the following if it is not possible in the circumstances to make copies:
 - (a) daily logs;
 - (b) supporting documents and any related relevant records;
 - (c) any special permit that the driver has driven under.
- (4) An inspector must provide a receipt in the form set out in Schedule 3 for any information given to the inspector under subsection (3).

Daily logs and supporting documents produced by carrier

- 42** (1) At the request of an inspector, a carrier must immediately make all of the following available for inspection during business hours at a place specified by the inspector:
- (a) daily logs;
 - (b) supporting documents and any related relevant records;
 - (c) any special permit that a driver employed or otherwise engaged by the carrier has been driving under during the period the information is requested for.
- (2) An inspector must do all of the following with any daily logs, supporting documents, related relevant records and special permits received by the inspector under subsection (1):
- (a) immediately return any unexpired special permits and provide the carrier with a receipt in the form set out in Schedule 3 for any expired special permits and other information received by the inspector under subsection (1);
 - (b) return all expired special permits and other information received by the inspector under subsection (1) no later than 14 days after the date the inspector received them.

Offences and Penalties

Category B offences

- 43** Any person who violates clause 34(c) is guilty of an offence and liable on summary conviction to the penalties provided for a category B offence in the *Summary Proceedings Act*.

Category C offences

- 44** Any person who violates any of the following provisions of these regulations is guilty of an offence and liable on summary conviction to the penalties provided for a category C offence in the *Summary Proceedings Act*:

- (a) Section 32;
- (b) subsection 35(1);

- (c) clause 35(2)(a), (b) or (c).

Category D offences

45 Any person who violates any of the following provisions of these regulations is guilty of an offence and liable on summary conviction to the penalties provided for a category D offence in the *Summary Proceedings Act*:

- (a) clause 5(d);
- (b) ~~subsection~~ [clause] 6(a) or (b);
- (c) clause 7(1)(a) or (b) or subsection 7(2);
- (d) subsection 9(1);
- (e) subsection 12(3);
- (f) subsection 13(3);
- (g) Section 14;
- (h) Section 15;
- (i) Section 16;
- (j) clause 17(a) or (b);
- (k) clause 19(1)(a) or (b);
- (l) clause 22(2)(a) or (b);
- (m) Section 29.

Category E offences

46 Any person who violates any of the following provisions of these regulations is guilty of an offence and liable on summary conviction to the penalties provided for a category E offence in the *Summary Proceedings Act*:

- (a) clause 25(1)(a), (b), (c) or (d);
- (b) subsection 25(2);
- (c) subsection 31(1);
- (d) clause 34(a), (b) or (d);
- (e) clause 35(3)(a) or (b);
- (f) subsection 41(1), (2) or (3).

Category F offences

47 Any person who violates any of the following provisions of these regulations is guilty of an offence and liable on summary conviction to the penalties provided for a category F offence in the *Summary Proceedings Act*:

- (a) clause 5(a), (b) or (c);
- (b) subsection 37(1) or (2);
- (c) subsection 42(1).

Category G offences

48 Any person who violates any of the following provisions is guilty of an offence and liable on summary conviction to the penalties provided for a category G offence in the *Summary Proceedings Act*:

- (a) subsection 36(1) or (2);
- (b) Section 39.

Schedule 1: Criteria for Sleeper Berths

An area of a commercial vehicle is a sleeper berth if it meets all of the following criteria:

- (a) it is designed to be used as sleeping accommodation;
- (b) it is located in the cab of the commercial vehicle or immediately adjacent to the cab and is securely fixed to it;
- (c) it is not located in or on a semi-trailer or a full trailer;
- (d) if it is located in the cargo space, it is securely compartmentalized from the remainder of the cargo space;
- (e) for a bus,
 - (i) it is located in the passenger compartment,
 - (ii) it is at least 1.9 m in length, 60 cm in width and 60 cm in height,
 - (iii) it is separated from the passenger area by a solid physical barrier that is equipped with a door that can be locked,
 - (iv) it provides privacy for the occupant, and
 - (v) it is equipped with a means to significantly limit the amount of light entering the area;
- (f) for a commercial vehicle other than a bus, it is rectangular in shape with the following minimum dimensions:
 - (i) 1.9 m in length, measured on the centre line of the longitudinal axis,
 - (ii) 60 cm in width, measured on the centre line of the transverse axis, and

- (iii) 60 cm in height, measured from the sleeping mattress to the highest point of the area;
- (g) it is constructed so that there are no impediments to ready entrance to or exit from the berth;
- (h) there is a direct and readily accessible means of passing from it into the driver’s seat or compartment;
- (i) it is protected against leaks and overheating from the vehicle’s exhaust system;
- (j) it is equipped to provide adequate heating, cooling and ventilation;
- (k) it is reasonably sealed against dust and rain;
- (l) it is equipped with a mattress that is at least 10 cm thick and adequate sheets and blankets so that the occupant can get restful sleep;
- (m) it is equipped with a means of preventing the occupant from being ejected from the berth when the commercial vehicle is decelerating that is designed, installed and maintained to withstand a total force of 2700 kg applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

Schedule 2: Duty Status Information for a Daily Log

Duty Status

_____ name _____ date

Cycle 1 (7 days) _____ OR Cycle 2 (14 days) _____

(Hour that day begins—use local time at home terminal)

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours
1. Off-duty time other than time spent in a sleeper berth																										
2. Off-duty time spent in a sleeper berth																										
3. Driving time																										
4. On-duty time other than driving time																										
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	

Remarks

Total distance driven _____

Signature

Instructions for Recording Duty Status

Filling out grid

Fill out the grid as follows:

- (1) for each duty status,
 - mark the beginning time and the end time
 - draw a continuous line between the time markers
- (2) in the last column on the right of the grid, enter the total number of hours of each period of duty status (total of all periods must be 24 hours)

Change in duty status remarks

For each change in duty status, record the following in the Remarks section:

- the name of the municipality where the change occurred

OR

- the location on a highway or in a community and the name of the province or state where the change occurred

Schedule 3: Inspector's Receipt

(subsection 41(4) and subsection 42(2) of the *Commercial Vehicle Drivers' Hours of Service Regulations*)

I, _____, an inspector under Section 6 of the *Motor Vehicle Act*, acknowledge that the following daily logs, supporting documents and other records were provided by

(name of person)

at (number, street, municipality, location, province of carrier)

on (day, month, year)

namely: (description of daily logs, supporting documents and records received)

(municipality, location) on (day, month, year)

Inspector's signature

N.S. Reg. 333/2009

Commercial Carrier Safety Fitness Rating and Compliance Regulations

Schedule “B”

**Amendment to the *Commercial Carrier Safety Fitness Rating and Compliance Regulations*
made by the Governor in Council under Section 303G of Chapter 293
of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act***

Appendix A to the *Commercial Carrier Safety Fitness Rating and Compliance Regulations*, N.S. Reg. 84/2005, made by the Governor in Council by Order in Council 2005-145 dated March 31, 2005, is amended by repealing the heading “*Commercial Vehicle Drivers’ Hours of Work Regulations offences:*” and items 1 to 15 under that heading and substituting the following heading and items:

Commercial Vehicle Drivers’ Hours of Service Regulations offences:

1	Driving when driver’s faculties are impaired	5(a)	3
2	Driving when driving would jeopardize public health or safety	5(b)	3
3	Driving when out-of-service	5(c)	3
4	Driving when not in compliance with regulations	5(d)	3
5	Failing to comply with daily driving hours (13 hours)	6(a)	3
6	Failing to comply with daily on-duty hours (14 hours)	6(b)	3
7	Failing to take 8 consecutive off-duty hours after 13 hours of driving time	7(1)(a)	3
8	Failing to take 8 consecutive off-duty hours after 14 hours of on-duty time	7(1)(b)	3
9	Driving after 16 hours have elapsed between off-duty periods	7(2)	3
10	Failing to take 10 hours of off-duty time in day, including 8-hour period of off-duty and 2-hour period of off-duty	9(1)	3
11	Failing to comply with off-duty hours after splitting daily off-duty time (single driver)	12(3)	3
12	Failing to comply with off-duty hours after splitting daily off-duty time (team of drivers)	13(3)	3
13	Failing to follow cycle 1 or cycle 2	14	3
14	Failing to take off-duty hours – at least 24 consecutive in 14 days	15	3
15	Excessive hours – cycle 1	16	3
16	Excessive hours – cycle 2	17(a)	3
17	Failing to take off-duty hours – 24 consecutive hours after 70 hours on duty	17(b)	3
18	Switching from cycle 1 to cycle 2 without taking 36 consecutive off-duty hours	19(1)(a)	3
19	Switch[ing] from cycle 2 to cycle 1 without taking 72 consecutive off-duty hours	19(1)(b)	3
20	Failing to take off-duty hours – at least 3 periods off-duty during 24 days (special permit for oil well service vehicles)	22(2)(a)	3
21	Failing to take off-duty hours – at least 72 consecutive hours off duty (special permit for oil well service vehicles)	22(2)(b)	3
22	Failing to place copy of special permit in vehicle	25(1)(a)	3

23	Failing to provide list of vehicles operating under special permit to director	25(1)(b)	3
24	Failing to make daily log of drivers operating under special permit available immediately to director	25(1)(c)	3
25	Failing to make supporting documents of drivers operating under special permit available immediately to director	25(1)(c)	3
26	Failing to notify director of accident involving vehicle operating under special permit	25(1)(d)	3
27	Failing to comply with terms and conditions of special permit	25(2)	3
28	Failing to record reason for extending driving, on-duty time or elapsed time (specify) in daily log	29	2
29	Failing to fill out daily log	31(1)	2
30	Failing to legibly enter all required information in daily log	32	2
31	Failing to have daily logs for previous 14 days in possession	34(a)	2
32	Failing to have daily logs of 24-hour off-duty time in possession (special permit for oil well service vehicles)	34(b)	2
33	Failing to have daily log for current day in possession, completed up to last duty status change	34(c)	2
34	Failing to have supporting documents of current trip in possession	34(d)	2
35	Failing to forward daily logs no later than 20 days after completed	35(1)	2
36	Failing to forward supporting documents no later than 20 days after completed	35(1)	2
37	Failing to forward daily logs to first carrier no later than 20 days after completed	35(2)(a)	2
38	Failing to forward copy of daily logs to all other carriers no later than 20 days after completed	35(2)(b)	2
39	Failing to forward supporting documents to all carriers no later than 20 days after completed	35(2)(c)	2
40	Failing to deposit daily logs within 30 days	35(3)(a)	3
41	Failing to deposit supporting documents no later than 30 days after received	35(3)(a)	3
42	Failing to keep daily logs in chronological order for 6 months	35(3)(b)	3
43	Failing to keep supporting documents in chronological order for 6 months	35(3)(b)	3
44	Keeping more than one daily log	36(1)	3
45	Entering inaccurate information in a daily log	36(2)(a)	3
46	Falsifying, mutilating or defacing daily log	36(2)(b)	3
47	Falsifying, mutilating or defacing supporting documents	36(2)(b)	3
48	Failing to monitor compliance	37(1)	2
49	Failing to take immediate remedial action	37(2)	2
50	Failing to issue notice of non-compliance	37(2)	2
51	Failing to record required details of non-compliance	37(2)	2
52	Making false statement to director	39	3
53	Failing to immediately produce current daily log and daily logs for previous 14 days	41(1)(a)	3

54	Failing to immediately produce supporting documents for current trip and previous 14 days	41(1)(b)	3
55	Failing to immediately produce special permits for current trip and previous 14 days	41(1)(c)	3
56	Failing to retrieve information on electronic recording device	41(2)	3
57	Failing to immediately give inspector daily logs for previous 14 days	41(3)(a)	3
58	Failing to immediately give inspector supporting documents for previous 14 days	41(3)(b)	3
59	Failing to immediately give inspector special permits	41(3)(c)	3
60	Failing to make daily logs available	42(1)(a)	3
61	Failing to make supporting documents available	42(1)(b)	3
62	Failing to make special permits available	42(1)(c)	3

N.S. Reg. 334/2009 to 338/2009

Made: December 15, 2009

Filed: December 16, 2009

Nova Scotia Offshore Area Petroleum Drilling Regulations, Nova Scotia Offshore Petroleum Production and Conservation Regulations, Nova Scotia Offshore Petroleum Drilling and Production Regulations, Nova Scotia Offshore Area Certificate of Fitness Regulations and Nova Scotia Offshore Area Petroleum Installations Regulations

Order in Council 2009-518 dated December 15, 2009

Regulations, amendment to and repeal of regulations

made by the Governor in Council pursuant to Section 146 of the

Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act

The Governor in Council on the report and recommendation of the Minister of Energy dated December 1, 2009, and pursuant to Section 146 of Chapter 3 of the Acts of 1987, the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, is pleased, effective on and after December 31, 2009, to:

- (a) repeal the *Nova Scotia Offshore Area Petroleum Drilling Regulations*, N.S. Reg. 137/92, made by the Governor in Council by Order in Council 92-679 dated July 7, 1992;

[N.S. Reg. 334/2009]

- (b) repeal the *Nova Scotia Offshore Petroleum Production and Conservation Regulations*, N.S. Reg. 144/96, made by the Governor in Council by Order in Council 96-654 dated August 28, 1996;

[N.S. Reg. 335/2009]

- (c) make regulations respecting petroleum drilling and production in the Nova Scotia offshore area in the form set forth in Schedule "A" attached to and forming part of the report and recommendation;
- (d) amend the *Nova Scotia Offshore Area Certificate of Fitness Regulations*, N.S. Reg. 4/96, made by the Governor in Council by Order in Council 96-20 dated January 9, 1996, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation; and

- (e) amend the *Nova Scotia Offshore Area Petroleum Installations Regulations*, N.S. Reg. 166/97, made by the Governor in Council by Order in Council 97-756 dated December 9, 1997, in the manner set forth in Schedule “C” attached to and forming part of the report and recommendation.

N.S. Reg. 336/2009

Nova Scotia Offshore Petroleum Drilling and Production Regulations

Schedule “A”

**Regulations Respecting Nova Scotia Offshore Petroleum Drilling and Production
made by the Governor in Council under Section 146
of Chapter 3 of the Acts of 1987,
the *Canada-Nova Scotia Offshore Petroleum Resources
Accord Implementation (Nova Scotia) Act***

Interpretation and Application

Citation

- 1 These regulations may be cited as the *Nova Scotia Offshore Petroleum Drilling and Production Regulations*.

Definitions

- 2 (1) In these regulations,

“abandoned”, in relation to a well, means a well or part of a well that has been permanently plugged;

“Act” means the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*;

“artificial island” means a humanly constructed island to provide a site for the exploration and drilling, or the production, storage, transportation, distribution, measurement, processing or handling, of petroleum;

“authorization” means an authorization issued by the Board under clause 135(1)(b) of the Act;

“barrier” means any fluid, plug or seal that prevents petroleum or any other fluid from flowing unintentionally from a well or from a formation into another formation;

“casing liner” means a casing that is suspended from a string of casing previously installed in a well and does not extend to the wellhead;

“commingled production” means production of petroleum from more than 1 pool or zone through a common well-bore or flow line without separate measurement of the production from each pool or zone;

“completed,” in relation to a well, means a well that is prepared for production or injection operations;

“completion interval” means a section within a well that is prepared to permit the

- (i) production of fluids from the well,

- (ii) observation of the performance of a reservoir, or
- (iii) injection of fluids into the well;

“conductor casing” means the casing that is installed in a well to facilitate drilling of the hole for the surface casing;

“drilling program” means the program for the drilling of 1 or more wells within a specified area and time using 1 or more drilling installations and includes any work or activity related to the program;

“environmental protection plan” means the environmental protection plan submitted to the Board under Section 7;

“flow allocation procedure” means the procedure to

- (i) allocate total measured quantities of petroleum and water produced from or injected into a pool or zone back to individual wells in a pool or zone where individual well production or injection is not measured separately, and
- (ii) allocate production to fields that are using a common storage or processing facility;

“flow calculation procedure” means the procedure to be used to convert raw meter output to a measured quantity of petroleum or water;

“flow system” means the flow meters, auxiliary equipment attached to the flow meters, fluid sampling devices, production test equipment, the master meter and meter prover used to measure and record the rate and volumes at which fluids are

- (i) produced from or injected into a pool,
- (ii) used as a fuel,
- (iii) used for artificial lift; or
- (iv) flared or transferred from a production installation;

“fluid” means gas, liquid or a combination of the 2;

“formation flow test” means an operation

- (i) to induce the flow of formation fluids to the surface of a well to procure reservoir fluid samples and determine reservoir flow characteristics, or
- (ii) to inject fluids into a formation to evaluate injectivity;

“incident” means

- (i) any event that causes
 - (A) a lost or restricted workday injury,
 - (B) death,

- (C) fire or explosion,
 - (D) a loss of containment of any fluid from a well,
 - (E) an imminent threat to the safety of a person, installation or support craft, or
 - (F) pollution,
- (ii) any event that results in a missing person, or
 - (iii) any event that causes
 - (A) the impairment of any structure, facility, equipment or system critical to the safety of persons, an installation or support craft, or
 - (B) the impairment of any structure, facility, equipment or system critical to environmental protection;

“lost or restricted workday injury” means an injury that prevents an employee from reporting for work or from effectively performing all the duties connected with the employee’s regular work on any day subsequent to the day on which the injury occurred whether or not that subsequent day is a working day for that employee;

“minor injury” means an employment injury for which medical treatment or first aid is provided and excludes a lost or restricted workday injury;

“multi-pool well” means a well that is completed in more than 1 pool;

“natural environment” means the physical and biological environment;

“near-miss” means an event that would likely cause an event set out in subclause (i) of the definition of “incident”, but does not due to particular circumstances;

“operator” means a person that holds an operating licence under clause 135(1)(a) of the Act and an authorization;

“physical environmental conditions” means the meteorological, oceanographic and related physical conditions, including ice conditions, that might affect a work or activity that is subject to an authorization;

“pollution” means the introduction into the natural environment of any substance or form of energy outside the limits applicable to the activity that is subject to an authorization, including spills;

“production control system” means the system provided to control the operation of, and monitor the status of, equipment for the production of petroleum, and includes the installation and workover control system;

“production project” means an undertaking for the purpose of developing a production site on, or producing petroleum from, a pool or field, and includes any work or activity related to the undertaking;

“proration test” means, in respect of a development well to which a development plan applies, a test conducted to measure the rates at which fluids are produced from the well for allocation purposes;

“recovery” means the recovery of petroleum under reasonably foreseeable economic and operational conditions;

“relief well” means a well drilled to assist in controlling a blow-out in an existing well;

“rig release date” means the date on which a rig last conducted well operations;

“safety plan” means the safety plan submitted to the Board under Section 7;

“seafloor” means the surface of all that portion of land under the sea;

“slick line” means a single steel cable used to run tools in a well;

“support craft” means a vessel, vehicle, aircraft, standby vessel or other craft used to provide transportation for or assistance to persons on the site where a work or activity is conducted;

“surface casing” means the casing that is installed in a well to a sufficient depth, in a competent formation, to establish well control for the continuation of the drilling operations;

“suspended”, in relation to a well or part of a well, means a well or part of a well in which drilling or production operations have temporarily ceased;

“termination” means the abandonment, completion or suspension of a well’s operations;

“waste material” means any garbage, refuse, sewage or waste well fluids or any other useless material that is generated during drilling, well or production operations, including used or surplus drilling fluid and drill cuttings and produced water;

“well approval” means the approval granted by the Board under Section 14;

“well-bore” means the hole drilled by a bit in order to make a well;

“well control” means the control of the movement of fluids into or from a well;

“well operation” means the operation of drilling, completion, recompletion, intervention, re-entry, workover, suspension or abandonment of a well;

“wire line” means a line that contains a conductor wire and that is used to run survey instruments or other tools in a well;

“workover” means an operation on a completed well that requires removal of the Christmas tree or the tubing;

“zone” means any stratum or any sequence of strata and includes, for the purposes of the definition “commingled production”, Section 8, subsection 62(2), Sections 65 to 67 and 75, subsection 84(2) and Section 87, a zone that has been designated as such by the Board under Section 5.

- (2) In these regulations, “delineation well”, “development well” and “exploratory well” have the same meaning as in subsection 121(1) of the Act.

- (3) In these regulations, “drilling installation”, “drilling rig”, “drilling unit”, “drill site”, “installation”, “production installation”, “production operation”, “production site” and “subsea production system” have the same meaning as in subsection 2(1) of the *Nova Scotia Offshore Area Petroleum Installations Regulations* made under the Act.
- (4) The following definitions apply for the purposes of clause 135(4)(c) of the Act:
- “production facility” means equipment for the production of petroleum located at a production site, including separation, treating and processing facilities, equipment and facilities used in support of production operations, landing areas, heliports, storage areas or tanks and dependent personnel accommodations, but not including any associated platform, artificial island, subsea production system, drilling equipment or diving system;
- “production platform” means a production facility and any associated platform, artificial island, subsea production system, offshore loading system, drilling equipment, facilities related to marine activities and dependent diving system.
- (5) For the purpose of Section 190B of the Act, any installation is prescribed as an installation.

Part 1: Board’s Powers

Spacing

- 3 The Board is authorized to make orders respecting the allocation of areas, including the determination of the size of spacing units and the well production rates for the purpose of drilling for or producing petroleum and to exercise any powers and perform any duties that may be necessary for the management and control of petroleum production.

Names and classification of wells

- 4 The Board may give a name, classification or status to any well and may change that name, classification or status.

Names and designations of pools, zones and fields

- 5 The Board may also
- (a) designate a zone for the purposes of these regulations;
 - (b) give a name to a pool or field; and
 - (c) define the boundaries of a pool, zone or field for the purpose of identifying it.

Part 2: Management System, Application for Authorization and Well Approvals

Management system

- 6 (1) The applicant for an authorization shall develop an effective management system that integrates operations and technical systems with the management of financial and human resources to ensure compliance with the Act and these regulations.
- (2) The management system shall include
- (a) the policies on which the system is based;
 - (b) the processes for setting goals for the improvement of safety, environmental protection and waste prevention;

- (c) the processes for identifying hazards and for evaluating and managing the associated risks;
 - (d) the processes for ensuring that personnel are trained and competent to perform their duties;
 - (e) the processes for ensuring and maintaining the integrity of all facilities, structures, installations, support craft and equipment necessary to ensure safety, environmental protection and waste prevention;
 - (f) the processes for the internal reporting and analysis of hazards, minor injuries, incidents and near-misses and for taking corrective actions to prevent their recurrence;
 - (g) the documents describing all management system processes and the processes for making personnel aware of their roles and responsibilities with respect to them;
 - (h) the processes for ensuring that all documents associated with the system are current, valid and have been approved by the appropriate level of authority;
 - (i) the processes for conducting periodic reviews or audits of the system and for taking corrective actions if reviews or audits identify areas of non-conformance with the system and opportunities for improvement;
 - (j) the arrangements for coordinating the management and operations of the proposed work or activity among the owner of the installation, the contractors, the operator and others, as applicable; and
 - (k) the name and position of the person accountable for the establishment and maintenance of the system and of the person responsible for implementing it.
- (3) The management system documentation shall be controlled and set out in a logical and systematic fashion to allow for ease of understanding and efficient implementation.
- (4) The management system shall correspond to the size, nature and complexity of the operations and activities, hazards and risks associated with the operations.

Application for authorization

7 The application for authorization shall be accompanied by

- (a) a description of the scope of the proposed activities;
- (b) an execution plan and schedule for undertaking those activities;
- (c) a safety plan that meets the requirements of Section 9;
- (d) an environmental protection plan that meets the requirements of Section 10;
- (e) information on any proposed flaring or venting of gas, including the rationale and the estimated rate, quantity and period of the flaring or venting;
- (f) information on any proposed burning of oil, including the rationale and the estimated quantity of oil proposed to be burned;
- (g) in the case of a drilling installation, a description of the drilling and well control equipment;

- (h) in the case of a production installation, a description of the processing facilities and control system;
- (i) in the case of a production project, a field data acquisition program that allows sufficient pool pressure measurements, fluid samples, cased hole logs and formation flow tests for a comprehensive assessment of the performance of development wells, pool depletion schemes and the field;
- (j) contingency plans, including emergency response procedures, to mitigate the effects of any reasonably foreseeable event that might compromise safety or environmental protection, which shall
 - (i) provide for coordination measures with any relevant municipal, provincial, territorial or federal emergency response plan, and
 - (ii) in an area where oil is reasonably expected to be encountered, identify the scope and frequency of the field practice exercise of oil spill countermeasures; and
- (k) a description of the decommissioning and abandonment of the site, including methods for restoration of the site after its abandonment.

Additional requirements for production installation

- 8** (1) If the application for authorization covers a production installation, the applicant shall also submit to the Board for its approval the flow system, the flow calculation procedure and the flow allocation procedure that will be used to conduct the measurements referred to in Part 7.
- (2) The Board shall approve the flow system, the flow calculation procedure and the flow allocation procedure if the applicant demonstrates that the system and procedures facilitate reasonably accurate measurements and, allocate, on a pool or zone basis, the production from and injection into individual wells.

Safety plan

- 9** The safety plan shall set out the procedures, practices, resources, sequence of key safety-related activities and monitoring measures necessary to ensure the safety of the proposed work or activity and shall include
- (a) a summary of and references to the management system that demonstrate how it will be applied to the proposed work or activity and how the duties set out in these regulations with regard to safety will be fulfilled;
 - (b) a summary of the studies undertaken to identify hazards and to evaluate safety risks related to the proposed work or activity;
 - (c) a description of the hazards that were identified and the results of the risk evaluation;
 - (d) a summary of the measures to avoid, prevent, reduce and manage safety risks;
 - (e) a list of all facilities, structures, equipment and systems critical to safety and a summary of the system in place for their inspection, testing and maintenance;
 - (f) a description of the organizational structure for the proposed work or activity and the command structure on the installation, which clearly explains
 - (i) their relationship to each other, and

- (ii) the contact information and position of the person accountable for the safety plan and of the person responsible for implementing it;
- (g) if the possibility of pack sea ice or drifting icebergs exists at the drill or production site, the measures to address the protection of the installation, including systems for ice detection, surveillance, data collection, reporting, forecasting and, if appropriate, ice avoidance or deflection; and
- (h) a description of the arrangements for monitoring compliance with the plan and for measuring performance in relation to its objectives.

Environmental protection plan

10 The environmental protection plan shall set out the procedures, practices, resources and monitoring necessary to manage hazards to and protect the environment from the proposed work or activity and shall include

- (a) a summary of and references to the management system that demonstrate how it will be applied to the proposed work or activity and how the duties set out in these regulations with regard to environmental protection will be fulfilled;
- (b) a summary of the studies undertaken to identify environmental hazards and to evaluate environmental risks relating to the proposed work or activity;
- (c) a description of the hazards that were identified and the results of the risk evaluation;
- (d) a summary of the measures to avoid, prevent, reduce and manage environmental risks;
- (e) a list of all structures, facilities, equipment and systems critical to environmental protection and a summary of the system in place for their inspection, testing and maintenance;
- (f) a description of the organizational structure for the proposed work or activity and the command structure on the installation, which clearly explains
 - (i) their relationship to each other, and
 - (ii) the contact information and position of the person accountable for the environmental protection plan and the person responsible for implementing it;
- (g) the procedures for the selection, evaluation and use of chemical substances including process chemicals and drilling fluid ingredients;
- (h) a description of equipment and procedures for the treatment, handling and disposal of waste material;
- (i) a description of all discharge streams and limits for any discharge into the natural environment including any waste material;
- (j) a description of the system for monitoring compliance with the discharge limits identified in clause (i), including the sampling and analytical program to determine if those discharges are within the specified limits; and
- (k) a description of the arrangements for monitoring compliance with the plan and for measuring performance in relation to its objectives.

Well approval

- 11** (1) Subject to subsection (2), an operator who intends to drill, re-enter, work over, complete or recomplete a well or suspend or abandon a well or part of a well shall obtain a well approval.
- (2) A well approval is not necessary to conduct a wire line, slick line or coiled tubing operation through a Christmas tree located above sea level if
- (a) the work does not alter the completion interval or is not expected to adversely affect recovery; and
 - (b) the equipment, operating procedures and qualified persons exist to conduct the wire line, slick line or coiled tubing operations as set out in the authorization.

Additional requirement where well to be drilled

12 If the well approval sought is to drill a well, the application shall contain

- (a) a comprehensive description of the drilling program; and
- (b) a well data acquisition program that allows for the collection of sufficient cutting and fluid samples, logs, conventional cores, sidewall cores, pressure measurements and formation flow tests, analyses and surveys to enable a comprehensive geological and reservoir evaluation to be made.

Application contents

13 The application shall contain

- (a) if the well approval sought is to re-enter, work over, complete or recomplete a well or suspend or abandon a well or part of it, a detailed description of that well, the proposed work or activity and the rationale for conducting it;
- (b) if the well approval sought is to complete a well, in addition to the information required under clause (a), information that demonstrates that Section 47 will be complied with; and
- (c) if the well approval sought is to suspend a well or part of it, in addition to the information required under clause (a), an indication of the period within which the suspended well or part of it will be abandoned or completed.

Grant of well approval

14 The Board shall grant the well approval if the operator demonstrates that the work or activity will be conducted safely, without waste and without pollution, in compliance with these regulations.

Suspension and revocation of well approval

15 (1) The Board may suspend the well approval if

- (a) the operator fails to comply with the approval and the work or activity cannot be conducted safely, without waste or without pollution;
- (b) the safety of the work or activity becomes uncertain because
 - (i) the level of performance of the installation or service equipment, any ancillary equipment or any support craft is demonstrably less than the level of performance indicated in the application, or

- (ii) the physical environmental conditions encountered in the area of the activity for which the well approval was granted are more severe than the equipment's operating limits as specified by the manufacturer; or
 - (c) the operator fails to comply with the approvals issued under subsection 8(2), 53(4) or 67(2).
- (2) The Board may revoke the well approval if the operator fails to remedy the situation causing the suspension within 120 days after the date of that suspension.

Development plans

16 For the purpose of subsection 136(1) of the Act, the well approval relating to a production project is prescribed.

Resource management plan required

17 For the purpose of clause 136(3)(b) of the Act, Part II of the development plan relating to a proposed development of a pool or field shall contain a resource management plan.

Part 3: Operator's Duties

Availability of documents

- 18** (1) The operator shall keep a copy of the authorization, the well approval and all other approvals and plans required under these regulations, the Act and the regulations made under the Act at each installation and shall make them available for examination at the request of any person at each installation.
- (2) The operator shall ensure that a copy of all operating manuals and other procedures and documents necessary to execute the work or activity and to operate the installation safely without pollution are readily accessible at each installation.

Management system

19 The operator shall ensure compliance with the management system referred to in Section 6.

Safety and environmental protection

- 20** The operator shall take all reasonable precautions to ensure safety and environmental protection, including ensuring that
- (a) any operation necessary for the safety of persons at an installation or on a support craft has priority, at all times, over any work or activity at that installation or on that support craft;
 - (b) safe work methods are followed during all drilling, well or production operations;
 - (c) there is a shift handover system to effectively communicate any conditions, mechanical or procedural deficiencies or other problems that might have an impact on safety or environmental protection;
 - (d) differences in language or other barriers to effective communication do not jeopardize safety or environmental protection;
 - (e) all persons at an installation, or in transit to or from an installation, receive instruction in and are familiar with safety and evacuation procedures and with their roles and responsibilities in the contingency plans, including emergency response procedures;

- (f) any drilling or well operation is conducted in a manner that maintains full control of the well at all times;
- (g) if there is loss of control of a well at an installation, all other wells at that installation are shut in until the well that is out of control is secured;
- (h) plans are in place to deal with potential hazards;
- (i) all equipment required for safety and environmental protection is available and in an operable condition;
- (j) the inventory of all equipment identified in the safety plan and the environmental protection plan is updated after the completion of any significant modification or repair to any major component of the equipment;
- (k) the administrative and logistical support that is provided for drilling, well or production operations includes accommodation, transportation, first aid and storage, repair facilities and communication systems suitable for the area of operations;
- (l) a sufficient number of trained and competent individuals are available to complete the authorized work or activities and to carry out any work or activity safely and without pollution; and
- (m) any operational procedure that is a hazard to safety or the environment is corrected and all affected persons are informed of the alteration.

Safety equipment and instructions

- 21** (1) No person shall tamper with, activate without cause, or misuse any safety or environmental protection equipment.
- (2) A passenger on a helicopter, supply vessel or any other support craft engaged in a drilling program or production project shall comply with all applicable safety instructions.

No smoking on installation

- 22** (1) No person shall smoke on an installation except in those areas set aside by the operator for that use.
- (2) The operator shall ensure compliance with subsection (1).

Storing and handling of consumables

- 23** The operator shall ensure that fuel, potable water, spill containment products, safety-related chemicals, drilling fluids, cement and other consumables are
- (a) readily available and stored on an installation in quantities sufficient for any normal and reasonably foreseeable emergency condition; and
 - (b) stored and handled in a manner that minimizes their deterioration, ensures safety and prevents pollution.

Handling of chemical substances, waste material and oil

- 24** The operator shall ensure that all chemical substances, including process fluids and diesel fuel, waste material, drilling fluid and drill cuttings generated at an installation, are handled in a way that does not create a hazard to safety or the environment.

Cessation of a work or activity

- 25** (1) The operator shall ensure that any work or activity ceases without delay if that work or activity
- (a) endangers or is likely to endanger the safety of persons;
 - (b) endangers or is likely to endanger the safety or integrity of the well or the installation; or
 - (c) causes or is likely to cause pollution.
- (2) If the work or activity ceases, the operator shall ensure that it does not resume until it can do so safely and without pollution.

Part 4: Equipment and Operations**Wells, installations, equipment, facilities and support craft**

26 The operator shall ensure that

- (a) all wells, installations, equipment and facilities are designed, constructed, tested, maintained and operated to prevent incidents and waste under the maximum load conditions that may be reasonably anticipated during any operation;
- (b) a comprehensive inspection that includes a non-destructive examination of critical joints and structural members of an installation and any critical drilling or production equipment is made at an interval to ensure continued safe operation of the installation or equipment and in any case, at least once in every 5-year period; and
- (c) records of maintenance, tests and inspections are kept.

Operating and design, construction and maintenance standards

27 The operator shall ensure that

- (a) the components of an installation and well tubulars, Christmas trees and wellheads are operated in accordance with good engineering practices; and
- (b) any part of an installation that may be exposed to a sour environment is designed, constructed and maintained to operate safely in that environment.

Rectifying defects

- 28** (1) The operator shall ensure that any defect in the installation, equipment, facilities and support craft that may be a hazard to safety or the environment is rectified without delay.
- (2) If it is not possible to rectify the defect without delay, the operator shall ensure that it is rectified as soon as the circumstances permit and that mitigation measures are put in place to minimize the hazards while the defect is being rectified.

Drilling fluid system

29 The operator shall ensure that

- (a) the drilling fluid system and associated monitoring equipment is designed, installed, operated and maintained to provide an effective barrier against formation pressure, to allow for proper well evaluation, to ensure safe drilling operations and to prevent pollution; and

- (b) the indicators and alarms associated with the monitoring equipment are strategically located on the drilling rig to alert onsite personnel.

Marine riser

30 (1) The operator shall ensure that every marine riser is capable of

- (a) furnishing access to the well;
 - (b) isolating the well-bore from the sea;
 - (c) withstanding the differential pressure of the drilling fluid relative to the sea;
 - (d) withstanding the physical forces anticipated in the drilling program; and
 - (e) permitting the drilling fluid to be returned to the installation.
- (2)** The operator shall ensure that every marine riser is supported in a manner that effectively compensates for the forces caused by the motion of the installation.

Drilling practices

31 The operator shall ensure that adequate equipment, procedures and personnel are in place to recognize and control normal and abnormal pressures, to allow for safe, controlled drilling operations and to prevent pollution.

Reference for well depths

32 The operator shall ensure that any depth in a well is measured from a single reference point, which is either the kelly bushing or the rotary table of the drilling rig.

Directional and deviation surveys

33 The operator shall ensure that

- (a) directional and deviation surveys are taken at intervals that allow the position of the well-bore to be determined accurately; and
- (b) except in the case of a relief well, a well is drilled in a manner that does not intersect an existing well.

Formation leak-off test

34 The operator shall ensure that

- (a) a formation leak-off test or a formation integrity test is conducted before drilling more than 10 m below the shoe of any casing other than the conductor casing;
- (b) the formation leak-off test or the formation integrity test is conducted to a pressure that allows for safe drilling to the next planned casing depth; and
- (c) a record is retained of each formation leak-off test and the results included in the daily drilling report referred to in clause 85(a) and in the well history report referred to in Section 90.

Formation flow and well testing equipment

35 (1) The operator shall ensure that

- (a) the equipment used in a formation flow test is designed to safely control well pressure, properly evaluate the formation and prevent pollution;
 - (b) the rated working pressure of formation flow test equipment upstream of and including the well testing manifold exceeds the maximum anticipated shut-in pressure; and
 - (c) the equipment downstream of the well testing manifold is sufficiently protected against overpressure.
- (2) The operator of a well shall ensure that the formation flow test equipment includes a down-hole safety valve that permits closure of the test string above the packer.
 - (3) The operator shall ensure that any formation flow test equipment used in testing a well that is drilled with a floating drilling unit has a subsea test tree that includes
 - (a) a valve that may be operated from the surface and automatically closes when required to prevent uncontrolled well flow; and
 - (b) a release system that permits the test string to be hydraulically or mechanically disconnected within or below the blow-out preventers.

Well control

36 The operator shall ensure that adequate procedures, materials and equipment are in place and utilized to minimize the risk of loss of well control in the event of lost circulation.

Well control equipment

- 37** (1) The operator shall ensure that, during all well operations, reliably operating well control equipment is installed to control kicks, prevent blow-outs and safely carry out all well activities and operations, including drilling, completion and workover operations.
- (2) After setting the surface casing, the operator shall ensure that at least 2 independent and tested well barriers are in place during all well operations.
 - (3) If a barrier fails, the operator shall ensure that no other activities, other than those intended to restore or replace the barrier, take place in the well.
 - (4) The operator shall ensure that, during drilling, except when drilling under-balanced, 1 of the 2 barriers to be maintained is the drilling fluid column.

Pressure control equipment

38 The operator shall ensure that pressure control equipment associated with drilling, coil tubing, slick line and wire line operations is pressure-tested on installation and as often as necessary to ensure its continued safe operation.

Corrective action

39 If the well control is lost or if safety, environmental protection or resource conservation is at risk, the operator shall ensure that any action necessary to rectify the situation is taken without delay, despite any condition to the contrary in the well approval.

Casing and cementing

40 The operator shall ensure that the well and casing are designed so that

- (a) the well can be drilled safely, the targeted formations evaluated and waste prevented;
- (b) the anticipated conditions, forces and stresses that may be placed upon them are withstood; and
- (c) the integrity of gas hydrate zones is protected.

Installation depth

41 The operator shall ensure that the well and casing are installed at a depth that provides for adequate kick tolerances and well control operations that provide for safe, constant bottom hole pressure.

Cement slurry

42 The operator shall ensure that cement slurry is designed and installed so that

- (a) the movement of formation fluids in the casing annuli is prevented and, where required for safety, resource evaluation or prevention of waste, the isolation of the petroleum and water zones is ensured;
- (b) support for the casing is provided;
- (c) corrosion of the casing over the cemented interval is retarded; and
- (d) the integrity of gas hydrate zones is protected.

Wait time after cementing

43 After the cementing of any casing or casing liner and before drilling out the casing shoe, the operator shall ensure that the cement has reached the minimum compressive strength sufficient to support the casing and provide zonal isolation.

Casing pressure testing

44 After installing and cementing the casing and before drilling out the casing shoe, the operator shall ensure that the casing is pressure-tested to the value required to confirm its integrity for maximum anticipated operating pressure.

Production tubing

45 The operator shall ensure that the production tubing used in a well is designed to withstand the maximum conditions, forces and stresses that may be placed on it and to maximize recovery from the pool.

Monitoring and control of process operations

46 The operator shall ensure that

- (a) operations such as processing, transportation, storage, re-injection and handling of petroleum on the installation are effectively monitored to prevent incidents and waste;
- (b) all alarm, safety, monitoring, warning and control systems associated with those operations are managed to prevent incidents and waste; and
- (c) all appropriate persons are informed of the applicable alarm, safety, monitoring, warning or control systems associated with those operations that are taken out of service, and when those systems are returned to service.

Well completion

47 (1) An operator that completes a well shall ensure that

- (a) it is completed in a safe manner and allows for maximum recovery;
 - (b) except in the case of commingled production, each completion interval is isolated from any other porous or permeable interval penetrated by the well;
 - (c) the testing and production of any completion interval are conducted safely and do not cause waste or pollution;
 - (d) if applicable, sand production is controlled and does not create a safety hazard or cause waste;
 - (e) each packer is set as close as practical to the top of the completion interval and that the pressure testing of the packer to a differential pressure is greater than the maximum differential pressure anticipated under the production or injection conditions;
 - (f) if practical, any mechanical well condition that may have an adverse effect on production of petroleum from, or the injection of fluids into, the well is corrected;
 - (g) the injection or production profile of the well is improved, or the completion interval of the well is changed, if it is necessary to do so to prevent waste;
 - (h) if different pressure and inflow characteristics of 2 or more pools might adversely affect the recovery from any of those pools, the well is operated as a single pool well or as a segregated multi-pool well;
 - (i) after initial completion, all barriers are tested to the maximum pressure to which they are likely to be subjected; and
 - (j) following any workover, any affected barriers are pressure-tested.
- (2) The operator of a segregated multi-pool well shall ensure that
- (a) after the well is completed, segregation has been established within and outside the well casing and is confirmed; and
 - (b) if there is reason to doubt that segregation is being maintained, a segregation test is conducted within a reasonable time frame.

Subsurface safety valve

48 The operator of a development well capable of flow shall ensure that the well is equipped with a fail-safe subsurface safety valve that is designed, installed, operated and tested to prevent uncontrolled well flow when it is activated.

Wellhead and Christmas tree equipment

49 The operator shall ensure that the wellhead and Christmas tree equipment, including valves, are designed to operate safely and efficiently under the maximum load conditions anticipated during the life of the well.

Part 5: Evaluation of Wells, Pools and Fields**Data acquisition programs**

50 The operator shall ensure that the well data acquisition program and the field data acquisition program are implemented in accordance with good oilfield practices.

Alternate data-acquisition procedures

- 51** (1) If part of the well or field data acquisition program cannot be implemented, the operator shall ensure that
- (a) a conservation officer is notified as soon as the circumstances permit; and
 - (b) the procedures to otherwise achieve the goals of the program are submitted to the Board for approval.
- (2) If the operator can demonstrate that those procedures can achieve the goals of the well or field data acquisition program or are all that can be reasonably expected in the circumstances, the Board shall approve them.

Testing and sampling of formations

- 52** The operator shall ensure that every formation in a well is tested and sampled to obtain reservoir pressure data and fluid samples from the formation, if there is an indication that the data or samples would contribute substantially to the geological and reservoir evaluation.

Formation flow testing

- 53** (1) The operator shall ensure that
- (a) no development well is put into production unless the Board has approved a formation flow test in respect of the development well; and
 - (b) if a development well is subjected to a well operation that might change its deliverability, productivity or injectivity, a formation flow test is conducted within a reasonable time frame after the well operation is ended to determine the effects of that operation on the well's deliverability, productivity or injectivity.
- (2) The operator may conduct a formation flow test on a well drilled on a geological feature if, before conducting that test, the operator
- (a) submits to the Board a detailed testing program; and
 - (b) obtains the Board's approval to conduct the test.
- (3) The Board may require that the operator conduct a formation flow test on a well drilled on a geological feature, other than the first well, if there is an indication that the test would contribute substantially to the geological and reservoir evaluation.
- (4) The Board shall approve a formation flow test if the operator demonstrates that the test will be conducted safely, without pollution and in accordance with good oilfield practices and that the test will enable the operator to
- (a) obtain data on the deliverability or productivity of the well;
 - (b) establish the characteristics of the reservoir; and
 - (c) obtain representative samples of the formation fluids.

Submission of samples and data

- 54** The operator shall ensure that all cutting samples, fluid samples and cores collected as part of the well and field data acquisition programs are
- (a) transported and stored in a manner that prevents any loss or deterioration;
 - (b) delivered to the Board within 60 days after the rig release date unless analyses are ongoing, in which case those samples and cores, or the remaining parts, are to be delivered on completion of the analyses; and
 - (c) stored in durable containers properly labelled for identification.

Remaining cores

- 55** The operator shall ensure that after any samples necessary for analysis or for research or academic studies have been removed from a conventional core, the remaining core, or a longitudinal slab that is not less than one half of the cross-sectional area of that core, is submitted to the Board.

Disposal of cutting, fluid, corer or evaluation data

- 56** Before disposing of cutting samples, fluid samples, cores or evaluation data under these regulations, the operator shall ensure that the Board is notified in writing and is given an opportunity to request delivery of the samples, cores or data.

Part 6: Well Termination**Suspension or abandonment**

- 57** The operator shall ensure that every well that is suspended or abandoned can be readily located and left in a condition that
- (a) provides for isolation of all hydrocarbon-bearing zones and discrete pressure zones; and
 - (b) prevents any formation fluid from flowing through or escaping from the well-bore.

Monitoring and inspecting suspended well

- 58** The operator of a suspended well shall ensure that the well is monitored and inspected to maintain its continued integrity and to prevent pollution.

Clearing of seafloor

- 59** The operator shall ensure that, on the abandonment of a well, the seafloor is cleared of any material or equipment that might interfere with other commercial uses of the sea.

Installation removal

- 60** No operator shall remove or cause to have removed a drilling installation from a well drilled under these regulations unless the well has been terminated in accordance with these regulations.

Part 7: Measurements**Flow and volume**

- 61 (1)** Unless otherwise included in the approval issued under subsection 8(2), the operator shall ensure that the rate of flow and the volume of the following are measured and recorded:
- (a) the fluid that is produced from each well;
 - (b) the fluid that is injected into each well;

- (c) any produced fluid that enters, leaves, is used or is flared, vented, burned or otherwise disposed of on an installation, including any battery room, treatment facility or processing plant; and
 - (d) any air or materials injected for the purposes of disposal, storage or cycling, including drill cuttings and other useless material that is generated during drilling, well or production operations.
- (2) The operator shall ensure that any measurements are conducted in accordance with the flow system, flow calculation procedure and flow allocation procedure approved under subsection 8(2).

Allocation of production and fluids

- 62** (1) The operator shall ensure that group production of petroleum from wells and injection of a fluid into wells is allocated on a pro rata basis, in accordance with the flow system, flow calculation procedure and flow allocation procedure approved under subsection 8(2).
- (2) If a well is completed over multiple pools or zones, the operator shall ensure that production or injection volumes for the well are allocated on a pro rata basis to the pools or zones in accordance with the flow allocation procedure approved under subsection 8(2).

Testing, maintenance and notification

63 The operator shall ensure

- (a) that meters and associated equipment are calibrated and maintained to ensure their continued accuracy;
- (b) that equipment used to calibrate the flow system is calibrated in accordance with good measurement practices;
- (c) that any component of the flow system that may have an impact on the accuracy or integrity of the flow system and that is not functioning in accordance with the manufacturer's specifications is repaired or replaced without delay or, if it is not possible to do so without delay, that corrective measures are taken to minimize the impact on the accuracy and integrity of the flow system while the repair or replacement is proceeding; and
- (d) that a conservation officer is notified, as soon as the circumstances permit, of any malfunction or failure of any flow system component that may have an impact on the accuracy of the flow system and of the corrective measures taken.

Transfer meters

64 The operator shall ensure that

- (a) a conservation officer is notified at least 14 days before the day on which any transfer meter prover or master meter used in conjunction with a transfer meter is calibrated; and
- (b) a copy of the calibration certificate is submitted to the Chief Conservation Officer as soon as the circumstances permit, following completion of the calibration.

Proration testing frequency

65 The operator of a development well that is producing petroleum shall ensure that sufficient proration tests are performed to permit reasonably accurate determination of the allocation of oil, gas and water production on a pool and zone basis.

Part 8: Production Conservation

Resource management

66 The operator shall ensure that

- (a) maximum recovery from a pool or zone is achieved in accordance with good oilfield practices;
- (b) wells are located and operated to provide for maximum recovery from a pool; and
- (c) if there is reason to believe that infill drilling or implementation of an enhanced recovery scheme might result in increased recovery from a pool or field, studies on these methods are carried out and submitted to the Board.

Commingled production

- 67 (1) No operator shall engage in commingled production except in accordance with the approval granted under subsection (2).
- (2) The Board shall approve the commingled production if the operator demonstrates that it would not reduce the recovery from the pools or zones.
 - (3) The operator engaging in commingled production shall ensure that the total volume and the rate of production of each fluid produced is measured and the volume from each pool or zone is allocated in accordance with the requirements of Part 7.

Gas flaring and venting

68 No operator shall flare or vent gas unless

- (a) it is otherwise permitted in the approval issued under subsection 53(4) or in the authorization; or
- (b) it is necessary to do so because of an emergency situation and the Board is notified in the daily drilling report, daily production report or in any other written or electronic form, as soon as the circumstances permit, of the flaring or venting and of the amount flared or vented.

Oil burning

69 No operator shall burn oil unless

- (a) it is otherwise permitted in the approval issued under subsection 53(4) or in the authorization; or
- (b) it is necessary to do so because of an emergency situation and the Board is notified in the daily drilling report, daily production report or in any other written or electronic form, as soon as the circumstances permit, of the burning and the amount burned.

Part 9: Support Operations

Support craft design, construction and maintenance

70 The operator shall ensure that all support craft are designed, constructed and maintained to supply the necessary support functions and operate safely in the foreseeable physical environmental conditions prevailing in the area in which they operate.

Support craft utilization

71 (1) The operator of a manned installation shall ensure that at least 1 support craft is

- (a) available at a distance that is not greater than that required for a return time of 20 minutes; and
 - (b) suitably equipped to supply the necessary emergency services including rescue and first aid treatment for all personnel on the installation in the event of an emergency.
- (2) If the support craft exceeds the distance referred to in clause (1)(a), both the installation manager and the person in charge of the support craft shall log this fact and the reason why the distance or time was exceeded.
- (3) Under the direction of the installation manager, the support craft crew shall keep the craft in close proximity to the installation, maintain open communication channels with the installation and be prepared to conduct rescue operations during any activity or condition that presents an increased level of risk to the safety of personnel or the installation.

Safety zone

- 72 (1) For the purposes of this Section, the safety zone around an installation consists of the area within a line enclosing and drawn at a distance of 500 m from the outer edge of the installation.
- (2) A support craft shall not enter the safety zone without the consent of the installation manager.
- (3) The operator shall take all reasonable measures to warn persons who are in charge of vessels and aircraft of the safety zone boundaries, of the facilities within the safety zone and of any related potential hazards.

Part 10: Training and Competency

73 The operator shall ensure that

- (a) all personnel have, before assuming their duties, the necessary experience, training and qualifications and are able to conduct their duties safely, competently and in compliance with these regulations; and
- (b) records of the experience, training and qualifications of all personnel are kept and made available to the Board upon request.

Impairment and fatigue

- 74 (1) Subject to subsection (2), the operator shall ensure that no person works when their ability to function is impaired and that no person is required to work
- (a) any shift in excess of 12.5 continuous hours; or
 - (b) 2 successive shifts of any duration unless that person has had at least 8 hours' rest between the shifts.
- (2) The operator may allow a person to work in excess of the hours or without the rest period referred to in subsection (1) if the operator has assessed the risk associated with the person working the extra hours and determined that such work can be carried out without increased risk to safety or to the environment.

- (3) If an operator allows a person to work in excess of the hours or without the rest period referred to in subsection (1), the operator shall ensure that a description of the work, the names of the persons performing the work, the hours worked and the risk assessment referred to in subsection (2) are recorded.

Part 11: Submissions, Notifications, Records and Reports

Reference to names and designations

75 When submitting any information for the purposes of these regulations, the operator shall refer to each well, pool and field by the name given to it under Sections 4 and 5 or, if a zone, by its designation by the Board under Section 5.

Surveys

- 76 (1) The operator shall ensure that a survey is used to confirm the location of the well on the seafloor.
- (2) The survey shall be certified by a person licensed under the *Canada Lands Surveyors Act*, S.C. 1998, c. 14.
 - (3) The operator shall ensure that a copy of the survey plan filed with the Canada Lands Surveys Records is submitted to the Board.

Incidents and near-misses

- 77 (1) The operator shall ensure that
- (a) the Board is notified of any incident or near-miss as soon as the circumstances permit; and
 - (b) the Board is notified at least 24 hours in advance of any press release or press conference held by the operator concerning any incident or near-miss during any activity to which these regulations apply, except in an emergency situation, in which case it shall be notified without delay before the press release or press conference.
- (2) The operator shall ensure that
- (a) any incident or near-miss is investigated, its root cause and causal factors identified and corrective action taken; and
 - (b) for any of the following incidents or near-misses, a copy of an investigation report identifying the root cause, causal factors and corrective action taken is submitted to the Board no later than 21 days after the day on which the incident or near-miss occurred:
 - (i) a lost or restricted workday injury,
 - (ii) a death,
 - (iii) fire or explosion,
 - (iv) a loss of containment of any fluid from a well,
 - (v) an imminent threat to the safety of a person, installation or support craft, or
 - (vi) a significant pollution event.

Submission of data and analysis

- 78** (1) The operator shall ensure that a final copy of the results, data, analyses and schematics obtained from the following sources is submitted to the Board:
- (a) testing, sampling and pressure surveys carried out as part of the well and field data acquisition programs referred to in Section 50 and testing and sampling of formations referred to in Section 52; and
 - (b) any segregation test or well operation.
- (2) Unless otherwise indicated in these regulations, the operator shall ensure that the results, data, analyses and schematics are submitted within 60 days after the day on which any activity referred to in clauses (1)(a) and (b) is completed.

Records

79 The operator shall ensure that records are kept of

- (a) all persons arriving, leaving or present on the installation;
- (b) the location and movement of support craft, the emergency drills and exercises, incidents, near-misses, the quantities of consumable substances that are required to ensure the safety of operations and other observations and information critical to the safety of persons on the installation or the protection of the environment;
- (c) daily maintenance and operating activities, including any activity that may be critical to the safety of persons on the installation, the protection of the environment or the prevention of waste;
- (d) in the case of a production installation,
 - (i) the inspection of the installation and related equipment for corrosion and erosion and any resulting maintenance carried out,
 - (ii) the pressure, temperature and flow rate data for compressors and treating and processing facilities;
 - (iii) the calibration of meters and instruments,
 - (iv) the testing of surface and subsurface safety valves,
 - (v) the status of each well and the status of well operations, and
 - (vi) the status of the equipment and systems critical to safety and protection of the environment including any unsuccessful test result or equipment failure leading to an impairment of the systems; and
- (e) in the case of a floating installation, all installation movements, data, observations, measurements and calculations related to the stability and station-keeping capability of the installation.

Meteorological observations

80 The operator of an installation shall ensure

- (a) that the installation is equipped with facilities and equipment for observing, measuring and recording physical environmental conditions and that a comprehensive record of observations of physical environmental conditions is maintained onboard the installation; and
- (b) that forecasts of meteorological conditions, sea states and ice movements are obtained and recorded each day and each time during the day that they change substantially from those forecasted.

Daily production record

81 The operator shall ensure that a daily production record, which includes the metering records and other information relating to the production of petroleum and other fluids in respect of a pool or well, is retained and readily accessible to the Board until the field or well in which the pool is located is abandoned and at that time shall offer the record to the Board before destroying it.

Management of records

82 The operator shall ensure that

- (a) all processes are in place and implemented to identify, generate, control and retain records necessary to support operational and regulatory requirements; and
- (b) the records are readily accessible for inspection by the Board.

Formation flow test reports

83 The operator shall ensure that

- (a) in respect of exploration and delineation wells, a daily record of formation flow test results is submitted to the Board; and
- (b) in respect of all wells, a formation flow test report is submitted to the Board as soon as the circumstances permit, following completion of the test.

Pilot scheme

- 84** (1) For the purposes of this Section, “pilot scheme” means a scheme that applies existing or experimental technology over a limited portion of a pool to obtain information on reservoir or production performance for the purpose of optimizing field development or improving reservoir or production performance.
- (2) The operator shall ensure that interim evaluations of any pilot scheme respecting a pool, field or zone are submitted to the Board.
- (3) When the operator completes a pilot scheme, the operator shall ensure that a report is submitted to the Board that sets out
- (a) the results of the scheme and supporting data and analyses; and
 - (b) the operator’s conclusions as to the potential of the scheme for application to full-scale production.

Daily reports

85 The operator shall ensure that a copy of the following is submitted to the Board daily:

- (a) the daily drilling report;

- (b) the daily geological report, including any formation evaluation logs and data; and
- (c) in the case of a production installation, a summary, in the form of a daily production report, of the records referred to in clause 79(d) and the daily production record.

Monthly production report

- 86** (1) The operator shall ensure that a report summarizing the production data collected during the preceding month is submitted to the Board not later than the 15th day of each month.
- (2) The report shall use established production accounting procedures.

Annual production report

- 87** The operator shall ensure that, not later than March 31 of each year, an annual production report for a pool, field or zone is submitted to the Board providing information that demonstrates how the operator manages and intends to manage the resource without causing waste, including,
- (a) for the preceding year, details on the performance, production forecast, reserve revision, reasons for significant deviations in well performance from predictions in previous annual production reports, gas conservation resources, efforts to maximize recovery and reduce costs and the operating and capital expenditures, including the cost of each well operation; and
 - (b) for the current year and the next two years, estimates of the operating and capital expenditures, including the cost of each well operation.

Environmental reports

- 88** (1) For each production project, the operator shall ensure that, not later than March 31 of each year, an annual environmental report relating to the preceding year is submitted to the Board and includes
- (a) for each installation, a summary of the general environmental conditions during the year and a description of ice management activities; and
 - (b) a summary of environmental protection matters during the year, including a summary of any incidents that may have an environmental impact, discharges that occurred and waste material that was produced, a discussion of efforts undertaken to reduce pollution and waste material and a description of environmental contingency plan exercises.
- (2) For each drilling installation for an exploration or delineation well, the operator shall ensure that an environmental report relating to each well is submitted to the Board within 90 days after the rig release date and includes
- (a) a description of the general environmental conditions during the drilling program and a description of ice management activities and downtime caused by weather or ice; and
 - (b) a summary of environmental protection matters during the drilling program, including a summary of spills, discharges occurred and waste material produced, a discussion of efforts undertaken to reduce them, and a description of environmental contingency plan exercises.

Annual safety report

- 89** The operator shall ensure that, not later than March 31 of each year, an annual safety report relating to the preceding year is submitted to the Board and includes
- (a) a summary of lost or restricted workday injuries, minor injuries and safety-related incidents and near-misses that have occurred during the preceding year; and

- (b) a discussion of efforts undertaken to improve safety.

Well history report

- 90** (1) The operator shall ensure that a well history report is prepared for every well drilled by the operator under the well approval and that the report is submitted to the Board.
- (2) The well history report shall contain a record of all operational, engineering, petrophysical and geological information that is relevant to the drilling and evaluation of the well.

Well operations report

- 91** (1) The operator shall ensure that a report including the following information is submitted to the Board within 30 days after the end of a well operation:
- (a) a summary of the well operation, including any problems encountered during the well operation;
- (b) a description of the completion fluid properties;
- (c) a schematic of, and relevant engineering data on, the down-hole equipment, tubulars, Christmas tree and production control system;
- (d) details of any impact of the well operation on the performance of the well, including any effect on recovery; and
- (e) for any well completion, suspension or abandonment, the rig release date.
- (2) The report shall be signed and dated by the operator or the operator's representative.

Other reports

- 92** The operator shall ensure that the Board is made aware, at least once a year, of any report containing relevant information regarding applied research work or studies obtained or compiled by the operator relating to the operator's work or activities and that a copy of it is submitted to the Board on request.

Transitional provision

- 93** An operator at the time of the coming into force of these regulations shall comply with the requirements of Section 6.

N.S. Reg. 337/2009

Nova Scotia Offshore Area Certificate of Fitness Regulations

Schedule "B"

**Amendment to the Nova Scotia Offshore Area Certificate of Fitness Regulations
made by the Governor in Council under Section 146
of Chapter 3 of the Acts of 1987, the Canada-Nova Scotia Offshore Petroleum Resources Accord
Implementation (Nova Scotia) Act**

- 1 Clause 2(d) of the *Nova Scotia Offshore Area Certificate of Fitness Regulations*, N.S. Reg. 4/96, made by the Governor in Council by Order in Council 96-20 dated January 9, 1996, is repealed and the following clause substituted:

- (d) “certifying authority” means, for the purposes of Section 136B of the Act, the American Bureau of Shipping, Bureau Veritas, Det norskeVeritas Classification A/S, Germanischer Lloyd or Lloyd’s Register North America, Inc.;

2 Section 4 of the regulations is repealed and the following Section substituted:

4 (1) The following installations are prescribed for the purposes of Section 136B of the Act:

- (a) each production installation, accommodation installation and diving installation at a production site; and
- (b) each drilling installation, diving installation and accommodation installation at a drill site.

(2) Subject to subsections (3) and (5) and Section 5, a certifying authority may issue a certificate of fitness in respect of the installations referred to in subsection (1) if the certifying authority determines that, in relation to the production or drill site or region in which the particular installation is to be operated,

(a) the installation

(i) is designed, constructed, transported and installed or established in accordance with

(A) Parts I to III of the *Nova Scotia Offshore Area Petroleum Installations Regulations* made under the Act,

(B) the provisions of the *Oil and Gas Occupational Safety and Health Regulations* made under the *Canada Labour Code* listed in Part 1 of the Schedule to these regulations, and

(C) the provisions of the *Nova Scotia Offshore Area Petroleum Diving Regulations* made under the Act that are listed in Part 2 of the Schedule to these regulations, if the installation includes a dependent diving system,

(ii) is fit for the purpose for which it is to be used and can be operated safely without polluting the environment, and

(iii) will continue to meet the requirements of subparagraphs (i) and (ii) for the period of validity that is endorsed on the certificate of fitness if the installation is maintained in accordance with the inspection, maintenance and weight control programs submitted to and approved by the certifying authority under subsection (5); and

(b) the installation carries out the scope of work in respect of which the certificate of fitness is issued.

(3) For the purposes of subclause (2)(a)(i), the certifying authority may substitute, for any equipment, methods, measure or standard required by any regulations referred to in that subclause, equipment, methods, measures or standards the use of which is authorized by the Chief or Chief Conservation Officer, as applicable under Section 147 of the Act.

- (4) The certifying authority shall endorse on any certificate of fitness it issues details of every limitation on the operation of the installation that is necessary to ensure that the installation meets the requirements of clause (2)(a).
- (5) The certifying authority shall not issue a certificate of fitness unless
- (a) for the purpose of enabling the certifying authority to determine whether the installation meets the requirements of clause (2)(a) and carries out the scope of work referred to in clause (2)(b), the person applying for the certificate
- (i) provides the certifying authority with all the information required by the certifying authority,
- (ii) carries out or assists the certifying authority to carry out every inspection, test or survey required by the certifying authority, and
- (iii) submits to the certifying authority an inspection and monitoring program, a maintenance program and a weight control program for approval; and
- (b) if the programs are adequate to ensure and maintain the integrity of the installation, the certifying authority approves the programs referred to in subclause (a)(iii).

3 Clause 6(2)(a) of the regulations is repealed and the following clause substituted:

- (a) is sufficiently detailed to permit the certifying authority to determine whether the installation meets the requirements of clause 4(2)(a); and

4 Clause 6(2)(b) of the regulations is amended by

- (a) striking out “and” at the end of subclause (v);
- (b) striking out the period at the end of subclause (vi) and substituting a comma; and
- (c) adding the following subclauses immediately after subclause (vi):
- (vii) the structures, facilities, equipment and systems critical to safety and to the protection of the natural environment are in place and functioning appropriately, and
- (viii) in respect of a drilling installation or a production installation, the structures, facilities, equipment and systems to meet the requirements of the provisions of the *Nova Scotia Offshore Petroleum Drilling and Production Regulations* listed in Part 3 of the Schedule to these regulations are in place and functioning appropriately.

5 Subsections 7(1) and (2) of the regulations are repealed and the following subsections substituted:

- 7 (1) If the certifying authority determines that, when the installation is maintained in accordance with the programs submitted to it under subclause 4(5)(a)(iii), the installation will meet the requirements of clause 4(2)(a) for a period of at least 5 years, the certifying authority shall endorse on the certificate of fitness an expiration date that is 5 years after the date of issuance.
- (2) If the period of time referred to in subsection (1) is less than 5 years, the certifying authority shall endorse on the certificate of fitness an expiration date that is the number of years or months in that lesser period after the date of issuance.

- 6 Subclauses 9(1)(a)(i) and (ii) of the regulations are repealed and the following subclauses substituted:
- (i) that any of the information submitted under subsection 4(5) was incorrect and that the certificate of fitness would not have been issued if that information had been correct,
 - (ii) that the installation no longer meets the requirements of clause 4(2)(a), or
- 7 The Schedule to the regulations is replaced by the following Schedule:

Schedule: Certification Standards

(clauses 4(2)(a) and 6(2)(b), *Nova Scotia Offshore Area Certificate of Fitness Regulations*)

Part 1: Provisions of the *Oil and Gas Occupational Safety and Health Regulations (Canada)*

1. Sections 3.2 to 3.11
2. Section 5.1
3. Section 6.3
4. Sections 7.1 to 7.6
5. Section 9.5
6. Sections 9.11 and 9.12
7. Subsection 9.14(1)
8. Subsection 10.6(1)
9. Sections 10.9 to 10.11
10. Sections 10.14 to 10.16
11. Section 10.18
12. Sections 10.24 and 10.25
13. Section 10.27
14. Sections 10.35 to 10.37
15. Subsection 10.38(1)
16. Subsection 10.38(4)
17. Section 11.7
18. Section 11.9
19. Section 13.11
20. Subsection 13.16(4)
21. Section 14.13
22. Section 14.19
23. Sections 15.3 to 15.5
24. Sections 15.9 to 15.11
25. Section 15.13
26. Sections 15.21 and 15.22

27. Section 15.44
28. Subsections 15.47(1) and (2)
29. Subsection 15.49(2)
30. Section 15.50
31. Section 17.13
32. Paragraphs 17.14(b) and (c)
33. Paragraph 17.14(e)
34. Subparagraph 17.14(f)(i)
35. Section 18.2
36. Sections 18.6 to 18.8

Part 2: Provisions of the Nova Scotia Offshore Area Petroleum Diving Regulations

1. Clauses 9(5)(h) to (j)
2. Subsection 12(1)
3. Clause 12(2)(d)
4. Clause 12(2)(g)
5. Clause 12(2)(i)
6. Clauses 12(2)(k) to (p)
7. Section 13
8. Sections 14 to 17
9. Clause 18(a)
10. Clause 18(c)
11. Subsection 19(1)
12. Clause 19(2)(a)
13. Section 23
14. Clause 25(a)

Part 3: Provisions of the Nova Scotia Offshore Petroleum Drilling and Production Regulations

1. Clause 5(2)(e), except in respect of support craft
2. Clause 19(i)
3. Clause 22(b)
4. Section 23
5. Section 25
6. Clause 26(b)
7. Sections 27 to 30
8. Sections 34 and 35

9. Subsection 36(1)
10. Section 37
11. Clauses 45(a) and (b)
12. Sections 47 and 48
13. Clauses 62(a) to (c)

N.S. Reg. 338/2009

Nova Scotia Offshore Area Petroleum Installations Regulations

Schedule “C”

**Amendment to the Nova Scotia Offshore Area Petroleum Installations Regulations
made by the Governor in Council under Section 146 of
Chapter 3 of the Acts of 1987, the Canada-Nova Scotia Offshore Petroleum Resources
Accord Implementation (Nova Scotia) Act**

- 1 Clause 14(1)(c) of the *Nova Scotia Offshore Petroleum Installations Regulations*, N.S. Reg. 166/97, made by the Governor in Council by Order in Council 97-756 dated December 9, 1997 is repealed and the following clause substituted:
 - (c) drilling safety systems and associated equipment will operate safely and in accordance with the manufacturer’s specifications;
- 2 The portion of subsection 63(1) of the regulations before clause (a) is struck out and the following substituted:

63 (1) Subject to subsection (2), every operator shall prepare, adhere to and maintain, in respect of every installation, an operations manual that contains the following data:

N.S. Reg. 339/2009

Made: October 16, 2009 and December 15, 2009

Filed: December 16, 2009

Summary Offence Tickets Regulations

Order in Council 2009-521 dated December 15, 2009

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

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated October 16, 2009, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia 1989, the *Summary Proceedings Act*, is pleased to amend Schedule 4A of the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to designate certain offences under the *Commercial Vehicle Drivers’ Hours of Service Regulations* 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 December 15, 2009.

Order

I, Ross Landry, 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 in, 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 October 16, 2009, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Ross Landry*
Honourable Ross Landry
Minister of Justice and Attorney General of Nova Scotia

Schedule “A”

Amendment to the *Summary Offence Tickets Regulations* made by the Governor in Council under Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*

Schedule 4A to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is amended by repealing the heading “Commercial Vehicle Drivers’ Hours of Work Regulations” and items 1 to 23 under that heading and substituting the following heading and items:

Commercial Vehicle Driver’s Hours of Service Regulations

1. Driving when driver’s faculties are impaired	5(a)	F
2. Driving when driving would jeopardize public health or safety	5(b)	F
3. Driving when out-of-service	5(c)	F
4. Driving when not in compliance with regulations	5(d)	D
5. Failing to comply with daily driving hours (13 hours)	6(a)	D
6. Failing to comply with daily on-duty hours (14 hours)	6(b)	D
7. Failing to take 8 consecutive off-duty hours after 13 hours of driving time	7(1)(a)	D
8. Failing to take 8 consecutive off-duty hours after 14 hours of on-duty time	7(1)(b)	D
9. Driving after 16 hours have elapsed between off-duty periods	7(2)	D
10. Failing to take 10 hours of off-duty time in day, including 8-hour period of off-duty and 2-hour period of off-duty	9(1)	D
11. Failing to comply with off-duty hours after splitting daily off-duty time (single driver)	12(3)	D
12. Failing to comply with off-duty hours after splitting daily off-duty time (team of drivers)	13(3)	D
13. Failing to follow cycle 1 or cycle 2	14	D

14. Failing to take off-duty hours – at least 24 consecutive in 14 days	15	D
15. Excessive hours – cycle 1	16	D
16. Excessive hours – cycle 2	17(a)	D
17. Failing to take off-duty hours – 24 consecutive hours after 70 hours on duty	17(b)	D
18. Switching from cycle 1 to cycle 2 without taking 36 consecutive off-duty hours	19(1)(a)	D
19. Switch from cycle 2 to cycle 1 without taking 72 consecutive off-duty hours	19(1)(b)	D
20. Failing to take off-duty hours – at least 3 periods off-duty during 24 days (special permit for oil well service vehicles)	22(2)(a)	D
21. Failing to take off-duty hours – at least 72 consecutive hours off duty (special permit for oil well service vehicles)	22(2)(b)	D
22. Failing to place copy of special permit in vehicle	25(1)(a)	E
23. Failing to provide list of vehicles operating under special permit to director	25(1)(b)	E
24. Failing to make daily log of drivers operating under special permit available immediately to director	25(1)(c)	E
25. Failing to make supporting documents of drivers operating under special permit available immediately to director	25(1)(c)	E
26. Failing to notify director of accident involving vehicle operating under special permit	25(1)(d)	E
27. Failing to comply with terms and conditions of special permit	25(2)	E
28. Failing to record reason for extending driving, on-duty time or elapsed time (specify) in daily log	29	D
29. Failing to fill out daily log	31(1)	E
30. Failing to legibly enter all required information in daily log	32	C
31. Failing to have daily logs for previous 14 days in possession	34(a)	E
32. Failing to have daily logs of 24-hour off-duty time in possession (special permit for oil will service vehicles)	34(b)	E
33. Failing to have daily log for current day in possession, completed up to last duty status change	34(c)	B
34. Failing to have supporting documents of current trip in possession	34(d)	E
35. Failing to forward daily logs no later than 20 days after completed	35(1)	C
36. Failing to forward supporting documents no later than 20 days after completed	35(1)	C
37. Failing to forward daily logs to first carrier no later than 20 days after completed	35(2)(a)	C
38. Failing to forward copy of daily logs to all other carriers no later than 20 days after completed	35(2)(b)	C
39. Failing to forward supporting documents to all carriers no later than 20 days after completed	35(2)(c)	C
40. Failing to deposit daily logs within 30 days	35(3)(a)	E
41. Failing to deposit supporting documents no later than 30 days after received	35(3)(a)	E
42. Failing to keep daily logs in chronological order for 6 months	35(3)(b)	E

43. Failing to keep supporting documents in chronological order for 6 months	35(3)(b)	E
44. Keeping more than one daily log	36(1)	G
45. Entering inaccurate information in a daily log	36(2)(a)	G
46. Falsifying, mutilating or defacing daily log	36(2)(b)	G
47. Falsifying, mutilating or defacing supporting documents	36(2)(b)	G
48. Failing to monitor compliance	37(1)	F
49. Failing to take immediate remedial action	37(2)	F
50. Failing to issue notice of non-compliance	37(2)	F
51. Failing to record required details of non-compliance	37(2)	F
52. Making false statement to director	39	G
53. Failing to immediately produce current daily log and daily logs for previous 14 days	41(1)(a)	E
54. Failing to immediately produce supporting documents for current trip and previous 14 days	41(1)(b)	E
55. Failing to immediately produce special permits for current trip and previous 14 days	41(1)(c)	E
56. Failing to retrieve information on electronic recording device	41(2)	E
57. Failing to immediately give inspector daily logs for previous 14 days	41(3)(a)	E
58. Failing to immediately give inspector supporting documents for previous 14 days	41(3)(b)	E
59. Failing to immediately give inspector special permits	41(3)(c)	E
60. Failing to make daily logs available	42(1)(a)	F
61. Failing to make supporting documents available	42(1)(b)	F
62. Failing to make special permits available	42(1)(c)	F