

Royal



Gazette

Part II Regulations under the Regulations Act

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Errata: Volume 38, Issue 26, dated December 26, 2014, contains printing errors. N.S. Reg. 195/2014 is mistakenly referred to as an amendment to the *Air Quality Regulations* in both the Table of Contents on page 1 and the heading for N.S. Reg. 195/2014 on page 571. It should be referred to as “Mercury Diversion Standard Order”.

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. 218/2014 to 220/2014

Made: December 17, 2014

Filed: December 18, 2014

Designations of Correctional Facilities

Order dated December 17, 2014
amendment to regulations made by the Minister of Justice
pursuant to clauses 3(1)(b) and (d) of the *Correctional Services Act*

**In the matter of clauses 3(1)(b) and (d) of
Chapter 37 of the Acts of 2005, the *Correctional Services Act***

- and -

**In the matter of designations of places
as correctional facilities by the Minister of Justice**

Order

I, Lena Metlege Diab, Minister of Justice for the Province of Nova Scotia, pursuant to clauses 3(1)(b) and (d) of Chapter 37 of the Acts of 2005, the *Correctional Services Act*, hereby amend the *Designations of Correctional Facilities*, N.S. Reg. 2/2012, made by Order of the Minister of Justice dated May 10, 2011, as follows:

- (a) effective January 5, 2015, in the manner set out in the attached Schedule “A”, to provide for the temporary housing of adult male offenders at the Nova Scotia Youth Facility during the transition between the closure of the Antigonish Correctional Facility and the Cumberland County Correctional Facility and the opening of the new Northeast Nova Scotia Correctional Facility;
- (b) effective January 12, 2015, in the manner set out in the attached Schedule “B”, to remove the designations of the Antigonish Correctional Facility and the Cumberland County Correctional Facility as correctional facilities; and
- (c) effective February 2, 2015, in the manner set out in the attached Schedule “C”, to designate the Northeast Nova Scotia Correctional Facility as a correctional facility.

Dated and signed December 17, 2014 at Halifax, Nova Scotia.

Sgd: *Lena M. Diab*
Honourable Lena Metlege Diab
Minister of Justice of Nova Scotia

N.S. Reg. 218/2014

Designations of Correctional Facilities

Schedule “A”

**Amendment to the *Designations of Correctional Facilities*
made by the Minister of Justice under clauses 3(1)(b) and (d) of
Chapter 37 of the Acts of 2005, the *Correctional Services Act***

Section 8 of the *Designations of Correctional Facilities*, N.S. Reg. 2/2012, made by the Minister of Justice by Order dated May 10, 2011, is amended by adding the following subsection immediately after subsection (2):

- (3) Despite subsection (2), the Nova Scotia Youth Facility may be used for temporarily housing adult male offenders from January 5 to February 23, 2015, during the transition between the closure of the Antigonish Correctional Facility and the Cumberland County Correctional Facility and the opening of the new Northeast Nova Scotia Correctional Facility, but only if the following requirements are met:
- (a) the requirements respecting separate housing in the *Youth Criminal Justice Act* (Canada); and
 - (b) for female youth offenders, the requirements respecting female offenders in Sections 41 and 42 of the Act and Sections 74 to 77 of the *Correctional Services Regulations*.

N.S. Reg. 219/2014

Designations of Correctional Facilities—amendment

Schedule “B”

**Amendment to the *Designations of Correctional Facilities*
made by the Minister of Justice under clauses 3(1)(b) and (d) of
Chapter 37 of the Acts of 2005, the *Correctional Services Act***

The *Designations of Correctional Facilities*, N.S. Reg. 2/2012, made by the Minister of Justice by Order dated May 10, 2011, are amended to remove the designations of the Antigonish Correctional Facility and the Cumberland Correctional Facility as correctional facilities by repealing Sections 3 and 7.

N.S. Reg. 220/2014

Designations of Correctional Facilities—amendment

Schedule “C”

**Amendment to the *Designations of Correctional Facilities*
made by the Minister of Justice under clauses 3(1)(b) and (d) of
Chapter 37 of the Acts of 2005, the *Correctional Services Act***

The *Designations of Correctional Facilities*, N.S. Reg. 2/2012, made by the Minister of Justice by Order dated May 10, 2011, are amended to designate the Northeast Nova Scotia Correctional Facility as a correctional facility by adding the following Section immediately after Section 6:

- 7 (1) The Northeast Nova Scotia Correctional Facility, located at 10202 Sherbrooke Road, Pictou County, Nova Scotia, is designated as a correctional facility.
- (2) The Northeast Nova Scotia Correctional Facility is designated for housing adult male offenders only.
- (3) Despite subsection (2), the Northeast Nova Scotia Correctional Facility may be used
- (a) subject to Section 10, for temporarily housing adult female offenders, including adult female offenders serving intermittent sentences; and
 - (b) subject to Sections 10 and 11, for temporarily housing youth offenders.

N.S. Reg. 221/2014

Made: November 6, 2014

Approved: December 10, 2014

Filed: December 19, 2014

Nova Scotia Egg Producers Levy Order

Order dated December 10, 2014
amendment to regulations made by the Egg Producers of Nova Scotia
pursuant to clause 9(1)(hb) of the *Natural Products Act*

Egg Producers of Nova Scotia**Amendment to the Nova Scotia Egg Producers Levy Order**

I certify that on November 6, 2014, the Egg Producers of Nova Scotia, pursuant to clause 9(1)(hb) of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, as delegated by clause 6(g) of the *Nova Scotia Egg Producers' Marketing Plan*, N.S. Reg. 239/82, carried a motion to amend the *Nova Scotia Egg Producers Levy Order*, N.S. Reg. 170/2006, made by the Egg Producers of Nova Scotia on August 9, 2006, and approved by the Natural Products Marketing Council on August 22, 2006, in the manner set forth in the attached Schedule "A", effective on and after December 10, 2014.

Signed at Truro, in the County of Colchester, Nova Scotia on December 11, 2014.

Egg Producers of Nova Scotia

Sgd: *Patti Wyllie*

per: Patti Wyllie

General Manager

Approved by the Natural Products Marketing Council at Truro, in the County of Colchester, Nova Scotia on December 10, 2014.

Natural Products Marketing Council

Sgd: *E. A. Crouse*

per: Elizabeth A. Crouse, P.Ag.

General Manager

Schedule "A"

**Amendment to the Nova Scotia Egg Producers Levy Order
made by the Egg Producers of Nova Scotia under clause 9(1)(hb) of
Chapter 308 of the Revised Statutes of Nova Scotia, 1989,
the *Natural Products Marketing Act***

Subsection 3(1) of the *Nova Scotia Egg Producers Levy Order*, N.S. Reg. 170/2006, made by the Egg Producers of Nova Scotia on August 9, 2006, and approved by the Natural Products Marketing Council on August 22, 2006, is amended by striking out "\$0.4025" and substituting "\$0.3625".

N.S. Reg. 222/2014

Made: December 18, 2014

Filed: December 22, 2014

Petroleum Products Prices

Order dated December 18, 2014
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-14-52****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:** Peter W. Gurnham, Q.C., Chair**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 (“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 Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended December 17, 2014, are:

Grade 1 Regular gasoline	50.0¢ per litre
Ultra-low-sulfur diesel oil	62.9¢ per litre

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

Gasoline:	
Grade 1	50.0¢ per litre
Grade 2	53.0¢ per litre
Grade 3	56.0¢ per litre
Ultra-low-sulfur diesel oil	62.9¢ 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 2.7¢ per litre
Ultra-low-sulfur diesel oil:	minus 1.6¢ per litre

And whereas a winter blending adjustment of plus 5.9¢ 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 19, 2014.

Dated at Halifax, Nova Scotia, this 18th day of December, 2014.

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 19, 2014**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	54.5	10.0	15.5	80.0	97.5	99.6	97.5	999.9
Mid-Grade Unleaded	57.5	10.0	15.5	83.0	101.0	103.0	101.0	999.9
Premium Unleaded	60.5	10.0	15.5	86.0	104.4	106.5	104.4	999.9
Ultra-Low-Sulfur Diesel	74.4	4.0	15.4	93.8	113.4	115.5	113.4	999.9
Zone 2								
Regular Unleaded	55.0	10.0	15.5	80.5	98.1	100.2	98.1	999.9
Mid-Grade Unleaded	58.0	10.0	15.5	83.5	101.5	103.6	101.5	999.9
Premium Unleaded	61.0	10.0	15.5	86.5	105.0	107.1	105.0	999.9
Ultra-Low-Sulfur Diesel	74.9	4.0	15.4	94.3	114.0	116.0	114.0	999.9
Zone 3								
Regular Unleaded	55.4	10.0	15.5	80.9	98.6	100.6	98.6	999.9
Mid-Grade Unleaded	58.4	10.0	15.5	83.9	102.0	104.1	102.0	999.9
Premium Unleaded	61.4	10.0	15.5	86.9	105.5	107.5	105.5	999.9
Ultra-Low-Sulfur Diesel	75.3	4.0	15.4	94.7	114.4	116.5	114.4	999.9
Zone 4								
Regular Unleaded	55.5	10.0	15.5	81.0	98.7	100.7	98.7	999.9
Mid-Grade Unleaded	58.5	10.0	15.5	84.0	102.1	104.2	102.1	999.9
Premium Unleaded	61.5	10.0	15.5	87.0	105.6	107.6	105.6	999.9
Ultra-Low-Sulfur Diesel	75.4	4.0	15.4	94.8	114.5	116.6	114.5	999.9
Zone 5								
Regular Unleaded	55.5	10.0	15.5	81.0	98.7	100.7	98.7	999.9
Mid-Grade Unleaded	58.5	10.0	15.5	84.0	102.1	104.2	102.1	999.9
Premium Unleaded	61.5	10.0	15.5	87.0	105.6	107.6	105.6	999.9
Ultra-Low-Sulfur Diesel	75.4	4.0	15.4	94.8	114.5	116.6	114.5	999.9
Zone 6								
Regular Unleaded	56.2	10.0	15.5	81.7	99.5	101.5	99.5	999.9
Mid-Grade Unleaded	59.2	10.0	15.5	84.7	102.9	105.0	102.9	999.9
Premium Unleaded	62.2	10.0	15.5	87.7	106.4	108.4	106.4	999.9
Ultra-Low-Sulfur Diesel	76.1	4.0	15.4	95.5	115.3	117.4	115.3	999.9

N.S. Reg. 223/2014

Made: December 22, 2014

Filed: December 22, 2014

Proclamation, S. 72, S.N.S. 2011, c. 38

Order in Council 2014-528 dated December 22, 2014

Proclamation made by the Governor in Council

pursuant to Section 72 of the

Medical Act

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated December 4, 2014, and pursuant to Section 72 of Chapter 38 of the Acts of 2011, the *Medical Act*, is pleased to order and declare by proclamation that Chapter 38 of the Acts of 2011, the *Medical Act*, do come into force on and not before January 1, 2015.

PROVINCE OF NOVA SCOTIA

sgd: J. J. Grant

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 72 of Chapter 38 of the Acts of 2011, the *Medical Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 38 of the Acts of 2011, the *Medical Act*, do come into force on and not before January 1, 2015;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 38 of the Acts of 2011, the *Medical Act*, do come into force on and not before January 1, 2015, of which all persons concerned are to take notice and govern themselves accordingly.

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

WITNESS, Our Trusty and Well Beloved His Honour
Brigadier-General, the Honourable J. J. Grant
(Retired), Lieutenant Governor of the Province of
Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 22nd day of December in the year of
Our Lord two thousand and fourteen and in the sixty-
third year of Our Reign.

BY COMMAND:

sgd: Lena Metlege Diab
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 224/2014

Made: December 22, 2014

Filed: December 22, 2014

Proclamation, S. 6, S.N.S. 2012, c. 26

Order in Council 2014-529 dated December 22, 2014
Proclamation made by the Governor in Council
pursuant to Section 6 of the
Medical Society Act

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated December 4, 2014, and pursuant to Section 6 of Chapter 26 of the Acts of 2012, *An Act to Amend Chapter 12 of the Acts of 1995-96, the Medical Society Act*, is pleased to order and declare by proclamation that Section 5 of Chapter 26 of the Acts of 2012, *An Act to Amend Chapter 12 of the Acts of 1995-96, the Medical Society Act*, do come into force on and not before January 1, 2015.

PROVINCE OF NOVA SCOTIA

sgd: J. J. Grant

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 6 of Chapter 26 of the Acts of 2012, *An Act to Amend Chapter 12 of the Acts of 1995-96, the Medical Society Act*, it is enacted as follows:

- 6** Section 5 comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Section 5 of Chapter 26 of the Acts of 2012, *An Act to Amend Chapter 12 of the Acts of 1995-96, the Medical Society Act*, do come into force on and not before January 1, 2015;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Section 5 of Chapter 26 of the Acts of 2012, *An Act to Amend Chapter 12 of the Acts of 1995-96, the Medical Society Act*, do come into force on and not before January 1, 2015, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the Great Seal of

Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
Brigadier-General, the Honourable J. J. Grant
(Retired), Lieutenant Governor of the Province of
Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 22nd day of December in the year of
Our Lord two thousand and fourteen and in the sixty-
third year of Our Reign.

BY COMMAND:

sgd: Lena Metlege Diab
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 225/2014

Made: December 22, 2014

Filed: December 22, 2014

Medical Practitioners Regulations

Order in Council 2014-530 dated December 22, 2014
repeal of regulations and regulations approved by the Governor in Council
pursuant to Section 11 of the *Medical Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated December 4, 2014, and pursuant to Section 11 of Chapter 38 of the Acts of 2011, the *Medical Act*, is pleased, effective on and after January 1, 2015, to:

- (a) approve the repeal by the Council of the College of Physicians and Surgeons of the *College of Physicians and Surgeons Registration Regulations*, N.S. Reg. 141/96, made by the Council and approved by the Governor in Council by Order in Council 96-638 dated August 28, 1996; and
- (b) approve new regulations respecting registration, licensing and professional accountability made by the Council of the College of Physician and Surgeons of Nova Scotia in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

I hereby certify that the Council of the College of Physicians and Surgeons of Nova Scotia, at a duly convened meeting of the Council held on June 16, 2014, and pursuant to Section 11 of Chapter 38 of the Acts of 2011, the *Medical Act*, carried a motion to:

- (a) repeal the *College of Physicians and Surgeons Registration Regulations*, N.S. Reg. 141/96, made by the Council pursuant to Section 6 of Chapter 10 of the Acts of 1995-96, the *Medical Act*, and approved by the Governor in Council by Order in Council 96-638 dated August 28, 1996; and
- (b) make new regulations respecting registration, licensing, and professional accountability in the practice of medicine in the form attached.

The repeal and the making of regulations referred to in this certificate is effective on and after the date of approval by the Governor in Council.

Signed at Halifax, in the Halifax Regional Municipality on November 20, 2014.

On behalf of the Executive Committee of the College of Physicians and Surgeons

Sgd: D. A. Grant

Per: D.A. (Gus) Grant, AB, LLB, MD, CCFP
Registrar and CEO

**Regulations Respecting Medical Practitioners
made [approved] by the Governor in Council under Section 11
of Chapter 38 of the Acts of 2011,
the *Medical Act***

Part 1: Interpretation and Administration

Citation

1 These regulations may be cited as the *Medical Practitioners Regulations*.

Definitions

2 In these regulations,

“academic year” means the period between the start and end date of a program as determined by an educational institution;

“Act” means the *Medical Act*;

“applicable fee” means the fee set by Council under clause 8(1)(a) of the Act;

“caution” means a warning from an investigation committee that a person may have breached the standards of professional ethics or practice in circumstances that are not determined under these regulations to warrant a licensing sanction;

“clinical traineeship” means a period of medical training, other than training that is part of a post-graduate training program;

“competence assessment” means a process that assesses competence by using methods and tools such as any of the following to assess an array of competencies: interviewing, verification of documents, reference reviews, direct observation, reflective practice, self assessments, chart audits, written or oral tests;

“full licence” means a licence issued to a person registered on the Full Medical Register;

“independent review committee” means a committee appointed under subsection 90(3) to review dismissals of complaints by the Registrar;

“internal review process” means the process set out in Part 3 to review decisions on registration and licensing made by the Registrar;

“licence list” means a list of licensees maintained in accordance with subsection 7(2) for each category of licence;

“licensing year” means a 12-month period determined by Council for the issuance, renewal and expiry of licences;

“Medical Identification Number for Canada” means a unique personal identifier for medical students and physicians in Canada established by the Federation of Medical Regulatory Authorities of Canada and the Medical Council of Canada;

“post-graduate training licence” means a licence authorizing the holder of the licence to engage in the practice of medicine within the requirements of a post-graduate training program or clinical traineeship;

“post-graduate training program” means a post-graduate medical education program approved by the Faculty of Medicine at Dalhousie University, in which a post-graduate student practises medicine in the Province to the extent permitted by the program;

“post-graduate practising licence” means a licence issued to a post-graduate training licensee authorizing the licensee to practise medicine outside the requirements of their post-graduate training program;

“Registration Appeal Committee” means the committee appointed under Section 14 of the Act to hear appeals from decisions of the Registration Committee;

“restricted licence” means a licence authorizing a licensee who does not otherwise meet the criteria for a full licence to practise medicine in accordance with the conditions and restrictions on their licence;

“supervisor” means a medical practitioner who oversees the practice of another member in accordance with Section 18.

Notice of decisions of the College

- 3** (1) Decisions of the Registrar or any committee of the College may be sent to a recipient electronically, by courier or by mail.
- (2) Decisions sent to a recipient are deemed to be sent on the date the decision was transmitted.

Appointment of public representatives to committees

- 4** (1) Council must appoint a committee to provide recommendations to Council regarding the appointment of public representatives to Council or other committees of the College.
- (2) The committee appointed under subsection (1) must
- (a) publicly advertise to invite expressions of interest in service as a public representative on the Council or on a committee;
 - (b) conduct an interview process to nominate potential public representatives for Council approval;
 - (c) ensure that nominated public representatives meet all criteria require[d] by Council, including complying with all of the following:
 - (i) they are not, and have never been, a physician,
 - (ii) they are able and willing to serve fairly, impartially and in the public interest,

- (iii) they are able to devote appropriate time and attention to the role of public representative,
 - (iv) they are willing to contribute to the attainment of the purposes of the College.
- (3) The Council must consider all nominated persons recommended by the committee and appoint public representatives to fill any vacancies on Council or committees.
- (4) Public representatives must remain in office for 2 or 3 year terms, as determined by Council, in order to provide a staggering of terms for public representatives.

Part 2: Registration and Licensing

Waiver of criteria for registration or licensing

5 The Registrar, the Registration Committee or the Registration Appeal Committee may waive any of the criteria for registration or licensing or renewal of a licence set out in these regulations for either of the following reasons:

- (a) it is required by law;
- (b) it is consistent with the objects and purpose of the College.

Categories of registers

6 (1) The following are the categories of registers required to be kept:

- (a) Full Medical Register;
- (b) Education Register;
- (c) Conditional Register.

(2) Each register must contain all of the following information for each member, with the exception of student members:

- (a) name;
- (b) date of birth;
- (c) name and location of undergraduate medical-education program completed;
- (d) year of graduation from education program;
- (e) date of entry in the register;
- (f) Medical Identification Number for Canada.

(3) The Registrar must change and notate a register if any of the following occurs:

- (a) data was entered incorrectly;
- (b) the Registrar receives confirmation of a member's death;
- (c) a member's registration or licence is revoked;

- (d) a member resigns from a register as a result of
 - (i) an investigation committee, as part of an informal resolution of the complaint, or a hearing committee authorizing their resignation, or
 - (ii) as part of an informal resolution of a complaint or otherwise, the member requesting in writing and the Registrar approving their resignation;
- (e) a member does not renew their licence in accordance with these regulations.

Categories of licences

- 7 (1)** The following are the categories of licences available to be issued under each register:
- (a) under the Full Medical Register, a full licence;
 - (b) under the Education Register, all of the following licences:
 - (i) a post-graduate training licence,
 - (ii) a post-graduate practising licence,
 - (iii) a clinical assessment licence;
 - (c) under the Conditional Register, all of the following licences:
 - (i) a defined licence,
 - (ii) a temporary licence,
 - (iii) a clinical assistant licence,
 - (iv) an academic licence,
 - (v) a restricted licence.
- (2)** The record for each category of licence required by subsection 15(2) of the Act must be maintained by the Registrar in the form of a licence list that contains all of the following for each licensee:
- (a) name;
 - (b) registration number;
 - (c) Medical Identification Number for Canada;
 - (d) date the licence was issued.
- (3)** The Registrar must change and notate a licence list if any of the following occurs:
- (a) data was entered incorrectly;
 - (b) the Registrar receives confirmation of a licensee's death;
 - (c) a licensee no longer meets the criteria for the relevant licence;

- (d) at a licensee's request, upon the surrender of their licence in accordance with Section 20 of the Act;
- (e) a licensee has not paid fees or other assessments levied under the Act or these regulations;
- (f) a licensee's licence is suspended, for the term of the suspension;
- (g) a licensee's registration or licence is revoked;
- (h) a licensee resigns from a register as a result of
 - (i) an investigation committee, as part of an informal resolution of the complaint, or a hearing committee authorizing their resignation, or
 - (ii) as part of an informal resolution of a complaint or otherwise, the member requesting in writing and the Registrar approving their resignation.

Restoration of registration and licence

- 8 (1)** A person whose name has been removed from the register or a licence list may apply for restoration to the register and the issuance of the corresponding licence by doing all of the following:
- (a) meeting the criteria for registration in the register and the criteria for the licence;
 - (b) paying the applicable fees;
 - (c) if the removal was authorized by the Registrar or a committee, obtaining the approval of the Registrar or committee;
 - (d) if the removal was because the member's licence or registration was revoked by a Hearing Committee, complying with the process for reinstatement under Sections 122 to 128.
- (2)** Any conditions or restrictions imposed on a member's licence that have not expired remain in effect on any new licence issued to the member under subsection (1).

Public record

- 9** All of the following information for each person authorized to practise medicine must be included in the record required to be available to the public under subsection 13(3) of the Act:
- (a) their name and registration number;
 - (b) their category of licence;
 - (c) any conditions or restrictions on their licence, if the Registrar determines it is in the public interest to make the conditions or restrictions available to the public;
 - (d) any licensing sanctions imposed on the person that are not otherwise subject to a publication ban.

Medical specialist list

- 10** The Registrar must maintain a list of members whose names appear on a register and who qualify to be recognized as a medical specialist in accordance with criteria approved by Council, in categories of medical specialty established by Council.

Registration Committee composition, quorum and voting

- 11** (1) The Registration Committee consists of at least
- (a) 1 public representative; and
 - (b) 5 medical practitioners.
- (2) A quorum of the Registration Committee consists of any 3 members of the Committee.
- (3) All Registration Committee decisions require the vote of a majority of the quorum of the Committee.

Registration Appeal Committee composition, quorum and voting

- 12** (1) The Registration Appeal Committee consists of at least
- (a) 1 public representative; and
 - (b) 5 medical practitioners.
- (2) The Chair of the Registration Appeal Committee may appoint a panel of 3 or more persons from the Committee, at least 1 of whom must be a public representative, to act as the Registration Appeal Committee to hear an appeal.
- (3) If the Chair of the Registration Appeal Committee is not appointed to a panel, the Chair must appoint a chair for the panel.
- (4) A quorum of the Registration Appeal Committee consists of any 3 members of a panel.
- (5) All decisions of a panel of a Registration Appeal Committee require the vote of a majority of the quorum of the panel.
- (6) A member of the Registration Appeal Committee may not concurrently serve on the Registration Committee.

Proceedings before committees

- 13** (1) This Section applies to the Registration Committee and the Registration Appeal Committee.
- (2) The members of any committee may waive notice of any meeting or hearing of the committee.
- (3) The proceedings of any meeting or hearing of a committee are not invalidated because a member of the committee fails to receive notice of the meeting or hearing.
- (4) If the term of office of any person sitting on a committee expires during a proceeding of the committee, the chair of the committee may extend the person's term of office until the proceeding concludes.

Registration and licensing decisions by Registrar

- 14** (1) After receiving the information required from an applicant for registration or licensing or for renewal of their licence, the Registrar must refer the matter to the Registration Committee if any of the following apply:
- (a) there is any issue regarding whether the applicant has the current capacity, competence and character to safely and ethically practise medicine;
 - (b) for an applicant for registration in the Full Medical Register, there is any issue identified under

clause 19(1)(d) or subsection 19(2).

- (2) In accordance with subsection 16(5) of the Act, when issuing or renewing any licence other than a full licence, the Registrar may issue the licence with or without conditions or restrictions.
- (3) If the Registrar determines that an applicant does not meet the criteria for registration or licensing or renewal of a licence for reasons other than those listed in subsection (1) and denies the application or imposes conditions or restrictions on the licence, the Registrar must notify the applicant by doing all of the following:
 - (a) providing the applicant with a written decision with reasons;
 - (b) if conditions or restrictions are imposed, informing the applicant of the review process in Section 15, as required by Section 19 of the Act;
 - (c) if the application is denied, informing the applicant of the internal review process set out in Part 3, as required by Section 19 of the Act.

Registration and licensing decisions referred to Registration Committee

- 15** (1) If an application is referred to the Registration Committee under subsection 14(1) or as a result of an applicant objecting to conditions or restrictions imposed under subsection 14(2), the Registration Committee must review the application and all the information provided by the Registrar to determine whether the applicant meets the criteria for registration or licensing, or renewal of their licence.
- (2) Before making its decision under this Section, the Registration Committee may
 - (a) request that the Registrar obtain new information;
 - (b) extend the term of a member's existing licence until it has made a decision.
 - (3) When reviewing an application for a licence or renewal of a licence, the Registration Committee may do any of the following:
 - (a) for any licence other than a full licence, approve or remove the conditions or restrictions imposed by the Registrar or impose different conditions or restrictions on the licence;
 - (b) for renewal of a full licence, advise the applicant that conditions or restrictions are required and recommend a restricted licence or invite the applicant to apply for another category of licence.
 - (4) If the Registration Committee determines that an applicant meets the criteria for registration or licensing or renewal of a licence, the Committee must approve the application and direct the Registrar to register the applicant and issue the licence, or renew the licence.
 - (5) If the Registration Committee determines that an applicant does not meet the criteria for registration or licensing or renewal of a licence and denies the application or imposes conditions or restrictions on the licence, the Committee must notify the applicant by
 - (a) providing the applicant with a written decision with reasons; and
 - (b) informing the applicant of the right to appeal to the Registration Appeal Committee.

Absence from practice or change in practice

- 16** (1) Before returning to clinical practice after an absence of 3 years or longer, a person must
- (a) notify the Registrar of their intention to return to clinical practice in writing before they return to clinical practice; and
 - (b) successfully complete a competence assessment as determined by the Registrar.
- (2) Before changing the scope of their clinical practice to an area in which they have not practised for the 3 years immediately preceding, a person must
- (a) notify the Registrar in writing of their intention to change the scope of their clinical practice; and
 - (b) satisfy the Registrar that they have the appropriate education or training and are competent to practise in the area or, if the Registrar is not satisfied, successfully complete a competence assessment as determined by the Registrar.
- (3) Any member who has been practising outside the Province must provide, at time intervals approved by Council, a certificate of professional conduct before returning to ~~practice~~ [practise] in the Province.

Appealing Registrar's requirement for competence assessment

- 17** (1) A person who disagrees with the Registrar's decision under Section 16 requiring them to complete a competence assessment may, no later than 30 days after the date of the Registrar's decision, request the decision be referred to the Registration Committee.
- (2) Before making a decision under subsection (3), the Registration Committee may
- (a) request that the Registrar obtain additional information; and
 - (b) extend the term of a member's existing licence until it has made a decision.
- (3) The Registration Committee must review a decision referred under subsection (1) and must do 1 of the following:
- (a) affirm the decision of the Registrar;
 - (b) determine that a different form of competence assessment is required;
 - (c) determine that a competence assessment is not required.
- (4) If the Registration Committee decides that a competence assessment is required in accordance with clause (3)(a) or (b), the Committee must notify the person by
- (a) providing the person with a written decision with reasons; and
 - (b) informing them of their right to appeal to the Registration Appeal Committee.

Supervisor's duties

- 18** (1) A supervisor must oversee the practice of the supervised member to ensure that the expected standard of care and conduct is met and that patient safety is not compromised.
- (2) A supervisor must ensure that the supervised member receives support in the form of orientation to practice, advice, guidance and professional networking opportunities.

Full Medical Register

Full Medical Register—application and criteria for registration

- 19 (1)** An applicant for registration in the Full Medical Register must submit a completed application form on a form prescribed by the Registrar, together with all of the following:
- (a) the applicable fee, within the time determined by the Registrar and through a method acceptable to the Registrar;
 - (b) proof satisfactory to the Registrar that the applicant
 - (i) meets the criteria in subsection (3), and
 - (ii) is the person named in the documentation submitted in support of the application;
 - (c) if they are currently or previously registered or licensed in another jurisdiction, certificates of professional conduct from any of the jurisdictions, as required by the Registrar;
 - (d) any additional information required by the Registrar to assess whether the applicant meets the criteria for registration in the Full Medical Register.
- (2)** The Registrar may require an applicant to participate in an interview with the Registrar to assess whether the applicant meets the criteria for registration in the Full Medical Register.
- (3)** The following are the criteria a person is required to meet for registration in the Full Medical Register:
- (a) they are
 - (i) a graduate of a medical university or school that meets criteria approved by Council,
 - (ii) a licentiate of the Medical Council of Canada, or an acceptable alternative as determined by resolution of Council, or

[Note: The last word of subclause (ii) has been changed for this electronic version of the publication to correspond to the original document as filed. It was mistakenly printed as “and” in the print version.]

- (iii) 1 of the following:
 - (A) a person who has attained certification with the College of Family Physicians of Canada,
 - (B) a pre-1993 licentiate of the Medical Council of Canada who has completed a rotating internship approved by the Registrar,
 - (C) a certificant of the Royal College of Physicians and Surgeons of Canada,
 - (D) a person who holds a current defined licence who has met the requirements set out in a policy approved by Council;
- (b) they have a Medical Identification Number for Canada, or provide written consent to permit the College to obtain a Medical Identification Number for Canada for the applicant;
- (c) they have demonstrated proficiency in the English language, in a manner prescribed by the Registrar;
- (d) they are a Canadian citizen or legally entitled to live and work in Canada;

- (e) they have medical liability protection, malpractice insurance or other form of indemnity in the manner and amount required by the Registrar;
- (f) they are participating satisfactorily in the continuing professional development program;
- (g) they are not prohibited or restricted from practising medicine through the decision of any adjudicating body or through voluntary agreement or otherwise;
- (h) they have the current capacity, competence and character to safely and ethically practise medicine;
- (i) for an applicant who has been absent from clinical practice or wishes to change the scope of their practice, they comply with Section 16.

Full Medical Register and licence—notification of approval and review of decision

- 20** (1) When an application for registration in the Full Medical Register is approved, the Registrar must notify the applicant of the approval.
- (2) An applicant for registration in the Full Register or for a full licence or renewal of a full licence whose application is denied by the Registrar may request an internal review of the decision in accordance with Section 67.

Full licence—criteria

21 The criteria for a full licence are as set out in subsection 19(3) for registration in the Full Medical Register.

Full licence—permitted activities

22 A full licence holder is permitted to do all of the following:

- (a) practise medicine in accordance with the Act, the regulations and the bylaws;
- (b) if elected, hold office on the Council;
- (c) serve as an appointed member of any committee of the College;
- (d) attend and participate in annual or special meetings of the College;
- (e) vote at an annual or special meeting of the College;
- (f) receive copies of official College publications.

Full licence—term

- 23** (1) Except as provided in subsection (2), a full licence remains in effect until the end of the licensing year or an earlier expiry date specified on the licence.
- (2) A full licence ceases to be valid if any of the following occurs:
- (a) the licence is suspended or revoked;
 - (b) the licensee's registration is revoked;
 - (c) the licence is changed through the imposition of terms, conditions or restrictions under the Act or regulations;
 - (d) the member fails to continue to meet the criteria for a full licence;

- (e) the licence is surrendered in accordance with Section 20 of the Act.

Full licence—application and criteria for renewing

- 24 (1)** A member applying to renew a full licence must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee, within the time determined by the Registrar;
 - (b) proof satisfactory to the Registrar that the member
 - (i) continues to meet the criteria set out in clauses 19(3)(d) to (i), and
 - (ii) meets the renewal criteria in clause (2)(b);
 - (c) if they practised outside the Province in the previous year, a certificate of professional conduct from the jurisdiction to prove that there are no outstanding complaints, prohibitions, conditions or restrictions against the member engaging in practice in the Province.
- (2)** A member applying to renew a full licence must meet all of the following criteria:
- (a) they continue to meet the criteria for registration set out in clauses 19(3)(a) to (i);
 - (b) they are in compliance with or have made arrangements to comply with the requirements of any practice assessment program they are selected to participate in.

Education Register**Education Register—criteria for registration**

- 25 (1)** Except as provided in Section 26 for a student member, an applicant for registration in the Education Register must meet all of the following criteria:
- (a) they have graduated from a medical university or school that meets criteria approved by the Council;
 - (b) they have passed the required examinations and assessments as set out in a policy approved by Council;
 - (c) they are protected by medical liability protection, malpractice insurance or other form of indemnity in the manner and amount required by the Registrar;
 - (d) they have a Medical Identification Number for Canada;
 - (e) they have demonstrated proficiency in the English language as required by the Registrar;
 - (f) other than by conditions or restrictions imposed on a licence, they are not prohibited or restricted from practising medicine through the decision of any adjudicating body, through voluntary agreement or otherwise;
 - (g) they have the current capacity, competence and character to safely and ethically practise medicine;
 - (h) criteria for 1 of the following:
 - (i) entry on the undergraduate medical-education student list in Section 25,

- (ii) a post-graduate training licence in Section 28,
 - (iii) a post-graduate practising licence in Section 32,
 - (iv) a clinical assessment licence in Section 36.
- (2) An applicant for registration in the Education Register and issuance or renewal of a any licence listed in clause (1)(h) who objects to any conditions or restrictions imposed on their licence by the Registrar under subsection 14(2) may request the decision be referred to the Registration Committee under Section 15.
- (3) An applicant for registration in the Education Register and issuance or renewal of any licence listed in clause (1)(h) whose application is denied by the Registrar under Section 14 may request an internal review of the decision in accordance with Section 67.

Undergraduate medical-education student list—application and criteria

- 26 (1)** A student applying to have their name entered on the undergraduate medical-education student list must submit a completed application in a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee;
 - (b) proof satisfactory to the Registrar that the applicant meets the criteria in subsection (2);
 - (c) any additional information the Registrar requires to assess whether the applicant meets the criteria required for entry in the list.
- (2) All of the following are the criteria an applicant must meet for entry on the undergraduate medical-education student list:
- (a) they meet the registration criterion for indemnity in clause 25[(1)](c);
 - (b) they are enrolled in an undergraduate medical-education program approved by Council;
 - (c) they have approval from the Faculty of Medicine at Dalhousie University, to engage in clinical education in the practice of medicine in the Province.
- (3) On receiving the information required by subsection (1), the Registrar must consider the application and enter the person's name on the undergraduate medical-education student list if they meet the criteria for entry in subsection (2).
- (4) If an applicant does not meet the criteria in subsection (2) and the Registrar denies their application, the Registrar must notify the applicant by
- (a) providing the applicant with a written decision with reasons; and
 - (b) informing the applicant of the internal review process set out in Part 3, as required by Section 19 of the Act.
- (5) The Registrar must maintain a list of the undergraduate medical-education students who meet the criteria for the list that includes all of the following for each student:
- (a) name;

- (b) Medical Identification Number for Canada, if available;
 - (c) expected year of graduation.
- (6) The Registrar must remove the name of a student who no longer meets the criteria in subsection (1) from the undergraduate medical-education student list and from the Education Register.

Undergraduate medical-education student list—permitted activities

27 A person whose name is entered on the undergraduate medical-education student list is authorized to engage in clinical training, to the extent required by the undergraduate medical-education program, that is

- (a) justified by the competence and experience of the student; and
- (b) supervised by a supervisor approved by the Faculty of Medicine at Dalhousie University.

Post-graduate training licence—application and criteria

28 (1) An applicant for a post-graduate training licence must submit a completed application on a form prescribed by the Registrar together with all of the following:

- (a) payment of the applicable fee;
 - (b) proof satisfactory to the Registrar that the applicant meets all of the criteria subsection (2);
 - (c) if currently or previously registered or licensed in another jurisdiction, certificates of professional conduct from any of the jurisdictions, as required by the Registrar.
- (2) All of the following are the criteria an applicant must meet for a post-graduate training licence:
- (a) they meet all of the registration criteria for the Education Register in clauses 25[(1)](a) to (g);
 - (b) they are
 - (i) enrolled in a post-graduate training program approved by the Registrar and are required to engage in clinical training in the practice of medicine to the extent required by the post-graduate training program, or
 - (ii) participating in a clinical traineeship approved by the Registrar.

Post-graduate training licence—permitted activities

29 A post-graduate training licence holder is permitted to do all of the following:

- (a) engage in clinical training in the practice of medicine
 - (i) to the extent that is justified by their competence and experience,
 - (ii) only as required by their post-graduate training program or clinical traineeship,
 - (iii) within any conditions or restrictions imposed on their licence,
 - (iv) for a licensee enrolled in a post-graduate training program, supervised by a supervisor approved by the post-graduate training program;
- (b) receive copies of official College publications;

- (c) attend and participate in annual or special meetings of the College as a non-voting member.

Post-graduate training licence—term

- 30** (1) Except as provided in subsection (2), a post-graduate training licence remains in effect until the date specified on the licence.
- (2) A post-graduate training licence ceases to be valid if any of the following occurs:
- (a) the licence is suspended or revoked;
 - (b) the licensee's registration is revoked;
 - (c) the member fails to continue to meet the criteria for a post-graduate training licence;
 - (d) the licence is surrendered in accordance with Section 20 of the Act.

Post-graduate training licence—application and criteria for renewing

- 31** (1) A member applying to renew a post-graduate training licence must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee, within the time determined by the Registrar;
 - (b) proof satisfactory to the Registrar that the member continues to meet the criteria required by clauses 25[(1)](e) to (g) and clause 28(2)(b).
- (2) A member applying to renew a post-graduate training licence must meet all of the criteria for a post-graduate training licence in Section 28.

Post-graduate practising licence—application and criteria

- 32** (1) An applicant for a post-graduate practising licence must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee, within the time determined by the Registrar;
 - (b) proof satisfactory to the Registrar that the member meets the criteria in subsection (2);
 - (c) if currently or previously registered or licensed in another jurisdiction, satisfactory certificates of professional conduct from any of the jurisdictions, as required by the Registrar.
- (2) All of the following are the criteria an applicant must meet for a post-graduate practising licence:
- (a) they hold a post-graduate training licence;
 - (b) they are a Canadian citizen or legally entitled to work in Canada;
 - (c) they have the approval of the program director of the post-graduate training program in which the applicant is enrolled to permit the applicant to practise medicine outside the requirements of the post-graduate training program;
 - (d) they have supervision in place from a supervisor approved by the Registrar.

Post-graduate practising licence—permitted activities

- 33** A post-graduate practising licence holder is permitted to do all of the following:

- (a) practise medicine
 - (i) to the extent that is justified by their competence and experience,
 - (ii) within any conditions or restrictions imposed on their licence,
 - (iii) under the supervision of a supervisor approved by the Registrar;
- (b) receive copies of official College publications.

Post-graduate practising licence—term

- 34** (1) Except as provided in subsection (2), a post-graduate practising licence remains in effect for the academic year in which it is issued.
- (2) A post-graduate practising licence ceases to be valid if any of the following occur:
- (a) the licence is suspended or revoked;
 - (b) the licensee's registration is revoked;
 - (c) appropriate supervision is no longer available;
 - (d) the program director of the post-graduate training program withdraws their approval for post-graduate practising;
 - (e) the member fails to continue to meet the criteria for a post-graduate practising licence;
 - (f) the licence is surrendered in accordance with Section 20 of the Act.

Post-graduate practising licence—application and criteria for renewing

- 35** (1) A member applying to renew a post-graduate practising licence must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee, within the time determined by the Registrar;
 - (b) proof satisfactory to the Registrar that the applicant continues to meet
 - (i) the criteria for a post-graduate training licence required by clause 28(2)(a) and specified in clauses 25[(1)](c) to (g), and
 - (ii) the criteria in clauses 28(2)(b) to (e);
 - (c) if currently or previously registered or licensed in another jurisdiction, certificates of professional conduct from any of the jurisdictions, as required by the Registrar.
- (2) A member applying to renew a post-graduate practising licence must meet all of the criteria for a post-graduate practising licence.

Clinical assessment licence—application and criteria

- 36** (1) An applicant for a clinical assessment licence must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee, within the time determined by the Registrar;

- (b) proof satisfactory to the Registrar that the applicant meets the criteria in subsection (2);
 - (c) if currently or previously registered or licensed in another jurisdiction, certificates of professional conduct from any of the jurisdictions, as required by the Registrar.
- (2) All of the following are the criteria an applicant must meet for a clinical assessment licence:
- (a) they must meet all of the registration criteria for the Education Register in clauses 25[(1)](a) to (g);
 - (b) they are engaged in a competence assessment approved by the Registrar.

Clinical assessment licence—permitted activities

37 A clinical assessment licence holder is permitted to do all of the following:

- (a) practise medicine
 - (i) only as required for the competence assessment,
 - (ii) to the extent that is justified by their competence and experience,
 - (iii) within any conditions or restrictions imposed on their licence,
 - (iv) under the supervision of a supervisor approved by the Registrar;
- (b) receive copies of official College publications;
- (c) attend and participate in annual or special meetings of the College as a non-voting member.

Clinical assessment licence—term

38 (1) Except as provided in subsection (2), a clinical assessment licence remains in effect until the date specified on the licence.

- (2) A clinical assessment licence ceases to be valid if any of the following occurs:
- (a) the licence is suspended or revoked;
 - (b) the licensee's registration is revoked;
 - (c) the member fails to continue to meet the criteria for a clinical assessment licence;
 - (d) the clinical assessment is terminated;
 - (e) the clinical assessment is successfully completed;
 - (f) another licence is issued to the member;
 - (g) the licence is surrendered in accordance with Section 20 of the Act.

Conditional Register**Conditional Register—criteria for registration**

39 (1) Except as provided in Section 46 for a temporary licence and Section 59 for a restricted licence, an applicant for registration on the Conditional Register must meet all of the following criteria:

- (a) they have graduated from a medical university or school that meets criteria approved by Council;
 - (b) they have passed the examinations and assessments, and hold any required certifications, as set out in a policy approved by Council;
 - (c) they have a Medical Identification Number for Canada;
 - (d) they have demonstrated proficiency in the English language, in a manner prescribed by the Registrar;
 - (e) they are a Canadian citizen or legally entitled to live and work in Canada;
 - (f) they have medical liability protection, malpractice insurance or other form of indemnity in the manner and amount required by the Registrar;
 - (g) they are participating satisfactorily in the continuing professional development program;
 - (h) other than by conditions or restrictions imposed on a licence, they are not prohibited or restricted from practising medicine through the decision of any adjudicating body or through voluntary agreement or otherwise;
 - (i) they have the current capacity, competence and character to safely and ethically practise medicine;
 - (j) for an applicant who has been absent from clinical practice or wishes to change the scope of their practice, they comply with Section 16;
 - (k) they meet the criteria for 1 of the following licences:
 - (i) defined licence,
 - (ii) temporary licence,
 - (iii) clinical assistant licence,
 - (iv) academic licence,
 - (v) restricted licence.
- (2) An applicant for registration in the Conditional Register and issuance or renewal of any licence listed in subclauses (1)(k)(i) to (iv) who objects to any conditions or restrictions imposed on their licence by the Registrar under subsection 14(2) may request the decision be referred to the Registration Committee under Section 15.
- (3) An applicant for registration in the Conditional Register and issuance or renewal of any licence listed in subclauses (1)(k)(i) to (iv) whose application is denied by the Registrar under Section 14 may request an internal review of the decision in accordance with Section 67.

Defined licence—application and criteria

- 40** (1) An applicant for a defined licence must submit a completed application in the form prescribed by the Registrar together with all of the following:
- (a) payment of the prescribed application fee;

- (b) proof satisfactory to the Registrar that the applicant
 - (i) meets all of the registration criteria for the Conditional Register in clauses 39[(1)](a) to (j), and
 - (ii) meets all of the licence criteria in subsection (2);
 - (c) if they are currently or previously registered or licensed in another jurisdiction, certificates of professional conduct from any of the jurisdictions, as required by the Registrar.
- (2) All of the following are the criteria that must be met for a defined licence:
- (a) they meet all of the registration criteria for the Conditional Register in clauses 39[(1)](a) to (j);
 - (b) they have a sponsor who meets the requirements in Section 44;
 - (c) they have a supervisor who meets the requirements in Section 45;
 - (d) they meet any additional criteria considered necessary by the Registrar.

Defined licence—permitted activities

41 A defined licence holder is permitted to do all of the following:

- (a) practise medicine
 - (i) in accordance with the Act, these regulations and the bylaws,
 - (ii) within the conditions and restrictions of their licence, including any conditions determined by their sponsor,
 - (iii) within the geographic location determined by their sponsor;
- (b) serve as an appointed member of any committee of the College;
- (c) vote at annual or special meetings of the College;
- (d) if elected to the Council, hold office;
- (e) receive copies of official College publications;
- (f) attend and participate in annual or special meetings of the College.

Defined licence—term

42 (1) Except as provided in subsection (2), a defined licence remains in effect until the end of the licensing year or an earlier expiry date specified on the licence.

- (2) A defined licence ceases to be valid if any of the following occurs:
- (a) the licence is suspended or revoked;
 - (b) the licensee's registration is revoked;
 - (c) the sponsor or supervisor withdraws as sponsor or supervisor;

- (d) the licensee fails to comply with the conditions or restrictions of their licence;
- (e) the defined licence is replaced by another licence;
- (f) the licensee fails to continue to meet the criteria for a defined licence;
- (g) the licence is surrendered in accordance with Section 20 of the Act.

Defined licence—application and criteria for renewing

43 (1) A member applying to renew a defined licence must submit a completed application on a form prescribed by the Registrar together with all of the following:

- (a) payment of the applicable fee, within the time determined by the Registrar;
 - (b) proof satisfactory to the Registrar that the member
 - (i) continues to meet all of the registration criteria for the Conditional Register in clauses 39[(1)](a) to (j) and the licence criteria in subsection 40(2), and
 - (ii) meets the renewal criteria in clauses (2)(b) and (c);
 - (c) if they practised outside the Province in the previous year, a certificate of professional conduct from the jurisdiction to prove that there are no outstanding complaints, prohibitions, conditions or restrictions against the member engaging in practice in the Province.
- (2)** A member applying to renew a defined licence must meet all of the following criteria:
- (a) all of the criteria for a defined licence;
 - (b) they are in compliance with or have made arrangements to comply with the requirements of any practice assessment program they are selected to participate in;
 - (c) they meet the requirements of subsection (3).
- (3)** A defined licence may only be renewed for a maximum number of years, as determined by a policy approved by Council, in accordance with requirements set out in the policy.

Defined licence—sponsor of holder

44 (1) A sponsor of a defined licence holder must meet all of the following criteria:

- (a) they must be registered in the Full Medical Register and hold a full licence;
 - (b) unless otherwise approved by the Registrar, they must hold a senior position in the health authority in which the supervised licensee will be practising;
 - (c) they must be approved by the Registrar;
- (2)** A sponsor of a defined licence holder must do all of the following:
- (a) arrange for and approve, in writing, the supervisor required by clause 40(2)(c);
 - (b) report to the Registrar in writing on the supervised licensee's performance on a yearly basis, or as considered necessary by the Registrar;

- (c) notify the Registrar immediately if
 - (i) there are any concerns about the supervised licensee's practice, or
 - (ii) the supervised licensee ceases to practice [practise] within the health authority.
- (3) A sponsor of a defined licence holder may not withdraw as their sponsor without consulting the Registrar and giving adequate notice, as determined by the Registrar, to both the Registrar and the licensee.

Defined licence—supervisor of holder

45 (1) A supervisor of a defined licence holder must meet all of the following criteria:

- (a) they must hold one of the following licences:
 - (i) full licence,
 - (ii) academic licence,
 - (iii) defined licence, and no longer require supervision;
 - (b) unless otherwise approved by the Registrar, they must be engaged in a scope of practice similar to the supervised licensee;
 - (c) unless otherwise approved by the Registrar, they must practice medicine in the same geographic area as the supervised licensee, as determined by the Registrar;
 - (d) they must be approved in writing as a supervisor by the supervised licensee's sponsor and the Registrar.
- (2) A supervisor of a defined licence holder must do all of the following:
- (a) they must report on the supervised licensee's performance to
 - (i) the licensee's sponsor, as required by the sponsor, and
 - (ii) the Registrar, as required by the Registrar;
 - (b) they must notify the Registrar immediately if
 - (i) there are any concerns about the supervised licensee's practice, or
 - (ii) the supervised licensee ceases to practice [practise] within the health authority.
 - (3) A supervisor of a defined licence holder may not withdraw as their supervisor without consulting the Registrar and giving adequate notice, as determined by the Registrar, to both the Registrar and the licensee.

Temporary licence—application and criteria

- 46 (1) An applicant for a temporary licence must submit a completed application in the form prescribed by the Registrar together with all of the following:
- (a) payment of the prescribed application fee;

- (b) proof satisfactory to the Registrar that the applicant
 - (i) meets all of the criteria in subsection (2), and
 - (ii) intends to practise medicine in the Province for a limited time period.
- (2) The criteria for a temporary licence are as set out in subsection 19(3) for registration in the Full Medical Register.

Temporary licence—permitted activities

47 A temporary licence holder is permitted to do all of the following:

- (a) practise medicine
 - (i) in accordance with the Act, the regulations and the bylaws,
 - (ii) within the conditions and restrictions of their licence, and
 - (iii) for the period of time specified on their licence;
- (b) receive copies of official College publications;
- (c) attend and participate in annual or special meetings of the College as non-voting members.

Temporary licence—term

- 48** (1) Except as provided in subsection (2), a temporary licence remains in effect for the period of time specified on the licence, which may be for a term of
- (a) up to 6 months;
 - (b) longer than 6 months, only if extended by the Registrar under this Section.
- (2) A temporary licence ceases to be valid if any of the following occurs:
- (a) the licence is suspended or revoked;
 - (b) the licensee's registration is revoked;
 - (c) the member fails to continue to meet the criteria for a temporary licence;
 - (d) the licence has been replaced by another licence;
 - (e) the licence is surrendered in accordance with Section 20 of the Act.
- (3) A temporary licence holder may apply to the Registrar for an extension to the term of their licence.
- (4) If the Registrar considers it appropriate, the Registrar may extend the term of a temporary licence holder's licence by up to 6 months if the member continues to meet the criteria set out in subsection 46(2).
- (5) A decision of the Registrar under subsection (4) is final.

Clinical assistant licence—application and criteria

- 49** (1) An applicant for a clinical assistant licence must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee;
 - (b) proof satisfactory to the Registrar that the applicant meets all of the criteria subsection (2);
 - (c) if currently or previously registered or licensed in another jurisdiction, certificates of professional conduct from any of the jurisdictions, as required by the Registrar.
- (2) All of the following are the criteria an applicant must meet for a clinical assistance licence:
- (a) they meet all of the registration criteria for the Conditional Register in clauses 39[(1)](a) to (j);
 - (b) they have a sponsor who meets the requirements of Section 53;
 - (c) they have appropriate supervision in place in accordance with the requirements in clause 53(2)(a).

Clinical assistant licence—permitted activities

50 A clinical assistant licence holder is permitted to do all of the following:

- (a) practise medicine
 - (i) within the scope of practice approved by the College,
 - (ii) under the supervision of a medical practitioner, as set out in clause 53(2)(a), and
 - (iii) within the conditions and restrictions of their licence;
- (b) serve as an appointed member of any committee of the College;
- (c) vote at annual or special meetings of the College;
- (d) if elected to the Council, hold office;
- (e) receive copies of official College publications;
- (f) attend and participate in annual or special meetings of the College.

Clinical assistant licence—term

- 51** (1) Except as provided in subsection (2), a clinical assistant licence remains in effect until the date it expires.
- (2) A clinical assistant licence ceases to be valid if any of the following occurs:
- (a) the licence is suspended or revoked;
 - (b) the licensee's registration is revoked;
 - (c) the member fails to continue to meet the criteria for a conditional licence;
 - (d) the licence is replaced by another licence;

- (e) there is no longer an approved sponsor;
- (f) the licence is surrendered in accordance with Section 20 of the Act.

Clinical assistant licence—application and criteria for renewing

- 52 (1)** A member applying to renew a clinical assistant licence must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee, within the time determined by the Registrar;
 - (b) proof satisfactory to the Registrar that the member continues to meet the criteria for a clinical practice licence required by
 - (i) clause 49(2)(a) and specified in clauses 39[(1)](d) to (j), and
 - (ii) clauses 49(2)(b) and (c).
- (2)** A member applying to renew a clinical assistant licence must meet all of the criteria for a clinical assistant licence.

Clinical assistant licence—sponsor of holder

- 53 (1)** A sponsor of a clinical assistant licence holder must meet all of the following criteria:
- (a) they must be a member who holds a full licence or academic licence;
 - (b) unless otherwise approved by the Registrar, they must be a department head at the facility where the clinical assistant will be practising.
- (2)** A sponsor of a clinical assistant licence holder must do all of the following:
- (a) appoint a member, or members, who meets the criteria in Section 54 to act as the supervisor required by clause 49(2)(c);
 - (b) report to the Registrar in writing on the supervised licensee's performance on a yearly basis, or as considered necessary by the Registrar;
 - (c) notify the Registrar immediately if
 - (i) there are any concerns about the supervised licensee's practice, or
 - (ii) the supervised licensee ceases to practice [practise] within the facility.
- (3)** A sponsor of a clinical assistant licence holder may not withdraw as their sponsor without consulting the Registrar and giving adequate notice, as determined by the Registrar, to both the Registrar and the licensee.

Clinical assistant licence—supervisor of licensee

- 54 (1)** A supervisor of a clinical assistant licence holder must hold 1 of the following licences:
- (a) full licence;
 - (b) defined licence;
 - (c) academic licence.

- (2) A supervisor of a clinical assistant licence holder must do all of the following:
- (a) they must report on the supervised licensee's performance to
 - (i) the licensee's sponsor, as required by the sponsor, and
 - (ii) the Registrar, as required by the Registrar;
 - (b) they must notify the Registrar immediately if
 - (i) there are any concerns about the supervised licensee's practice, or
 - (ii) the supervised licensee ceases to practice [practise] within the health authority.
- (3) A supervisor of a clinical assistant licence holder may not withdraw as their supervisor without consulting the Registrar and giving adequate notice, as determined by the Registrar, to both the Registrar and the licensee.

Academic licence—application and criteria

- 55 (1) An applicant for an academic licence must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee;
 - (b) proof satisfactory to the Registrar that the applicant meets all of the criteria in subsection (2);
 - (c) if currently or previously registered or licensed in another jurisdiction, certificates of professional conduct from any of the jurisdictions, as required by the Registrar.
- (2) All of the following are the criteria an applicant must meet for an academic licence:
- (a) they meet all of the registration criteria for the Conditional Register in clauses 39[(1)](a) to (j);
 - (b) they are not eligible for a full licence or a defined licence;
 - (c) they are a member of the Faculty of Medicine of Dalhousie University, as evidenced by a letter from the Dean of the Faculty of Medicine;
 - (d) they are recommended for an academic licence by the Dean of the Faculty of Medicine at Dalhousie University;
 - (e) they have training in a specialty comparable to that leading to certification by the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada, as approved by the Registrar.

Academic licence—permitted activities

- 56 An academic licence holder is permitted to do all of the following:
- (a) practise medicine
 - (i) in accordance with the Act, the regulations and the bylaws,
 - (ii) within the conditions and restrictions of their licence, and

- (iii) within their duties as a member of the Faculty of Medicine, Dalhousie University;
- (b) if elected to the Council, hold office;
- (c) serve as an appointed member of any committee of the College;
- (d) vote at annual or special meetings of the College;
- (e) receive copies of official College publications;
- (f) attend and participate in annual or special meetings of the College.

Academic licence—term

57 (1) Except as provided in subsection (2), an academic licence remains in effect until the end of the calendar year in which it is issued or an earlier date specified on the licence.

(2) An academic licence ceases to be valid if any of the following occur:

- (a) the licence is suspended or revoked;
- (b) the licensee's registration is revoked;
- (e)* the licence is surrendered in accordance with Section 20 of the Act.
- (c)* the licensee fails to continue to meet the criteria for an academic licence;
- (d)* the licence is replaced by a defined licence or a full licence;

[*Lettering as in original]

Academic licence—application and criteria for renewing

58 (1) A member applying to renew an academic licence must submit a completed application on a form prescribed by the Registrar together with all of the following:

- (a) payment of the applicable fee, within the time determined by the Registrar;
- (b) proof satisfactory to the Registrar that the member
 - (i) continues to meet the criteria in clauses 39[(1)](e) to (j), as required by clause 55(2)(a), and
 - (ii) meets the renewal criteria in subsection (2)(b);
- (c) if currently or previously registered or licensed in another jurisdiction, certificates of professional conduct from any of the jurisdictions, as required by the Registrar.

(2) A member applying to renew an academic licence must meet all of the following criteria:

- (a) they must meet all of the criteria for an academic licence in subsection 55(2);
- (b) they are in compliance with or have made arrangements to comply with the requirements of any practice assessment program they are selected to participate in.

Restricted licence—criteria

59 (1) An applicant or member meets the criteria for a restricted licence if they meet both of the following criteria:

- (a) conditions or restrictions have been imposed
 - (i) with the member's consent, by the Registrar, the Registration Committee or the Registration Appeal Committee, or
 - (ii) as a result of a decision of any committee, on their full licence; and
 - (b) they meet the criteria for a full licence except as follows:
 - (i) they do not meet the criterion in clause 19(3)(g) respecting not being prohibited or restricted from practising medicine, or
 - (ii) they do not meet 1 or more of the criteria in subsection 19(3), but the Registrar determines that urgent or other circumstances exist to dispense with the criteria;
- (2) To be issued a restricted licence, a member must submit payment of the applicable fee.

Restricted licence—permitted activities

60 A restricted licence holder is permitted to engage in the same activities as a full licence holder, subject to the conditions and restrictions imposed on their licence.

Restricted licence—term

- 61** (1) Except as provided in subsection (2), a restricted licence remains in effect until the end of the calendar year in which it is issued, or another date specified by the Registrar.
- (2) A restricted licence ceases to be valid if any of the following occurs:
- (a) the licence is suspended or revoked;
 - (b) the licensee's registration is revoked;
 - (c) the member fails to comply with the conditions or restrictions on their licence;
 - (d) the licence is replaced by another category of licence;
 - (e) the licence is surrendered in accordance with Section 20 of the Act.

Restricted licence—application and criteria for renewing

62 A member applying to renew a restricted licence must continue to meet the criteria for a restricted licence in subsection 59(1) and provide proof satisfactory to the Registrar that they continue to meet the criteria.

No review or appeal of certain conditions and restrictions with renewal of restricted licence

63 Conditions or restrictions agreed upon or ordered by an investigation committee or a hearing committee cannot be reviewed or appealed when applying for a renewal of a restricted licence under Section 62, and an investigation committee or hearing committee retains jurisdiction over any conditions or restrictions imposed by it.

Part 3: Review and Appeal of Registration and Licensing Decisions**Definitions for Part 3**

64 In this Part,

“appeal” means an appeal of a decision of the Registration Committee;

“applicant” means an applicant for registration or licensing who is requesting a review of a decision of the Registrar or Registration Committee, as applicable;

“application” means an application for registration or licensing;

“hearing” means a hearing before the Registration Appeal Committee.

Internal Review Process

Selection of internal review subcommittee

- 65** (1) The Registration Committee must establish an internal review subcommittee composed of at least 3 and, except as provided in subsection (2), no more than 5 members of the Registration Committee, at least 1 of whom must be a public representative.
- (2) The Registration Committee may appoint additional members to the internal review subcommittee, if the committee considers it necessary.
- (3) The Registration Committee must appoint 1 member of the internal review subcommittee to act as chair of the subcommittee.
- (4) The internal review process must be conducted by the internal review subcommittee.
- (5) A quorum of the internal review subcommittee consists of any 3 members of the internal review subcommittee.

Internal review process

- 66** (1) Any decision of the Registrar to deny registration or refuse to issue or renew a licence may be reviewed under the internal review process.
- (2) A person requesting an internal review must pay the applicable fee for internal review.
- (3) The fee paid under subsection (2) must be refunded to the applicant if the internal review results in the granting of registration or the issuing of a licence.

Request for internal review

- 67** (1) A request for an internal review must be made to the Registrar in writing no later than 30 days after the date the Registrar’s decision was sent to the applicant.
- (2) The Registrar must refer a request for internal review to the chair of the internal review subcommittee.

Information provided to subcommittee and applicant

- 68** No later than 30 days after receiving a request for an internal review, the Registrar must provide the internal review subcommittee and applicant with all of the following:
- (a) a copy of the written decision under review;
- (b) a copy of all records related to the application and in the possession of the College, subject to any lawful restrictions;
- (c) any written information the Registrar considers necessary.

New information and submissions of the applicant

- 69** (1) An applicant may provide new information and make written submissions to the internal review subcommittee
- (a) up to 10 business days after receiving information under Section 68; or
 - (b) if requested by the applicant, within a longer time period permitted by the internal review subcommittee.
- (2) New information and written submissions provided under subsection (1) must be copied to the Registrar.

Subcommittee may decide without meeting applicant

- 70** An internal review subcommittee may decide any matter without meeting in person with the applicant.

Decision of internal review subcommittee

- 71** (1) An internal review subcommittee must review all material and submissions provided to it and may make any decision that the Registrar could have made with respect to an application.
- (2) An internal review subcommittee must make its decision no later than a reasonable time and must render a written decision with reasons no later than 30 days following the time the subcommittee makes its decision.

Decision of internal review subcommittee final

- 72** A decision of an internal review subcommittee is final.

Registration Appeal Committee**Appeals to be heard by Registration Appeal Committee**

- 73** (1) Except as provided in subsection (2), an appeal from a decision of the Registration Committee must be conducted by the Registration Appeal Committee.
- (2) If an agreement is reached under the *Regulated Health Professions Network Act* to hold an appeal under that Act, the provisions of the *Regulated Health Professions Network Act* apply.

Request for appeal

- 74** (1) A request for an appeal must be made in writing to the Registrar no later than 30 days from the date the Registration Committee's decision was sent to the applicant.
- (2) An appeal must stipulate the grounds for the appeal.
- (3) An applicant requesting an appeal must pay the applicable fee.
- (4) The fee paid under subsection (3) must be refunded to the applicant if the appeal results in the granting of registration or the issuing of a licence.

Information provided to Registration Appeal Committee and applicant

- 75** Within a reasonable time after receiving a request for an appeal, the Registrar must provide the Registration Appeal Committee and the applicant with all of the following:
- (a) a copy of the written decision being appealed;
 - (b) a copy of all records related to the application and in the possession of the College, subject to any lawful restrictions;

- (c) any written information the Registrar considers necessary.

Security may be required

- 76** (1) On application from the College, the Registration Appeal Committee may require an applicant to deposit security for an appeal with the College in an amount and in the form the Committee determines.
- (2) The security paid under subsection (1) must be refunded to the applicant if the appeal results in the granting of registration or the issuing of a licence.

Costs of appeal

- 77** Other than a refund of the fee paid under subsection 66(2) and security paid under subsection 76(1), an applicant is not entitled to any costs for an appeal.

Powers of the Registration Appeal Committee

- 78** (1) The Registration Appeal Committee may determine its own procedure, which may include doing any of the following:
- (a) ordering pre-hearing procedures, including pre-hearing conferences that are held in private, and direct the times, dates and places of the hearing for those procedures;
 - (b) ordering that a hearing, parts of a hearing or pre-hearing conference be conducted using a means of telecommunication that permits the parties and the committee to communicate simultaneously;
 - (c) administering oaths and affirmations;
 - (d) receiving and accepting any evidence and information on oath, affidavit or otherwise as the Registration Appeal Committee considers fit, whether admissible in a court of law or not;
 - (e) adjourning or postponing a proceeding;
 - (f) amending or permitting the amendment of any document filed in connection with the proceeding.
- (2) The Registration Appeal Committee may determine whether the proceedings before it must be conducted through written submissions, or whether the parties have a right of attendance before the Registration Appeal Committee for the presentation of evidence or submissions.

Time and place of appeal hearing

- 79** If the Registration Appeal Committee determines that a hearing that requires the attendance of the parties must be held, the Registration Appeal Committee must fix a reasonable time and place for the hearing.

Notice of appeal hearing to applicant

- 80** The Registrar must provide written notice of an appeal hearing that requires the applicant's attendance to be given to the applicant at least 14 days before the date set for the hearing.

Conduct of hearing before Registration Appeal Committee

- 81** (1) The parties to a hearing are the College and the applicant.
- (2) In a hearing before the Registration Appeal Committee, the parties have the right to all of the following:
- (a) representation by legal counsel;

- (b) if the hearing requires the attendance of the parties, the opportunity to present evidence and to make submissions;
 - (c) disclosure of all relevant information and documents.
- (3) The applicant is a compellable witness in a hearing.
- (4) The proceedings of a hearing must be electronically recorded.

Evidence at hearing

- 82 (1) Except as provided in subsection (2), none of the following evidence is admissible at a hearing unless the opposing party has been given the following at least 10 days before the date of the hearing [hearing]:
- (a) for written or documentary evidence, an opportunity to examine the evidence;
 - (b) for expert evidence, a copy of the expert's written report or, if there is no written report, a written summary of the evidence and the expert's qualifications;
 - (c) if the Registration Appeal Committee authorizes the attendance of witnesses, the identity of the witnesses.
- (2) The Registration Appeal Committee may allow the introduction of evidence that would be otherwise inadmissible and may make any directions it considers necessary to ensure that a party is not prejudiced by the admission of the evidence.

Applicant fails to attend hearing

- 83 If an applicant fails to attend a hearing, the Registration Appeal Committee may proceed with a hearing in the applicant's absence and take any action authorized under the Act and these regulations.

Conclusion of hearing

- 84 (1) The Registration Appeal Committee must render its decision with reasons within a reasonable time after
- (a) the hearing concludes, if a hearing is held; or
 - (b) its review of the written evidence and written submissions, if no hearing is held.
- (2) The Registration Appeal Committee may make any decision the Registrar or the Registration Committee could have made with respect to the application, and may do any of the following:
- (a) order the imposition of conditions or restrictions on the licence of the appellant;
 - (b) assess any costs to be paid by the applicant and determine how any security is credited towards the costs or refunded to the applicant under subsection 76(1).
- (3) In clause (2)(b), "costs" includes all of the following:
- (a) expenses incurred by the College in the application process;
 - (b) expenses incurred by the College for the activities of the Registration Appeal Committee;
 - (c) the College's solicitor and client costs, including disbursements and HST, relating to the application and the appeal, including those of College counsel and counsel for the Registration

Appeal Committee;

- (d) fees for retaining a court reporter and preparing transcripts of the proceedings;
- (e) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear for the appeal.

Decision of Registration Appeal Committee is final

85 A decision of the Registration Appeal Committee is final.

Part 4: Professional Conduct Process

Definitions for this Part

86 In this Part,

“hearing” means a hearing before a hearing committee.

Initiating and Investigating Complaint

Member referred by Registrar for assessment for incapacity

- 87** (1) On receiving information, other than a complaint, that suggests a member may be incapacitated, the Registrar may, if the member agrees, refer the member for an assessment for incapacity.
- (2) If an assessment under subsection (1) suggests incapacity, the Registrar may refer the matter for remediation as agreed upon between the member and the Registrar.
- (3) The Registrar may initiate a complaint against a member who
- (a) does not agree to be referred for an assessment for incapacity under subsection (1); or
 - (b) the Registrar determines is not compliant with remediation agreed upon under subsection (2).

Preliminary investigation of complaint

- 88** (1) On receiving or initiating a complaint, the Registrar may appoint an investigator to conduct a preliminary investigation of the complaint under this Section.
- (2) When conducting a preliminary investigation, an investigator may request additional written or oral explanation from the complainant, the respondent or a third party.
- (3) The Registrar or an investigator may, with a respondent’s consent, arrange for the respondent to do 1 or more of the following during a preliminary investigation:
- (a) submit to physical or mental examinations by a qualified person or persons designated by the Registrar, and authorize the reports from the examinations to be given to the Registrar;
 - (b) submit to a review or audit of the respondent’s practice by a qualified person or persons designated by the Registrar, and authorize a copy of the review or audit to be given to the Registrar;
 - (c) complete a competence assessment or other assessment or examination to determine whether the respondent is competent to ~~practice~~ [practise], and authorize the assessment or examination report to be given to the Registrar;
 - (d) produce any records kept about the respondent’s practice that the Registrar or investigator

consider appropriate.

- (4) Expenses incurred to take any action under subsection (3) must initially be paid by the College, but may be awarded as costs against the respondent under any of the following circumstances:
- (a) under Section 121;
 - (b) as part of the terms of a consensual reprimand or consensual conditions or restrictions;
 - (c) by consent.

Resolution of complaint by Registrar

- 89 (1)** Taking into account the results of a preliminary investigation, the Registrar must do 1 or more of the following:
- (a) dismiss the complaint and notify the complainant and the respondent of the dismissal if the Registrar decides that any of the following apply:
 - (i) the complaint is outside the jurisdiction of the College,
 - (ii) the complaint cannot be substantiated,
 - (iii) the complaint is frivolous or vexatious,
 - (iv) the complaint constitutes an abuse of process,
 - (v) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming, incompetence or incapacity, or would merit a caution;
 - (b) informally resolve the complaint if the Registrar considers that the complaint may be satisfactorily resolved consistent with the objects of the College;
 - (c) authorize the resignation of the member;
 - (d) if the member and the Registrar agree, refer the member for an assessment for incapacity and, if the assessment suggests incapacity, refer the matter for remediation as agreed upon between the member and the Registrar;
 - (e) refer the matter to an investigation committee.
- (2) If the Registrar considers it useful, the Registrar may provide written advice relevant to the complaint that is of a non-disciplinary nature to any of the following persons:
- (a) the complainant;
 - (b) the respondent;
 - (c) any person affected by the complaint.
- (3) The Registrar must provide a copy of any written advice provided under clauses (2)(a) or (c) to the respondent.

Review of complaint dismissal

- 90** (1) No later than 30 days after a complainant is notified of a dismissal by the Registrar under clause 89(1)(a), the complainant may submit a written request to the Registrar for review of the dismissal by the independent review committee.
- (2) The Registrar must send any request for a review of a complaint dismissal received under subsection (1) to both of the following:
- (a) the respondent;
 - (b) the chair of the investigation pool.
- (3) On receiving a request for review of a complaint dismissal under clause (2)(b), the chair of the investigation pool must appoint an independent review committee to review the dismissal.

Independent review committee

- 91** (1) The independent review committee consists of all of the following, none of whom are members of Council:
- (a) 1 public representative;
 - (b) 2 members of the investigation pool.
- (2) A quorum of the independent review committee consists of the 3 persons appointed under subsection (1).
- (3) All decisions of an independent review committee require the vote of a majority of the quorum of the committee.

Decision of independent review committee

- 92** (1) After reviewing a complaint, any other material considered by the Registrar and the Registrar's decision, an independent review committee may do any of the following:
- (a) confirm the dismissal of some or all of the complaint;
 - (b) overturn the dismissal of some or all of the complaint and do both of the following:
 - (i) order an investigation of any aspects of the complaint that have not been dismissed,
 - (ii) refer the matter to be considered by an investigation committee under Section 95.
- (2) An independent review committee must render its decision in writing, with reasons, and provide a copy of the decision to all of the following within a reasonable time:
- (a) the Registrar;
 - (b) the complainant;
 - (c) the respondent.

Decision of independent review committee final

- 93** A decision of an independent review committee is final.

Referral for assessment for incapacity

- 94** (1) If an assessment for incapacity agreed to under subsection 87(1) or clause 89(1)(d) cannot be resolved by way of agreement between the Registrar and the member, the matter must be referred to an investigation committee.
- (2) If an assessment for incapacity agreed to under subsection 87(1) or clause 89(1)(d) is resolved by way of agreement between the Registrar and the member, the Registrar must advise the complainant of all of the following:
- (a) that the matter has been resolved through remediation under subsection 87(1) or clause 89(1)(d), whichever is applicable;
 - (b) any conditions or restrictions placed on the member's ability to ~~practice~~ [practise] that are also made available to the public by the Registrar;
 - (c) that if the member does not comply with the remedial resolution, the matter will be referred to an investigation committee for processing in accordance with the regulations.

Investigation Committees**Investigating complaint by investigation committee**

- 95** (1) If a matter has been referred to an investigation committee, the investigation committee may appoint an investigator to conduct or to further an investigation.
- (2) When investigating a complaint under subsection (1), an investigator may do any of the following:
- (a) request additional written or oral explanation from the complainant, the respondent or a third party;
 - (b) request an interview of the complainant, the respondent or a third party;
 - (c) investigate any matter relating to the respondent that arises in the course of the investigation in addition to the complaint, that may constitute any of the following:
 - (i) professional misconduct,
 - (ii) conduct unbecoming the profession,
 - (iii) incompetence,
 - (iv) incapacity.
- (3) A respondent may submit any information relevant to the complaint to an investigator, including medical information or patient records.
- (4) When an investigator has completed their investigation, they must prepare a report of the investigation and provide a copy of the investigation report to the investigation committee.

Additional information to investigation committee

- 96** (1) During an investigation, an investigation committee may at any time direct an investigator to conduct any additional investigation that the investigation committee considers necessary.
- (2) In addition to the report of the investigation, an investigation committee may receive any information relevant to the matters before it.

- (3) An investigation committee may do any of the following during an investigation:
- (a) provide direction with regard to the investigation;
 - (b) conduct some or all of the investigation;
 - (c) exercise any of the powers conferred upon it under the Act and these regulations.

New matters reviewed by investigation committee

97 If any matter in addition to a complaint is considered by an investigation committee, the matter is part of the same investigation and is subject to all the same procedural rules and rights as the initial complaint.

Dismissal of complaint by investigation committee

- 98** (1) An investigation committee may dismiss a complaint and notify the complainant and the respondent of the dismissal if an investigation committee decides that any of the following apply:
- (a) the complaint is outside the jurisdiction of the College;
 - (b) the complaint cannot be substantiated;
 - (c) the complaint is frivolous or vexatious;
 - (d) the complaint constitutes an abuse of process;
 - (e) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming, incompetence or incapacity, or would merit a caution.
- (2) If the investigation committee considers it useful, it may provide written advice relevant to the complaint that is of a non-disciplinary nature to any of the following persons:
- (a) the complainant;
 - (b) the respondent;
 - (c) any person affected by the complaint.
- (3) The Registrar must provide a copy of any written advice provided under clause (2)(a) or (c) to the respondent.

Disposition of complaint by investigation committee

- 99** (1) An investigation committee must give the respondent a reasonable opportunity to appear before the investigation committee disposes of the matter, and may request or require other persons to appear before it.
- (2) An investigation committee may require the respondent to produce any records or documents kept about the respondent's practice.
- (3) An investigation committee may require the respondent to do 1 or more of the following:
- (a) submit to physical or mental examinations by a qualified person or persons designated by an investigation committee, and authorize the reports from the examinations to be given to the investigation committee;
 - (b) submit to a review or audit of the respondent's practice by a qualified person or persons

- designated by the investigation committee, and authorize a copy of the review or audit to be given to the investigation committee;
- (c) submit to a competence assessment or other assessment or examination an investigation committee directs to determine whether the respondent is competent to ~~practice~~ [practise], and authorize the assessment or examination report to be given to the investigation committee;
 - (d) produce any records kept about the respondent's practice that the investigation committee considers appropriate.
- (4) Expenses incurred for a respondent to comply with a requirement under subsection (3) must initially be paid by the College, but may be awarded as costs against the respondent under the following circumstances:
- (a) under Section 121;
 - (b) as part of the terms of a consensual reprimand or consensual conditions or restrictions;
 - (c) by consent.
- (5) After providing the opportunity to appear before the investigation committee under subsection (1), the committee must do 1 or more of the following:
- (a) dismiss the complaint;
 - (b) if considered useful by the committee, provide advice relevant to the complaint that is of a non-disciplinary nature to 1 or more of the following persons:
 - (i) the complainant,
 - (ii) the respondent,
 - (iii) any other person affected by the complaint;
 - (c) informally resolve the complaint;
 - (d) caution the respondent;
 - (e) refer the respondent to the Registrar for a competence assessment as determined by the Registrar, and require the respondent to pay for any costs arising from the assessment;
 - (f) make a determination that there is sufficient evidence that, if proven,
 - (i) would constitute any of the following:
 - (A) professional misconduct,
 - (B) conduct unbecoming,
 - (C) incompetence,
 - (D) incapacity, and
 - (ii) warrants imposing a licensing sanction.

- (6) The Registrar must provide a copy of any written advice provided under subclause (5)(b)(i) or (iii) to the respondent.
- (7) If an investigation committee makes a determination under clause (4)(f), the investigation committee must do 1 of the following:
 - (a) with the respondent's consent, order 1 or both of the following:
 - (i) that the respondent receive a reprimand,
 - (ii) that conditions or restrictions be imposed on the respondent's licence;
 - (b) refer the matter or matters for a hearing, and if the committee considers it appropriate, direct the Registrar on behalf of the College to attempt to negotiate a settlement agreement in accordance with Section 101.

Notification and disclosure of disposition

- 100** (1) A licensing sanction imposed under clause 99(7)(a) must be published in accordance with subsection 118(2).
- (2) If an investigation committee refers a matter to a hearing committee under clause 99(7)(b), the Registrar must advise the complainant of the referral and may do 1 or more of the following
- (a) disclose to the public that a matter has been referred for a hearing;
 - (b) advise others of the referral for a hearing.

Settlement Agreements and Consent Revocation Agreements

Preparing and tendering settlement agreements

- 101** (1) A proposed settlement agreement may be initiated in writing by the Registrar or the respondent at any time before a hearing begins.
- (2) A proposed settlement agreement must include all of the following:
- (a) sufficient facts and admissions to support the agreed disposition;
 - (b) an agreement on costs;
 - (c) the respondent's consent to a specified disposition conditional on the acceptance of the settlement agreement by an investigation committee and a hearing committee.
- (3) A settlement agreement may include any disposition that could be ordered by a hearing committee under the Act or these regulations.
- (4) If both the Registrar and the respondent agree with the content of a proposed settlement agreement, the Registrar must refer the settlement agreement to an investigation committee for consideration in accordance with Section 102.
- (5) The Registrar and the respondent may agree to use a mediator to prepare a settlement agreement, and the costs for the mediator must be divided equally between the College and the respondent unless otherwise agreed.
- (6) If the Registrar and the respondent cannot agree on the content of a proposed settlement agreement,

the matter must be referred for a hearing.

Investigation committee recommendations on settlement agreement

- 102 (1)** An investigation committee may recommend acceptance of a settlement agreement if it is satisfied that all of the following conditions are met:
- (a) the public is protected;
 - (b) the conduct or its causes can be, or have been, successfully remedied or treated, and the respondent is likely to successfully pursue any remediation or treatment required;
 - (c) the content of the proposed settlement agreement provides sufficient facts and admissions to support the agreed disposition;
 - (d) settlement is in the best interests of the public and the profession.
- (2)** If an investigation committee recommends acceptance of a settlement agreement, the investigation committee must refer the settlement agreement to the hearing committee for consideration in accordance with Section 103.
- (3)** If the investigation committee does not recommend acceptance of a settlement agreement, the investigation committee must do 1 of the following:
- (a) recommend changes to the settlement agreement that
 - (i) if agreed upon by the Registrar and the respondent will result in acceptance by the investigation committee, or
 - (ii) if not agreed upon by the Registrar and the respondent will result in rejection by the investigation committee;
 - (b) reject the settlement agreement and refer the complaint considered by the investigation committee to a hearing committee for a hearing.

Hearing committee acceptance or rejection of settlement agreement

- 103 (1)** If a hearing committee accepts a settlement agreement, the settlement agreement forms part of the order of a hearing committee disposing of the matter and, except as provided in subsections 104(3) and (4) for breaches of the settlement agreement, there is no hearing.
- (2)** If a hearing committee does not accept a settlement agreement, it must do 1 of the following:
- (a) suggest amendments to the settlement agreement and return it to the Registrar and the respondent for review;
 - (b) reject the settlement agreement, in which case the matter is referred to another panel of a hearing committee for a hearing.
- (3)** If both the Registrar and the respondent do not agree with the amendments to a settlement agreement suggested under clause (2)(a), the settlement agreement is deemed to be rejected and the matter must be referred to another panel of the hearing committee for a hearing.
- (4)** If both the Registrar and the respondent agree with the amendments to a settlement agreement suggested under clause (2)(a), the settlement agreement must be approved by a hearing committee.

- (5) A person who sits on a panel of a hearing committee that considers a settlement agreement must not sit on a panel of a hearing committee that conducts a hearing related to the same complaint.

Settlement agreements and hearings

- 104** (1) If a settlement agreement is rejected by a hearing committee, a hearing must proceed without reference to the settlement agreement or any admissions contained in the settlement agreement until after the hearing committee has determined whether professional misconduct, conduct unbecoming, incompetence or incapacity has been proven.
- (2) Before deciding whether to award costs in a hearing, a hearing committee may be given a copy of any settlement agreements exchanged between the parties.
- (3) An admitted breach by a respondent of any term in an accepted settlement agreement must be referred to a hearing committee for a hearing.
- (4) An alleged breach by a respondent of any term in an accepted settlement agreement must be referred to an investigation committee as a Registrar's complaint.

Consent revocation

- 105** (1) A respondent who admits or does not contest the allegations set out in either of the following may, with the consent of the Registrar, submit a proposed consent revocation agreement to the hearing committee for approval:
- (a) the complaint; or
- (b) the decision of an investigation committee under subsection 99(7).
- (2) A proposed consent revocation agreement must include allegations that, if proven, would result in a revocation of the respondent's registration and licence.
- (3) A hearing committee may accept or refuse a proposed consent revocation agreement submitted under subsection (1), and must provide a written decision with reasons.
- (4) A decision to accept a consent revocation agreement must in all respects be treated in the same manner as a revocation ordered by a hearing committee following a hearing, including disclosure and publication in accordance with Section 118.

Hearings

Notice of hearing

- 106** (1) A notice of hearing must be served on the respondent in accordance with the Act.
- (2) A notice of hearing must state all of the following:
- (a) the details of the charges;
- (b) that the respondent may be represented by legal counsel.

Amendment of notice of hearing

- 107** (1) At any time before or during a hearing, a hearing committee may, on its own motion or on the motion of a party to the hearing, amend or alter the notice of hearing for any of the following reasons:
- (a) to correct an alleged defect in substance or form;

- (b) to make the notice conform to the evidence, if there appears to be a difference between the evidence and the notice or if the evidence discloses any of the following that is not stated in the notice:
 - (i) potential professional misconduct,
 - (ii) conduct unbecoming the profession,
 - (iii) incompetence,
 - (iv) incapacity.
- (2) A respondent must be given an opportunity to prepare an answer to an amendment or alteration to a notice of hearing made by a hearing committee.
- (3) After receiving a respondent's answer under subsection (2), a hearing committee may decide that an amendment or alteration to the notice of hearing should not be made and, if considered appropriate, may refer any new allegations to the Registrar for processing as a complaint.

Public notice of hearing

108 Subject to any publication bans, the Registrar must give public notice of any scheduled hearings through the College's website or by any alternate means the Registrar considers appropriate, including all of the following information:

- (a) the name of the member;
- (b) the date, time and location of a hearing;
- (c) reference to any application being made for an order under subsection 109(2) to exclude the public.

Attendance at hearing and publication bans

109 (1) Except as provided in subsections (2) or (3), a hearing is open to the public.

- (2) At the request of a party, a hearing committee may order that the public, in whole or in part, be excluded from a hearing or any part of it if a hearing committee is satisfied that any of the following apply:
 - (a) personal, medical, financial or other matters that may be disclosed at the hearing are of such a nature that avoiding public disclosure of those matters in the interest of the public or any person affected outweighs adhering to the principle that hearings should be open to the public;
 - (b) the safety of any person may be jeopardized by permitting public attendance.
- (3) A hearing committee may make an order that the public be excluded from a part of a hearing that deals with a request for an order to exclude the public in whole or in part under subsection (2).
- (4) A hearing committee may make any orders that it considers necessary, including orders prohibiting publication or broadcasting, to prevent the public disclosure of matters disclosed in a hearing, in any decision rendered by a hearing committee, or with respect to any matter under subsection (2) or (3).
- (5) Subject to any order made under this Section, a hearing committee must state at a hearing its reasons for any order made under this Section.

- (6) Despite any decision to exclude the public under this Section, a complainant may attend a hearing unless the hearing committee directs otherwise.

Hearing procedures

- 110** (1) A complainant other than the Registrar cannot participate as a party at a hearing.
- (2) A hearing committee may determine any additional rules of procedure for hearings that are not covered by the Act or these regulations.
 - (3) A hearing committee may exclude a complainant or any witness other than the respondent from a hearing until the complainant or witness is required to give evidence.
 - (4) Witnesses at a hearing must testify under oath or solemn affirmation.
 - (5) An oath or affirmation taken at a hearing may be administered by any member of a hearing committee or other person in attendance authorized by law to administer oaths or affirmations.
 - (6) A hearing committee may require a respondent to do 1 or more of the following during a hearing:
 - (a) submit to physical or mental examinations by a qualified person or persons designated by a hearing committee, and authorize examination reports to be given to the hearing committee;
 - (b) submit to a review or audit of the respondent's practice by a qualified person or persons designated by a hearing committee, and authorize a copy of the review to be given to the hearing committee;
 - (c) submit to a competence assessment or other assessment or examination a hearing committee directs to determine whether the respondent is competent to **practice** [practise], and authorize the assessment report or examination to be given to the hearing committee;
 - (d) produce any records kept about the respondent's practice that the hearing committee considers appropriate.
 - (7) If a respondent fails to comply with a requirement under subsection (5), a hearing committee may order that the respondent's licence be suspended until the respondent complies.
 - (8) Expenses incurred for a respondent to comply with a requirement under subsection (5) must be initially paid by the College, but may be awarded as costs against a respondent under Section 121.

Respondent fails to attend hearing

111 After receiving proof of service of the notice of hearing in accordance with Section 50 of the Act, a hearing committee may proceed with a hearing in a respondent's absence and take any action authorized under the Act and these regulations without further notice to the respondent.

Subpoenaed witness fees

112 Witnesses who are present under subpoena at a hearing are entitled to claim the same allowances as witnesses attending a trial of an action in the Supreme Court of Nova Scotia.

Recording evidence at hearing

- 113** (1) All evidence presented at a hearing must be recorded by a person authorized by the College.
- (2) Evidence may be presented at a hearing in any manner that a hearing committee considers appropriate, and the committee is not bound by the rules of law respecting evidence applicable to judicial proceedings, but must consider what evidence to receive in a fair manner.

Preserving evidence

114 Evidence present to a hearing committee and information obtained by an investigation committee or an investigator for a complaint that has not been dismissed by the investigation committee must be preserved, electronically or otherwise, for at least 5 years from the date the evidence is presented or the information is obtained.

Disposition by hearing committee

115 A hearing committee that finds professional misconduct, conduct unbecoming, incompetence or incapacity on the part of a respondent may dispose of the matter in any manner it considers appropriate, including doing 1 or more of the following, and must include orders for the action in the committee's disposition of the matter:

- (a) revoke the respondent's registration or licence;
- (b) for a respondent who held a temporary licence at the time of the incident giving rise to the complaint, revoke the respondent's ability to obtain registration or require the respondent to comply with any conditions or restrictions imposed by the committee if registration is granted;
- (c) authorize the respondent to resign their registration;
- (d) suspend the respondent's licence for a specified period of time;
- (e) suspend the respondent's ability to obtain a licence for a specified period of time;
- (f) suspend the respondent's licence pending the satisfaction and completion of any conditions a hearing committee orders;
- (g) impose any restrictions or conditions, or both, on the respondent's licence for a specified period of time;
- (h) reprimand the respondent and direct that the reprimand be recorded in the records of the College;
- (i) direct the respondent to pass a particular course of study or satisfy a hearing committee or any other committee established under the Act of the respondent's general competence to ~~practice~~ [practise] or competence in a particular field of practice;
- (j) refer the respondent to for a competence assessment as determined by the Registrar, and require the respondent to pay for any costs associated with the assessment;
- (k) direct the respondent to pay a fine in an amount determined by the hearing committee for findings that involve
 - (i) practising while not holding a valid licence to ~~practice~~ [practise], or
 - (ii) professional misconduct or conduct unbecoming the profession;
- (l) direct the respondent to pay any costs arising from compliance with ~~or~~ [an] order under clause (g), (i) or (j);
- (m) publish or disclose its findings in accordance with the Act and these regulations.

Written decision of hearing committee

116 A hearing committee must prepare a written decision that includes the reasons for its findings and the reasons for its disposition of the matter, and must publish its decision or information from its decision in accordance with Section 118.

Disclosure of hearing committee's decision to dismiss complaint

117 (1) Except as prohibited by any publication bans and subject to subsection (2), a hearing committee may disclose or publish a decision or part of a decision that dismisses a complaint in the manner determined by the hearing committee.

(2) A hearing committee must provide a copy of its full decision to the Respondent.

Disclosing and publishing licensing sanctions

118 (1) Except as prohibited by any publication bans and as excluded under Section 120, a hearing committee must direct the Registrar to do all of the following for any licensing sanction that is issued following resolution of a complaint through a hearing or consent revocation process:

- (a) give a copy of the decision to the respondent and the complainant;
 - (b) publish a copy of the full decision in all of the following:
 - (i) the College website,
 - (ii) the Professional Conduct Digest retained by the College and available to the public,
 - (iii) any official publication determined by the Registrar;
 - (c) make the appropriate entries in the registers of the College and, if applicable, on the member's licence;
 - (d) provide some or all of the decision or a summary of the decision, or a notice of the decision to any of the following the Registrar considers necessary:
 - (i) other regulatory bodies,
 - (ii) any past, present or intended employer of the respondent,
 - (iii) any district health authority,
 - (iv) any identified individuals,
 - (v) the public, through the newspaper or other media as determined by the Registrar.
- (2) Except as prohibited by any publication bans and as excluded under Section 120, the Registrar must do all of the following for any licensing sanction that is issued by an investigative committee or through a settlement agreement:
- (a) make the appropriate entries in the registers of the College and, if applicable, on the member's licence;
 - (b) publish the decision or a summary of the decision in all of the following:
 - (i) the College website,

- (ii) the professional conduct digest retained by the College and available to the public,
- (iii) any official publication determined by the Registrar;
- (c) notify any of the following of the licensing sanction and provide a copy of the summary to them along with any other information requested:
 - (i) other regulatory bodies,
 - (ii) any past, present or intended employer,
 - (iii) any district health authority,
 - (iv) any entities or individuals the Registrar considers necessary;
- (d) give the respondent a copy of the decision;
- (e) give some or all of the decision as determined by the Registrar, to the complainant;
- (f) give any of the following to any person the Registrar considers appropriate:
 - (i) the decision,
 - (ii) a summary of the decision,
 - (iii) parts of the decision,
 - (iv) notice of the decision.

Summary of decision

119 Except as prohibited by any publication bans and as excluded under Section 120, if the Registrar publishes a summary of a decision, the summary may contain any information the Registrar considers necessary and must contain all of the following information:

- (a) the member's name, city or town of residence, registration number;
- (b) the provision of the Act or the regulations under which the licensing sanction is issued;
- (c) the date of the decision;
- (d) sufficient facts to support the admissions and the disposition;
- (e) the admissions of the respondent;
- (f) an acknowledgment that the admissions constitute a disciplinary matter;
- (g) the disposition ordered by the Committee;
- (h) the reasons for the decision.

Publication if finding of incapacity

120 If there is a finding of incapacity, the Registrar must disclose only such information relating to the incapacity as is necessary to ensure the objects of the College are met.

Costs for investigation and hearing

121 (1) For purposes of this Section, “costs” includes all of the following:

- (a) expenses incurred by the College in the investigation of a complaint;
 - (b) expenses incurred by the College for the activities of an investigation committee and a hearing committee;
 - (c) expenses incurred for participation in any competence assessment arising from a decision of an investigation committee or a hearing committee;
 - (d) expenses incurred under subsection 88(4), 99(4) or 110(6);
 - (e) the College’s solicitor and client costs, including disbursements and HST, relating to the investigation and hearing of a complaint, including those of College counsel and counsel for a hearing committee;
 - (f) fees for retaining a court reporter and preparing transcripts of the proceedings;
 - (g) travel costs and reasonable expenses of any witnesses, including expert witnesses.
- (2)** Except when awarded costs under this Section, a respondent is responsible for all expenses incurred in their defence.
- (3)** If a hearing committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of the respondent, it may order that the respondent pay costs in whole or in part.
- (4)** If a hearing committee considers that a hearing was not necessary, it may order the College to pay some or all of the respondent’s legal costs.
- (5)** The Registrar may suspend the licence of any respondent who fails to pay the costs within the time ordered until payment is made or satisfactory arrangements for payment are made.

Reinstatement of Registration or Licence**Applying for reinstatement of registration or licence**

- 122 (1)** An application for reinstatement of registration or a licence that has been revoked by a hearing committee must be submitted in writing to the Registrar together with the applicable fee.
- (2)** An application must include any information the Registrar requires for assistance in determining whether the objects of the professional conduct process will be met if re-instatement is granted.

Investigation for reinstatement application

- 123 (1)** On receiving a reinstatement application, the Registrar may gather additional information with respect to the reinstatement application or request that an investigation be conducted to gather relevant and appropriate information concerning the application.
- (2)** Any information gathered under subsection (1) must be provided to the applicant.
- (3)** The Registrar must provide the reinstatement committee with the reinstatement application together with any information gathered under subsection (1).

Reinstatement application proceedings

- 124** (1) The reinstatement committee must set a date for a proceeding to review a reinstatement application and must advise the applicant of the date.
- (2) The parties to a reinstatement application proceeding are
- (a) the College, represented by the Registrar or a person designated by the Registrar; and
 - (b) the applicant for reinstatement.
- (3) Evidence before the reinstatement committee must be taken under oath or affirmation and must be recorded, and is subject to cross-examination.

Attendance at reinstatement application proceeding

- 125** (1) Except as provided in subsection (2) or (3), a reinstatement application is open to the public.
- (2) At the request of a party, a reinstatement committee may order that the public, in whole or in part, be excluded from a reinstatement application proceeding or any part of it if the committee is satisfied that any of the following apply:
- (a) personal, medical, financial or other matters that may be disclosed at the proceedings are of such a nature that avoiding public disclosure of those matters in the interest of the public or any person affected outweighs adhering to the principle that proceedings should be open to the public;
 - (b) the safety of any person may be jeopardized by permitting public attendance.
- (3) A reinstatement committee may make an order that the public be excluded from a part of a reinstatement application proceeding that deals with a request for an order to exclude the public in whole or in part under subsection (2).
- (4) A reinstatement committee may make any orders that it considers necessary, including orders prohibiting publication or broadcasting, to prevent the public disclosure of matters disclosed in a reinstatement application proceeding, any part of a reinstatement application proceeding dealing with an order under subsection (2) or (3), or any decision of the reinstatement committee.
- (5) Subject to any order made under this Section, the reinstatement committee must state at a reinstatement application proceeding its reasons for any order made under this Section.

Public notice of reinstatement application proceeding

- 126** Subject to any publication bans, the Registrar must give public notice of any scheduled reinstatement application proceedings through the College's website or any alternate means the Registrar considers appropriate, including notice of all of the following:
- (a) the date, time and location of the reinstatement application;
 - (b) reference to any request being made for an order under subsection 125(2).

Decision of reinstatement committee

- 127** (1) After considering the evidence and the representations from the parties, the reinstatement committee must decide to accept or reject the reinstatement application and communicate its decision, together with reasons, in writing to the applicant and to the Registrar.
- (2) If the reinstatement committee accepts a reinstatement application, the committee may impose any

conditions and restrictions it considers appropriate relating to the reinstatement of the applicant, and the applicant must satisfy all criteria required for a licence.

- (3) Except as provided in subsection (4), a reinstatement committee's decision concerning a reinstatement application is final.
- (4) An applicant may resubmit an application for reinstatement no sooner than
 - (a) 1 year after the date of the reinstatement committee's initial decision to reject their application; or
 - (b) after a period longer than the period in clause (a), as determined by the reinstatement committee that rejected the initial application.

Costs of reinstatement application

128 (1) For purposes of this Section, "costs" includes all of the following:

- (a) expenses incurred by the College in the investigation of a reinstatement application;
 - (b) expenses incurred by the College for the activities of the reinstatement committee;
 - (c) the College's solicitor and client costs, including disbursements and HST, relating to a reinstatement application, including those of College counsel and counsel for the reinstatement committee;
 - (d) fees for retaining a court reporter and preparing transcripts of the proceedings;
 - (e) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a reinstatement application.
- (2) An applicant for reinstatement is responsible for all expenses incurred in their reinstatement application and proceeding.
 - (3) Whether the application is accepted or rejected, the reinstatement committee may recover costs from the applicant.
 - (4) The Registrar may suspend the licence of any person who fails to pay the costs within the time ordered until payment is made or satisfactory arrangements for payment are made.

Part 5: Custodianship of Patient Records

Definitions for Part 5

129 In this Part,

"custodian" means a custodian of patient records appointed under Section 130;

"patient records" means a record of information relating to the patients of a member or former member, in any form or in any medium, whether in written, printed, photographic or electronic form or otherwise, but does not include a computer program or other mechanism that can produce a record.

Appointment of custodian

130 (1) It may be considered to be in the public interest to appoint a custodian of a member's or former member's patient records under these regulations if

- (a) adequate provision has not been made for the protection of their patient records; and
 - (b) the member or former member
 - (i) dies,
 - (ii) disappears,
 - (iii) is in prison,
 - (iv) leaves the Province,
 - (v) surrenders their licence,
 - (vi) is struck off a register or their licence is suspended,
 - (vii) is found to be incapacitated, or
 - (viii) in the opinion of Registrar, neglects or abandons the practice of medicine.
- (2) A custodian may be appointed by 1 of the following methods:
- (a) on financial and other terms agreed upon by the Registrar and the member or the representative of the member's estate, by appointing the College or a medical practitioner to be a custodian;
 - (b) by the Registrar applying to the Court, with or without notice, for an order appointing 1 of the following as custodian:
 - (i) a medical practitioner,
 - (ii) a person other than a medical practitioner that the Court considers appropriate.
- (3) A person appointed under subsection (2) must consent to the appointment.

Duties of custodian

131 (1) A custodian must, in accordance with any order made under subsection (3),

- (a) hold and protect all patient records taken into custody, or convert such patient records into an electronic record and protect the electronic record while in custody;
 - (b) distribute the patient records, as may be appropriate, to
 - (i) the physicians of the patients whose records have been taken into custody,
 - (ii) the duly appointed representatives of the patients, or the patients themselves, unless there are reasonable grounds to believe it would not be in the best interest of the patient to make that information available.
- (2) The distribution of records under clause (1)(b) is subject to any fees payable to the custodian that the Court directs or, for a custodian appointed by the Registrar, that are set by the Registrar.
- (3) An order of the Court appointing a custodian may do 1 or more of the following:

- (a) authorize the custodian to employ professional assistance to carry out the custodian's duties;
- (b) direct a sheriff to seize, remove and place in the possession of the custodian the patient records;
- (c) if there are reasonable grounds to believe that any patient records may be found in any premises, safe deposit box or other receptacle, direct a sheriff to enter the premises or open the safe deposit box or other receptacle;
- (d) authorize the custodian, or a person acting on behalf of a custodian, to access and use any computer system used in connection with the member's practice to produce the patient records in the form of a printout or to produce them in an electronically readable format;
- (e) direct the owner of, or person in possession of, any premises or place where a bank or other depository of patient records is located to deal with, hold, deliver or dispose of the patient records as the Court directs;
- (f) give directions to the custodian as to the disposition of patient records;
- (g) make provision for the remuneration, disbursements and indemnification of the custodian and the College in the course of their duties;
- (h) make provision for discharging the custodian either before or after the custodian has completed any responsibilities imposed by an order made under this Section;
- (i) give any further directions the Court considers are required in the circumstances.

Solicitor-client costs for appointment proceedings

132 (1) The Court may award solicitor-client costs for proceedings in respect of the appointment of a custodian against any of the following:

- (a) a member whose patient records have been appointed a custodian; or
 - (b) the representative of the estate of a former member whose patient records have been appointed a custodian.
- (2)** Solicitor-client costs awarded under this Section may include any expenses of the College and the custodian associated with the retention of the custodian and incurred in the exercise of the duties of the College and the custodian, and must be paid to the College and the custodian in the manner the Court determines.
- (3)** An order of the Court awarding solicitor-client costs may be enforced in the same manner as a judgment of the Court.

Discharge of custodian

133 (1) A custodian must report to the Registrar by the earliest of the following dates:

- (a) the date ordered by an order of the Court;
 - (b) 1 year after the date of the Court order appointing the custodian.
- (2)** On receiving a custodian's report under subsection (1), the Registrar may
- (a) discharge the custodian; or

- (b) make any order the Registrar considers appropriate regarding any patient records remaining in the possession of the custodian.
- (3) A custodian's compliance with a Registrar's order under clause (2)(b) discharges the custodian.
- (4) Unless otherwise ordered by the Court or the Registrar, on discharge of a custodian, the College must take any remaining patient records into its custody either in original form or through conversion to an electronic record and assume the responsibilities as custodian.

Destruction of patient records by College

134 The College may destroy patient records in its custody as custodian after the passage of a minimum period of time as ordered by the Court or as set by Council.

Removal of custodian by Court

135 The Court may, upon the application of the College made either *ex parte* or on such notice as the Court directs, remove a custodian from office and, if the Court considers it expedient, appoint another custodian in the custodian's place, and may include in the order any further directions as are required in the circumstances.

Varying or setting aside court order

136 If a custodian has been appointed by the Court for a member's patient records, the member may, after giving notice to the College and the custodian, apply to the Court to vary or set aside the Court's order and direct the custodian to place all or part of the patient records back into the possession of the member upon such terms as the Court considers just.

Service and notice

- 137** (1) The Court may give directions on service of any notice required, or order made, under this Part.
- (2) Unless the Court otherwise directs, it is sufficient notice for a custodian to give notice by newspaper advertisement to patients, physicians or the general public, that the custodian has possession of a member or former member's patient records.

Liability of College and custodian

138 No action for damages lies against the College, the Council or any committee, member, officer or employee of the College for anything done or omitted to be done in good faith under this Part, or against a custodian or any other person acting in good faith under this Part or any order issued under this Part.

Part 6: Dispensing of Drugs

Drug Information System

Duty to update Drug Information System

119 (1) In this Section:

“Drug Information System” means the Drug Information System as defined in the *Drug Information System Prescription Monitoring Regulations* made under the *Prescription Monitoring Act*; and

“dispensing physician” means a dispensing physician as defined in the *Drug Information System Prescription Monitoring Regulations* made under the *Prescription Monitoring Act*.

- (2) Each time a dispensing physician dispenses a drug to a patient, the dispensing physician must update the Drug Information System.

N.S. Reg. 226/2014 to 227/2014

Made: December 22, 2014

Filed: December 22, 2014

Day Care Regulations

Order in Council 2014-531 dated December 22, 2014
regulations made by the Governor in Council
pursuant to Section 15 of the *Day Care Act*

The Governor in Council on the report and recommendation of the Minister of Education and Early Childhood Development dated November 21, 2014, and pursuant to Section 15 of Chapter 120 of the Revised Statutes of Nova Scotia, 1989, the *Day Care Act*, is pleased to amend the *Day Care Regulations*, N.S. Reg. 193/2010, made by the Governor in Council by Order in Council 2010-456 dated December 20, 2010, to clarify various licensing and other requirements,

- (a) in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after February 1, 2015; and
- (b) in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation, effective on and after December 22, 2014.

N.S. Reg. 226/2014

Day Care Regulations

Schedule “A”

**Amendment to the *Day Care Regulations*
made by the Governor in Council under Section 15 of
Chapter 120 of the Revised Statutes of Nova Scotia, 1989,
the *Day Care Act***

- 1 The *Day Care Regulations*, N.S. Reg. 193/2010, made by the Governor in Council by Order in Council 2010-456 dated December 20, 2010, are amended by striking out “or” in subclause (ii) of the definition of “part-day program” in subsection 2(1) and substituting “and”.
- 2 The regulations are further amended by adding the following Section immediately after Section 9:

Applying for change to license

9A (1) A licensee may request a change to the age range, maximum number of children or program type identified on the license.

(2) A licensee must provide the information requested by the Minister in support of a request under this Section.

(3) The Minister may make conditions, qualifications, restrictions or requirements in respect of, or as a prerequisite to, the approval of a change to a license requested under this Section.

- 3 The regulations are further amended by repealing subsection 10(1) and substituting the following subsection:

(1) In Section 10 of the Act, “significantly affect the care of children”, in relation to a proposed alteration to a facility for which Ministerial approval is required, includes changing the physical dimensions of the outdoor or indoor space.

- 4 The regulations are further amended by adding the following subsection immediately after subsection 10(2):
- (3) In a submission to the Minister for approval to alter the physical dimensions of the indoor space of a facility, a licensee with an exemption under subsection 20A(1) may request that the exemption also apply to the altered space.
- 5 The regulations are further amended by adding the following subsection immediately after subsection 13(2):
- (3) During an annual inspection, the licensee must make available proof that the facility or, if the licensee is an agency, the play group space to be used for its family home day care program complies with the regulations, orders and directions of the appropriate authorities respecting fire prevention, safety, health and sanitary requirements and any applicable municipal bylaws.
- 6 Section 14 of the regulations is amended by repealing clause 14(e).
- 7 Section 15 of the regulations is amended by repealing clauses (a) and (b).
- 8 The regulations are further amended by adding the following Section immediately after Section 15:

Maximum number of children for care provider

- 15A (1)** Subject to the restriction in subsection (2) respecting the permitted numbers of toddlers and infants, and except as provided in subsections (3) and (4), a care provider may care for a maximum of 6 children at a time, including their own children.
- (2) If a care provider is caring for 4 to 6 children, no more than 3 children may be under 3 years of age and of those 3 children no more than 2 children may be infants.
- (3) A care provider for school age children only may care for a maximum of 8 school age children at a time, including their own children.
- (4) A care provider may care for a maximum of 3 infants at a time, including their own infants, and if caring for the maximum 3 infants must not have any other children in their care.

- 9 Subsection 17(2) of the regulations is repealed and the following subsection substituted:
- (2) If a licensee fails to meet the license compliance and enforcement standards, the Minister may decline to do any of the following until the licensee remedies the violation or deficiency:
- (a) issue any other license to the licensee;
- (b) approve a change under Section 9A to a license held by the licensee;
- (c) approve an alteration to the licensee's physical space proposed in a submission to the Minister referred to in Section 10.

- 10 The regulations are further amended by adding the following Section immediately after Section 17:

Facility must be insured

- 17A** Each facility must be adequately insured under a commercial general liability insurance policy or its equivalent.

- 11 Section 18 of the regulations is amended by

- (a) adding “other than an agency” immediately after “licensee” in subsection 18(1); and
- (b) repealing subsection (2) and substituting the following subsection:
 - (2) The daily program for children enrolled in a day care program, including a play group provided by an agency under subclause 14(c)(v), must be developmentally appropriate and promote full participation of all children.

12 Section 20 of the regulations is repealed and the following Sections are substituted:

- 20**
- (1) Except as provided in clause 20A(1)(a), a facility or family home day care must not be located above the 2nd floor of a building.
 - (2) An indoor play space in a facility must have at least 2.753 m² (30 ft.²) of unobstructed floor space for each child occupying the space.
 - (3) Space used for hallways, entryways, exits, staff purposes, facility administration, diapering areas, washrooms, kitchen, laundry, shelving or storage must not
 - (a) be included when calculating the unobstructed indoor floor space per child for the purposes of subsection (2); or
 - (b) infringe on the children’s unobstructed indoor floor space or on space used for the children’s routine activities.
 - (4) Except as provided in clause 20A(1)(b) and subsection 20A(3), an indoor play space in a facility must provide natural lighting through a window or windows with a glass area of at least the following size:
 - (a) for a facility located in a building or a new addition to a building constructed on or after February 1, 2015, 10% of the total floor area;
 - (b) for a facility located in an existing building, the same area as required by clause (a), except that the total floor area to be used in calculating the minimum glass area required is the actual total floor area of the indoor play space minus 2%.
 - (5) Each area within a facility that is used for the care of infants must meet all of the following requirements:
 - (a) it must be located on the ground floor;
 - (b) it must include an infant play space;
 - (c) it must include a sleeping area that is
 - (i) in a room separated from the infant play space, and
 - (ii) large enough to accommodate 1 crib for each infant, with a 46-cm (18-in.) space or a divider between each crib.
 - (6) A facility that is licensed to operate a full-day program for the care of infants or toddlers must contain a diapering area that meets all of the following requirements:
 - (a) it must be equipped with a counter that has a smooth, non-porous surface that is easily

- cleaned;
- (b) it must be located next to a hand-washing sink.
- (7) A diapering area must not be used for other purposes.
- (8) A facility must have washroom and toilet facilities suitable for toddlers, preschoolers and school-age children that meet all of the following requirements:
- (a) they must be either
 - (i) inside the facility, or
 - (ii) at the same location as the facility and available for use by the facility;
 - (b) they must be in the ratio of 1 toilet and 1 sink per 10 toddlers, preschoolers and school-age children.
- (9) Except as provided in clause 20A(1)(c), a facility must have a separate washroom for staff.

Exemptions from building and space requirements

20A (1) An exemption included on a license issued under the former regulations from a requirement corresponding to any of the following continues to apply to the license under these regulations:

- (a) the location requirement in subsection 20(1);
 - (b) the minimum lighting requirement in clause 20(4)(a) for a newly constructed building or a new addition;
 - (c) the requirement in subsection 20(9) for a separate washroom for staff.
- (2) An exemption that applies to a license under subsection (1) continues to apply in any of the following circumstances:
- (a) on renewal of the license, if the licensee requests a continuation of the exemption and the Minister approves the continuation;
 - (b) on the issuance of a new license to a person who purchases the facility or agency, if the purchaser requests a continuation of the exemption and the Minister approves the continuation;
 - (c) on an alteration of the physical dimensions of the indoor space of a facility approved by the Minister under Section 10 of the Act, if the licensee's submission to the Minister includes a request in accordance with subsection 10(3) that the exemption apply to the altered space and the Minister approves that request.
- (3) A licensee operating a facility located in a school or providing a part-day or school-age program may request an exemption from the minimum lighting requirement in subsection 20(4) and the Minister may approve the request.

- 13 (1) Subsection 21(4) of the regulations is amended by striking out “the *Cribs and Cradles Regulations* made under the *Hazardous Products Act* (Canada)” and substituting “federal or Provincial legislation respecting cribs, cradles and bassinets”.

- (2) Subsections 21(5), (6) and (7) of the regulations are repealed.
- 14 (1) Section 22 of the regulations is amended by
- (a) striking out “enrolled in” in clause (3)(b) and substituting “who regularly attend”; and
 - (b) striking out “all of the infants enrolled in” in clause (4)(b) and substituting “the number of infants who regularly attend”.
- (3) Subsection 22(7) of the regulations is repealed and the following subsection substituted:
- (7) Any outdoor play structure for gross motor activity that is provided by a facility must comply with the Standards for Outdoor Play established by the Minister.
- (4) Subsection 22(8) of the regulations is repealed.
- 15 Section 23 of the regulations is repealed.
- 16 (1) Subsection 25(2) of the regulations is repealed and the following subsection substituted:
- (2) Except as provided in subsection (3), a licensee or, in the case of a family home day care program, a care provider must ensure that each child in attendance at a day care program is provided with a meal during regular meal times and a snack if the child attends before or after a regular meal period.
- (2) Subsections 25(3), (4), (5), (7) and (8) of the regulations are repealed.
- (3) Subsection 25(6) of the regulations is
- (a) renumbered as subsection 25(3); and
 - (b) amended by striking out “Subject to subsection (7), each” and substituting “Each”.
- 17 Section 26 of the regulations is repealed.
- 18 (1) The heading of Section 27 of the regulations is amended by striking out “requirements” and substituting “safety”.
- (2) Subsections 27(1) and (2) of the regulations are repealed.
- 19 (1) Subsection 28(1) of the regulations is amended by adding “from a recognized program” immediately after “training”.
- (2) Subsection 28(4) of the regulations is amended by
- (a) striking out “area” in clause (b) and substituting “space”;
 - (b) repealing clauses (d) and (e) and substituting the following clauses:
 - (d) toys used by children must be cleaned and sanitized in accordance with the Provincial guidelines referred to in subsection (3);
 - (e) toys used by infants and toddlers must be checked daily for broken pieces and other hazards;

- (c) repealing clause (j) and substituting the following clause:
 - (j) if a high chair, infant seat or stroller is equipped with a safety belt, the safety belt must be used;
- (d) adding the following clauses immediately after clause (j):
 - (ja) strollers must be equipped with sunshades;
 - (jb) playpens, jolly jumpers and baby walkers must not be used for children of any age;

20 The regulations are further amended by repealing Section 30 and substituting the following Sections:

Child abuse

30 When there is a reasonable belief that a child enrolled in a day care program has been abused within the meaning of the *Children and Family Services Act*, the licensee and each staff member, care provider and volunteer of the licensee must follow the Department's child abuse protocol for regulated child care.

Notable situations

30A (1) In this Section, "notable situation" means an accident, communicable disease or other situation that affects or could affect the health, safety or well-being of a child in attendance at a day care program, but that does not meet the criteria set out in Section 30B for a serious incident.

- (2) If a notable situation arises, the facility director or, in a family home day care program, the care provider must do all of the following:
 - (a) immediately secure any necessary medical assistance and make every effort to notify the parents of any child directly affected;
 - (b) prepare a summary report, which must include all of the following:
 - (i) a summary of the situation and the action taken,
 - (ii) the signature of each staff person or care provider involved,
 - (iii) a place for the signature of the parent of each affected child;
 - (c) place a copy of the summary report prepared under clause (b) in the file of each affected child.

Serious incidents

30B (1) In this Section, "serious incident" means any of the following:

- (a) the death of a child while the child is attending a day care program;
- (b) any injury to a child that occurs while the child is attending a day care program and that requires emergency medical attention;
- (c) a fire or other disaster on the premises of a facility, agency, play group space or family day care home;
- (d) a concern or an occurrence relating to an element of the physical environment or an operational or safety practice in a facility or a family day care home that poses a risk to

the children's health, safety or well-being.

- (2) If a serious incident occurs, the facility director or, in a family home day care program, the care provider must do all of the following:
- (a) immediately secure any necessary medical assistance and make all possible efforts to notify the parents of any child affected;
 - (b) notify the licensee no later than 24 hours after the time the serious incident occurred;
 - (c) prepare a summary report that meets the requirements of clause 30A(2)(b) and place a copy in the file of each affected child no later than 7 days after the date of the serious incident.
- (3) A licensee must ensure that the Department is advised of a serious incident no later than 24 hours after the serious incident occurs.

21 The regulations are further amended by striking out "clause 30(1)(d)" in clause 31(1)(h) and substituting "clause 30A(2)(b) or 30B(2)(c)".

22 (1) Subsections 34(1), (2) and (3) of the regulations are repealed and the following subsections substituted:

- (1) Except as provided in subsection (2), the number of staff present and working directly with the children in a day care program must meet the staff-to-children ratios set out in the following table at all times when children are in attendance:

Table of Staff-to-Children Ratios	
Age Range of Children	Staff-to-Children Ratio
Full-Day Program	
Infant	1 to 4
Toddler	1 to 6
Preschooler	1 to 8
Mixed ages	ratio applying to youngest child
Part-Day Program	
Toddler older than 30 months old	1 to 12
Preschooler	1 to 12
School-Age Program	
School age	1 to 15
Family Home Day Care Program	
Any age* (*subject to the restrictions in subsection 15A(2))	1 to 6
Infants	1 to 3
School age	1 to 8

- (2) The staff-to-children ratio for children in a particular age group in a full-day program may be reduced during the children's rest period, if the total number of staff on site in the facility is sufficient to meet the staff-to-children ratio for all children in the facility and the children's

health and safety is not compromised by the reduction.

- (3) The number of children in a children's indoor play space at any time must not exceed the maximum group sizes specified in the following table:

Table of Maximum Group Sizes for Indoor Play Spaces	
Age Range of Children in Group	Maximum in Play Space
Full-Day Program	
Infant	10
Toddler	18
Preschooler	24
Part-Day Program	
Toddler older than 30 months old	24
Preschooler	24
School-Age Program	
School age	30

- (2) Subsections 34(5) and (6) of the regulations are repealed.

23 Section 36 of the regulations is amended by

- (a) repealing subsection (2);
- (b) striking out "Effective May 1, 2012, a" in subsection (4) and substituting "A"; and
- (c) adding "or school-age training approval" immediately after "classification" in subsection (5).

24 Section 37 of the regulations is amended by

- (a) striking out "a" in the first line of subsection (1) and substituting " an entry level,";
- (b) adding the following subsection immediately following subsection (1):

(1A) The Minister may issue an entry level classification to a facility staff person who meets the requirements of subsection (6).

25 Subsections 37(6) and (7) of the regulations are repealed and the following subsections substituted:

- (6)** A facility staff person who works directly with children must either
 - (a) have completed the orientation training approved by the Minister and provide proof of completion; or
 - (b) have completed post-secondary courses in early childhood education that are comparable to the orientation training referred to in clause (a), and provide proof of completion.
- (7)** A facility staff person who, on their date of employment, does not meet the requirements of subsection (6) must complete and provide proof of completion of the orientation training referred to

in clause (6)(a) within 1 year of their date of employment.

26 Section 38 of the regulations is amended by striking out “Each facility staff member and facility director” and substituting “A person”.

27 Section 40 of the regulations and its heading are repealed and the following heading and Section substituted:

Qualifications for facility directors and designates

40 (1) Except as provided in subsection[s] (2) and (3), a facility director or a person designated as an acting facility director under subsection 35(2) must have the following qualification:

- (a) for a facility that offers programming for all ages, a level 2 or level 3 classification;
- (b) for a facility that offers only school-age programming, a level 2 or level 3 classification or school-age training approval.

(2) A facility director who began working as a facility director before May 1, 2012, must have a level 1 classification.

(3) A person who obtained a level 1 classification before May 1, 2012, may be designated as an acting facility director.

28 Subsection 46(2) of the regulations is repealed.

29 Section 47 of the regulations is amended by striking out “facility director or agency director” where it occurs in subsections (1), (6) and (7) and substituting “licensee”.

30 Subsection 55(1) of the regulations is repealed and the following subsection substituted:

(1) A parent who pays another person for child care in a facility or an approved family day care home may apply to the Minister for a day care fee subsidy.

31 Forms 1 and 2 of the regulations are amended by striking out “Community Services” wherever it occurs and substituting “Education and Early Childhood Development”.

N.S. Reg. 227/2014

Day Care Regulations

Schedule “B”

**Amendment to the Day Care Regulations
made by the Governor in Council under Section 15 of
Chapter 120 of the Revised Statutes of Nova Scotia, 1989,
the Day Care Act**

The *Day Care Regulations*, N.S. Reg. 193/2010, made by the Governor in Council by Order in Council 2010-456 dated December 20, 2010, are amended by repealing Section 43 and substituting the following Section:

Criminal record, vulnerable sector and child abuse register checks

43 (1) In this Section,

“child abuse register check” means a search of the Child Abuse Register conducted in accordance with the *Children and Family Services Act*;

“criminal record check” means a record check conducted by a police agency and consisting of

- (i) a search of the national repository of records of criminal convictions, and
- (ii) a search of locally imposed convictions;

“police agency” has the same meaning as “agency” in the *Police Act*;

“record check”, when no specific record or register is referred to, means a criminal record check, a vulnerable sector check or a child abuse register check;

“vulnerable sector check” means a record check conducted by a police agency and consisting of

- (i) a search of the national repository of records of criminal convictions,
- (ii) a search of locally imposed convictions, and
- (iii) a search of record suspensions related to records for sexual offences;

- (2) Until June 29, 2015, criminal record checks are required in accordance with this Section for each of the following persons:
 - (a) any person who is 18 years old or older and who has or will have contact with children enrolled in a licensed day care program or approved family home day care program, including volunteers;
 - (b) any person who is 18 years old or older and who lives in a home where there is a licensed facility or that is a family day care home.
- (3) Effective June 30, 2015, vulnerable sector checks are required in accordance with this Section for any person described in clause (2)(a) or (b).
- (4) Child abuse register checks are required in accordance with this Section for any person who is 13 years old or older and who otherwise meets the description in clause (2)(a) or (b).
- (5) A person who obtains a record check as required by this Section must provide the results to the licensee that operates the day care program or family home day care program where the person works, volunteers or lives.
- (6) A new employee of a licensee must provide the results of a required record check to the licensee before the date that the employee begins work, and the record checks must have been conducted no earlier than 2 years before that date.
- (7) Subject to subsection (8), a person who requires a criminal record or vulnerable sector check under this Section must obtain a new criminal record or vulnerable sector check and provide the updated results to the licensee no later than 5 years after the date of the most recent check, and every 5 years after that.
- (8) If the most recent criminal record check provided to a licensee by a person who requires one under subsection (2) was conducted earlier than April 1, 2011, the person must obtain a new

criminal record check and provide the results to the licensee no later than 6 months after the date this Section comes into force.

- (9) A person who requires a child abuse register check under this Section must obtain a new child abuse register check and provide the updated results to the licensee no later than 3 years after the date of the most recent check, and every 3 years after that.
- (10) A person who is required by this Section to obtain a record check must have no contact with children enrolled in the licensed day care program or approved family home day care program until
- (a) the licensee has received the results of all required record checks for the person; and
 - (b) the licensee has determined that the results of the record checks for the person disclose no evidence of any conviction for child abuse or another offence respecting children and generally do not raise any issues concerning the appropriateness of employing the person at a facility or having a family home day care program in the home where the person lives.

N.S. Reg. 228/2014 to 230/2014

Made: December 22, 2014

Filed: December 22, 2014

Canada-Nova Scotia Offshore Area Diving Operations Safety Transitional Regulations;
Canada-Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations;
Canada-Nova Scotia Offshore Marine Installations and Structures Transitional Regulations;

Order in Council 2014-532 dated December 22, 2014

regulations made by the Governor in Council

pursuant to Sections 202A and 202DV 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 Labour and Advanced Education dated November 27, 2014, and pursuant to Sections 202A and 202DV 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, 2014, to:

- (a) repeal the *Nova Scotia Offshore Area Petroleum Diving Regulations*, N.S. Reg. 6/96, made by the Governor in Council by Order in Council 96-22 dated January 9, 1996; [Clause (a) filed with clause (d) as N.S. Reg. 230/2014.]
- (b) make new regulations respecting equipment for offshore marine installations and structures in the form set forth in Schedule “A” attached to and forming part of the report and recommendation;
- (c) make new regulations respecting offshore marine installations and structures in the form set forth in Schedule “B” attached to and forming part of the report and recommendation; and
- (d) make new regulations respecting offshore area diving operations in the form set forth in Schedule “C” attached to and forming part of the report and recommendation.

N.S. Reg. 228/2014

Canada-Nova Scotia Offshore Marine Installations and Structures Transitional Regulations

Schedule "A"

**Transitional Regulations Respecting Canada-Nova Scotia
Offshore Marine Installations and Structures
made by the Governor in Council under Section 202DV of
Chapter 3 of the Acts of 1987, the
Canada-Nova Scotia Offshore Petroleum Resources
Accord Implementation (Nova Scotia) Act**

Citation

- 1 These regulations may be cited as the *Canada-Nova Scotia Offshore Marine Installations and Structures Transitional Regulations*.

Definition

- 2 In these regulations, "hazardous area" means an area classified as hazardous in accordance with American Petroleum Institute Recommended Practice 500, *Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities*.

Equipment**Immersion suits**

- 3 The operator must provide
- (a) in the case of a workplace that is a manned installation, immersion suits for 200% of the total number of persons on board at any one time that conform to the National Standard of Canada standard CAN/CGSB-65.16-M89, *Marine Abandonment Immersion Suit Systems* and that are stowed so that 1 suit is readily available adjacent to each bed and the remaining suits are equally distributed among evacuation stations; and
 - (b) in the case of a workplace that is an unmanned installation, immersion suits for 100% of the total number of persons on board at any one time that conform to the National Standard of Canada standard CAN/CGSB-65.16-M89, *Marine Abandonment Immersion Suit Systems*, with any remaining suits equally distributed among evacuation stations.

Firefighter and firefighting equipment

- 4 (1) The operator must ensure that the workplace that is a manned installation be provided with at least 10 sets of firefighter equipment and must ensure that the workplace that is an unmanned installation be provided with at least 2 sets of firefighter equipment, each of which must consist of
- (a) protective clothing, including boots and gloves, that
 - (i) meets the National Fire Protection Association 1971, *Standard on Protective Clothing for Structural Fire Fighting*,
 - (ii) protects the skin from being burned by heat radiating from a fire and by steam,
 - (iii) has a water-resistant outer surface,
 - (iv) in the case of boots, is made of rubber or other electrically non-conducting material, and
 - (v) in the case of gloves, meets the National Fire Protection Association 1973, *Standard on*

Gloves for Structural Fire Fighting;

- (b) a firefighter's helmet with visor that meets the Canadian Standards Association standard CAN/CSA-Z94.1-05, *Industrial Protective Headwear-Performance, Selection, Care and Use*.
- (2) In addition to any firefighting equipment required by the *Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations* made under the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, the workplace that is a manned installation must be provided with at least 4 sets, and the workplace ~~at which employees work~~ that is an unmanned installation must be provided with at least 2 sets, of the following equipment:
- (a) a self-contained breathing apparatus that
 - (i) is capable of functioning for at least 30 minutes,
 - (ii) meets the Canadian Standards Association standards CAN/CSA-Z94.4-02, *Selection, Use, and Care of Respirators*, and CAN3-Z 180.1-00 (R2005), *Compressed Breathing Air and Systems*, and
 - (iii) is equipped with 2 spare bottles;
 - (b) a portable electric safety lamp that
 - (i) will operate in the conditions anticipated for a Class I, Division 1, hazardous area,
 - (ii) is operated from a rechargeable battery capable of operating for at least 3 hours, and
 - (iii) can be easily attached to the clothing of a firefighter, at or above the waist level;
 - (c) an axe with an insulated handle and a carrying belt;
 - (d) a fire-resistant life and signalling line and a safety belt and harness that meet the National Fire Protection Association 1983, *Standard on Fire Service Life Safety Rope, Harness and Hardware*.
- (3) Each set of equipment required by subsections (1) and (2) must be kept ready for use and stored in a place that is easily accessible.
- (4) One of each of the sets of equipment required by subsections (1) and (2) must be located in a place that is easily accessible from the helicopter deck.

N.S. Reg. 229/2014

Canada-Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations

Schedule “B”

**Transitional Regulations Respecting Canada-Nova Scotia Offshore
Marine Installations and Structures Occupational Health and Safety
made by the Governor in Council under Section 202DV of
Chapter 3 of the Acts of 1987, the *Canada-Nova Scotia Offshore
Petroleum Resources Accord Implementation (Nova Scotia) Act***

Citation

1 These regulations may be cited as the *Canada-Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations*.

Part 1: Interpretation**Definitions for regulations**

2 The following definitions apply in these regulations:

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

“advanced first aid certificate” means the certificate issued by an approved organization for the successful completion of a first aid course of at least 5 days’ duration, other than a mariners’ first aid course;

“ANSI” means the American National Standards Institute;

“API” means the American Petroleum Institute;

“approved organization” means St. John Ambulance, the Canadian Red Cross Society or the Workers’ Compensation Board of British Columbia;

“ASME” means the American Society of Mechanical Engineers;

“basket” means a personnel transfer basket;

“Canadian Electrical Code” means CSA standard CSA C22.1-2012 *Canadian Electrical Code, Part I*, published in 2012;

“CCBFC” means the Canadian Commission on Building and Fire Codes;

“committee” has the same meaning as [in] subsection 202A(1)(c) of the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*;

“CPR course” means a training course in cardiopulmonary resuscitation based on the publication of the *Journal of the American Medical Association* entitled *Standards and Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiac Care*, dated 2001, as reprinted by the American Heart Association;

“CSA” means the Canadian Standards Association;

“drill floor” means, in respect of a drilling rig or drilling unit, the stable platform surrounding the slip setting area that provides support for employees during drilling operations;

“drilling rig” means the plant and associated support equipment used to make a hole or well by boring or other means for geophysical, exploration or production purposes;

“drilling unit” means a drillship, submersible, semi-submersible, barge, jack-up or other vessel used in drilling and includes a drilling rig and other related facilities;

“electrical equipment” means equipment for the generation, distribution or use of electricity;

“elevating device” means an escalator, elevator, basket or other device for moving passengers or freight;

“emergency first aid certificate” means the certificate issued by an approved organization for the successful completion of a first aid course of at least 1 day’s duration;

“environmental conditions” means meteorological, oceanographical and other natural conditions, including ice conditions, that may affect the operations of a workplace;

“fire hazard area” means an area that contains or is likely to contain explosive or flammable concentrations of a hazardous substance;

“first aid attendant” means a medic or a qualified person who is a holder of an emergency first aid certificate, a standard first aid certificate, a mariner’s first aid certificate or an advanced first aid certificate or of a registered nurse’s certificate recognized under the laws of a province;

“first aid room” means a room used exclusively for first aid or medical purposes;

“high voltage” means a voltage of more than 750 V between any 2 conductors or between a conductor and ground;

“hot work” means welding, burning, rivetting, drilling, grinding, chipping or any other work where a flame is used or sparks are produced;

“living accommodation” means living, eating or sleeping quarters provided by an employer for the accommodation of employees at a workplace;

“locked out” means, in respect of any equipment, machine or device, that the equipment, machine or device has been rendered inoperative and cannot be operated or energized without the consent of the person who rendered it inoperative;

“mariner’s first aid certificate” means the certificate issued by an approved organization for the successful completion of a mariner’s first aid course of at least 5 days’ duration;

“medic” means a qualified person who

- (i) has experience with helicopter or fixed-wing aircraft evacuation for medical purposes,
- (ii) is the holder of an advanced cardiac life support certificate or basic cardiac life support instructor’s certificate recognized by the Heart and Stroke Foundation of Canada, and
- (iii) is the holder of

- (A) a registered nurse's certificate recognized under the laws of a province and has clinical experience in intensive care or emergency practice, or
- (B) a paramedic certificate issued by a college in a province and has clinical experience;

"National Building Code of Canada" means the *National Building Code of Canada*, 2010, issued by the CCBFC, National Research Council of Canada, dated 2010;

"National Fire Code of Canada" means the *National Fire Code of Canada*, 2010, issued by the CCBFC, National Research Council of Canada, dated 2010;

"National Plumbing Code of Canada" means the *National Plumbing Code of Canada*, 2010, issued by the CCBFC, National Research Council of Canada, dated 2010;

"oxygen-deficient atmosphere" means an atmosphere in which there is less than 18% by volume of oxygen at a pressure of 1 atmosphere or in which the partial pressure of oxygen is less than 135 mm Hg;

"production facility" means the production, separating, treating and processing equipment and facilities necessary in production operations, including airstrips, helicopter landing areas and living accommodation;

"protection equipment" means safety materials, equipment, devices and clothing;

"qualified person" means, in respect of a specified duty, a person who, because of their knowledge, training and experience, is qualified to perform that duty safely and properly;

"standard first aid certificate" means the certificate issued by an approved organization for successful completion of a first aid course of at least 2 days' duration;

"support craft" means a vehicle, vessel, tug, ship, aircraft, air cushion vehicle, standby craft or other craft used to provide transport for or assistance to employees in a workplace;

"ULC Standard" means the Underwriters' Laboratories of Canada standard CAN/ULC-S508-02, *Rating and Fire Testing of Fire Extinguishers*.

Application of regulations

- 3** These regulations apply in respect of employees working within the offshore area for the purposes of the exploration of or drilling for, or the production, conservation or processing of, petroleum within the offshore area.

Records and reports

- 4** When an employer keeps a record, report or other document referred to in the Act, the employer must retain the record, report or other document in such a manner that it is readily available for examination by a health and safety officer and by the committee or the coordinator for the workplace to which it applies.

Inconsistent provisions

- 5** In the event of an inconsistency between any standard incorporated by reference in these regulations and any other provision of these regulations, that other provision of these regulations must prevail to the extent of the inconsistency.

Part 2: Building Safety

Doors

- 6** Every double-action swinging door that is located in an exit, entrance or passageway used for two-way pedestrian traffic must be designed and fitted in a manner that will permit persons who are approaching from one side of the door to be aware of persons who are on the other side of the door.

Floor and wall openings

- 7 (1)** The following definitions apply in this Section:

“floor opening” means an opening measuring 300 mm or more in its smallest dimension in a floor, platform, pavement or yard;

“wall opening” means an opening at least 750 mm high and 300 mm wide in a wall or partition.

- (2)** If an employee has access to a wall opening from which there is a drop of more than 1.2 m or to a floor opening, guardrails must be fitted around the wall opening or floor opening or the opening must be covered with material capable of supporting all loads that may be imposed on it.
- (3)** The material referred to in subsection (2) must be securely fastened to a supporting structural member of the building.
- (4)** Subsection (2) does not apply to the loading and unloading docks.
- (5)** Subject to Section 14, guardrails must be installed around the perimeter of every workplace, other than a helicopter deck, when there is a drop of more than 1 m from the workplace to an adjacent area.

Open-top bins, hoppers, vats and pits

- 8 (1)** If an employee has access to an open-top bin, hopper, vat, pit or other open-top enclosure from a point directly above the enclosure, the enclosure must be fitted with a fixed ladder on the inside wall of the enclosure and must be
- (a) covered with a grating, screen or other covering that will prevent the employee from falling into the enclosure; or
- (b) provided with a walkway that is not less than 500 mm wide and is fitted with guardrails.
- (2)** A grating, screen, covering or walkway referred to in subsection (1) must be so designed, constructed and maintained that it will support a load that is not less than the greater of
- (a) the maximum load that is likely to be imposed on it; or
- (b) a live load of 6 kPa.

Ladders, stairways and ramps

- 9** If an employee in the course of employment is required to move from one level to another level that is more than 450 mm higher or lower than the former level, the employer must install a fixed ladder, stairway or ramp between the levels.

Protection from hazard of using stairway

- 10** If one end of a stairway is so close to a traffic route used by vehicles, to a machine or to any other hazard as to be hazardous to the safety of an employee using the stairway, the employer must

- (a) where practicable, install a barricade that will protect employees using the stairway from the hazard; or
- (b) if it is not reasonably practicable to install a barricade, post a sign at that end of the stairway to warn employees of the hazard.

Fixed ladders

- 11** (1) Subject to subsection (5), a fixed ladder that is more than 6 m in length must, where reasonably practicable, be fitted with a protective cage for that portion of its length that is more than 2 m above the base level of the ladder.
- (2) Subject to subsection (5), a fixed ladder that is more than 9 m in length must have, at intervals of not more than 6 m, a landing or platform that
- (a) is not less than 0.36 m² in area; and
 - (b) is fitted at its outer edges with a guardrail.
- (3) A fixed ladder, cage, landing or platform referred to in subsection (1) or (2) must be designed and constructed to withstand all loads that may be imposed on it.
- (4) A fixed ladder must be
- (a) vertical;
 - (b) securely held in place at the top, bottom and at intermediate points; and
 - (c) fitted with
 - (i) rungs that are at least 150 mm from the wall and uniformly spaced at intervals not more than 300 mm, and
 - (ii) side rails that extend not less than 900 mm above the landing or platform.
- (5) Subsections (1) and (2) do not apply to a fixed ladder that is used with a fall protection system referred to in Section 177.

Docks, ramps and dock plates

- 12** (1) Every loading and unloading dock and ramp must be
- (a) of sufficient strength to support the maximum load that is likely to be imposed on it;
 - (b) free of surface irregularities that may interfere with the safe operation of mobile equipment; and
 - (c) fitted around its sides that are not used for loading or unloading with side rails, curbs or rolled edges of sufficient height and strength to prevent mobile equipment from running over the edge.
- (2) Every portable ramp and every dock plate must be
- (a) clearly marked or tagged to indicate the maximum safe load that it is capable of supporting; and

- (b) installed so that it cannot slide, move or otherwise be displaced under the load that may be imposed on it.

Guardrails

13 (1) Every guardrail must consist of

- (a) a horizontal top rail or line not less than 900 mm and not more than 1100 mm above the base of the guardrail;
 - (b) a horizontal intermediate rail or line spaced midway between the top rail or line and the base of the guardrail; and
 - (c) supporting posts spaced not more than 3 m apart at their centres.
- (2)** Every guardrail must be designed to withstand the greater of
- (a) the maximum load that is likely to be imposed on it; and
 - (b) a static load of not less than 890 N applied in any direction at any point on the top rail or line.

Alternative to guardrails

14 If it is not reasonably practicable to install guardrails as required by subsection 7(5) or 26(1) or clause 29(2)(c), cables or chains must be installed in a manner that will prevent employees from falling from the workplace.

Toe boards

15 (1) Subject to subsection (2), if there is a hazard that tools or other objects may fall from a platform or other raised area onto an employee, the employer must, if reasonably practicable, install

- (a) a toe board that
 - (i) extends above the floor of the raised area, and
 - (ii) will prevent tools or other objects from falling from the raised area; or
 - (b) when the tools or other objects are piled to such a height that a toe board will not prevent the tools or other objects from falling, a solid or mesh panel that extends from the floor of the raised area to a height of not less than 450 mm.
- (2)** If the installation of a toe board is not reasonably practicable on a platform or other raised area, all tools or other objects that could fall must be
- (a) fastened in such a manner that, if they fall, employees beneath the platform will be protected; or
 - (b) placed in such a way that, if they fall, they will be caught by a safety net positioned so as to protect from injury any employee on or below the platform or other raised area.

Housekeeping and maintenance

16 (1) Every stairway, walkway, ramp and passageway used by employees must, to the extent reasonably practicable, be kept free of accumulations of ice and snow.

- (2)** All dust, dirt, waste and scrap material in a workplace must be removed as often as is necessary to protect the health and safety of employees and must be disposed of in such a manner that the health

and safety of employees is not compromised.

- (3) Every travelled surface in a workplace must be maintained free from splinters, holes, loose boards and tiles or similar defects.

Floor maintenance

- 17 (1) If a floor in a workplace is normally wet and employees in the workplace do not use non-slip footwear, the floor must be covered with a dry false floor or platform or treated with a non-slip material or substance.
- (2) The floor in a workplace must, to the extent reasonably practicable, be kept free from oil, grease or any other slippery substance.

Temporary heat

- 18 (1) Subject to subsection (2), when a salamander or other portable open-flame heating device is used in an enclosed workplace, the heating device must not restrict a means of exit and must be
 - (a) so located, protected and used that there is no hazard of igniting combustible materials adjacent to the heating device;
 - (b) used only when there is ventilation provided that protects the health and safety of employees; and
 - (c) so located as to be protected from damage or overturning.
- (2) If the heating device does not provide complete combustion of the fuel used in connection with it, the heating device must be equipped with a securely supported sheet metal pipe that discharges the products of combustion outside the enclosed workplace.
- (3) A portable fire extinguisher that has not less than a 10B rating as defined in the ULC Standard must be readily accessible from the location of the heating device when the device is in use.

Part 3: Temporary Structures and Excavations

Definition for Part 3

- 19 In this Part, "stage" means a working platform supported from above.

Application of Part 3

- 20 This Part applies to fixed and portable ladders, to stages and scaffolds and to temporary ramps and stairs.

Environmental conditions

- 21 An employee must not work on a temporary structure in environmental conditions that are likely to be hazardous to the health or safety of the employee, except when the work is required to remove a hazard or to rescue an employee.

Tools used on temporary structure

- 22 Tools, equipment and materials used on a temporary structure must be arranged or secured in such a manner that they cannot be knocked off the structure accidentally.

Use of temporary structure

- 23 An employee must not use a temporary structure unless
 - (a) the employee has authority from the employer to use it; and

- (b) the employee has been trained and instructed in its safe and proper use.

Inspection of temporary structure

- 24** (1) Before a temporary structure is used by an employee, a qualified person must make a visual safety inspection of it.
- (2) If the inspection reveals a defect or condition that adversely affects the structural integrity of a temporary structure, an employee must not use the temporary structure until the defect or condition is remedied.

Barricade around temporary structure

- 25** If a vehicle or a pedestrian may come into contact with a temporary structure, a person must be positioned at the base of the temporary structure or a barricade must be installed around it to prevent any such contact.

Guardrails and toe boards

- 26** (1) Subject to Section 14, at every open edge of a platform of a temporary structure guardrails must be installed and, subject to subsection 15(2), if there is a likelihood that persons beneath the platform may be injured by objects falling from the platform, toe boards must be installed.
- (2) The guardrails and toe boards must meet the standards set out in Section 13 and subsection 15(1).

Temporary stairs, ramps and platforms

- 27** (1) Subject to subsection 28(3), temporary stairs, ramps and platforms must be designed, constructed and maintained to support any load that is likely to be imposed on them and to allow safe passage of persons and equipment on them.
- (2) Temporary stairs must have
- (a) uniform steps in the same flight;
 - (b) a slope of not more than 1.2 to 1; and
 - (c) a hand rail that is not less than 900 mm and not more than 1100 mm above the stair level on open sides including landings.
- (3) Temporary ramps and platforms must be
- (a) securely fastened in place;
 - (b) braced if necessary to ensure their stability; and
 - (c) provided with cleats or surfaced in a manner that provides a safe footing for employees.

Scaffolds

- 28** (1) The erection, use, dismantling or removal of a scaffold must be carried out by or under the supervision of a qualified person.
- (2) If a scaffold is erected on an uneven surface, it must be provided with base plates that maintain its stability.
- (3) Every scaffold must be capable of supporting at least 4 times the load that is likely to be imposed on it.
- (4) Every scaffold must

- (a) have a platform that is at least 500 mm wide and securely fastened in place;
 - (b) have a working surface that is even and horizontal; and
 - (c) be fitted with guardrails except on the side where the work to be performed would be hindered by the guardrail.
- (5) The footings and supports of every scaffold must be capable of supporting, without dangerous settling, all loads that are likely to be imposed on them.

Stages

- 29 (1) The erection, use, dismantling or removal of a stage must be carried out by or under the supervision of a qualified person.
- (2) Every stage must
- (a) have a working surface that is even and horizontal and is capable of supporting any load that is likely to be imposed on it;
 - (b) be fitted with an effective means of holding the stage away from the working area; and
 - (c) subject to Section 14, when the stage is to be used at a height of more than 3 m, be fitted with guardrails.
- (3) The supporting structure and the ropes or tackle supporting a stage must have a safety factor of not less than 6.

Ladders

- 30 (1) Commercially manufactured portable ladders must meet CSA standard CSA Z11-12, *Portable Ladders*, the English version of which was published in 2012.
- (2) Subject to subsection (3), every fixed and portable ladder must, while being used,
- (a) be placed on a firm footing;
 - (b) be secured in such a manner that it cannot be dislodged accidentally from its position; and
 - (c) be positioned in such a manner that it is not necessary for a person to use the underside of the ladder.
- (3) When a fixed or portable ladder provides access from one level to another the ladder must extend, if reasonably practicable, at least 3 rungs above the higher level or, if it is not reasonably practicable, handholds must be provided.
- (4) A metal or wire-bound fixed or portable ladder must not be used if there is a hazard that it may come into contact with any live electrical circuit or equipment.
- (5) An employee must not work from any of the 3 top rungs of any single or extension portable ladder or from either of the 2 top steps of any stepladder.
- (6) A non-metallic fixed or portable ladder must not be coated with a material that may hide flaws.

Excavation

- 31** (1) Before the commencement of work on an excavation, tunnel or the creation of an opening in a bulkhead, deck or similar structure, the employer must mark the location of all pipes, cables and conduits in the area where the work is to be done.
- (2) If an excavation, trench or opening constitutes a hazard to employees, a barricade must be installed around it.
- (3) If an employee is required to enter an excavation that is more than 1.4 m deep and the sides of which are sloped at an angle of 45° or more to the horizontal, or a tunnel,
- (a) the walls of the excavation, trench or tunnel, and
- (b) the roof of the tunnel
- must be supported by shoring and bracing that is installed as the excavation or tunnel is being excavated.
- (4) Tools, machinery, timber, excavated materials or other objects must not be placed within 1 m from the edge of an excavation or opening.

Safety nets

- 32** (1) If there is a hazard that tools, equipment or materials may fall onto or from a temporary structure, the employer must provide a protective structure or a safety net to protect from injury any employee on or below the temporary structure.
- (2) The design, construction and installation of a safety net referred to in subsection (1) must meet ANSI standard ANSI A10.11-1989, *Safety Nets Used During Construction, Repair and Demolition Operations*, published in 1998.

Housekeeping

- 33** Every platform, hand rail, guardrail and work area on a temporary structure used by an employee must, to the extent reasonably practicable, be kept free of accumulations of ice and snow while the temporary structure is in use.

Working surface

- 34** The working surface of a temporary structure used by an employee must, if reasonably practicable, be kept free of grease, oil or other slippery substance and of any material or object that may cause an employee to slip or trip.

Part 4: Elevating Devices**Standards**

- 35** (1) Every elevating device and every safety device attached to it must
- (a) meet the standards set out in the applicable CSA standard referred to in subsection (2), to the extent that is reasonably practicable; and
- (b) be used, operated and maintained in accordance with the standards set out in the applicable CSA standard referred to in subsection (2).
- (2) For the purposes of subsection (1), the applicable CSA standard for
- (a) elevators, dumbwaiters, escalators and moving walks is CSA standard CAN/CSA B44-07,

Safety Code for Elevators and Escalators, published in 2007, other than paragraph 9.1.4;

- (b) manlifts is CSA standard CAN/CSA B311-02, *Safety Code for Manlifts*, published in 2012; and
- (c) elevating devices for the handicapped is CSA standard CSA B355-F09, *Lifts for Persons with Physical Disabilities*, published in 2009.

Personnel transfer baskets

- 36** (1) A basket must not be used to transfer freight except in an emergency.
- (2) Every transfer of a person by a basket must be made only when visibility and environmental conditions are such that the transfer can be made safely.
 - (3) If a person is transferred by a basket to or from a place on a ship or to or from a place on a drilling unit or an offshore production facility,
 - (a) persons at both places must be in direct radio contact; and
 - (b) the person to be transferred must
 - (i) be instructed in the safety procedures to be followed, and
 - (ii) must use a life jacket or a personal flotation device.
 - (4) If a person is transferred by a basket to or from a drilling unit or an offshore production facility, the drilling unit or production facility must be equipped with at least 2 buoyant baskets.
 - (5) Every basket must be in serviceable condition and all ropes, wires or other vital parts of a basket that show signs of significant wear must be replaced before the basket is used.
 - (6) The number of persons transferred in a basket must not exceed the number of persons the basket was designed to carry safely.
 - (7) The raising or lowering of a basket must, to the extent reasonably possible, be carried out over water.

Use and operation

37 An elevating device must not be used or placed in service

- (a) with a load in excess of the load that it was designed and installed to move safely; or
- (b) if the elevating device is installed on a floating drilling unit or a floating production facility, when the roll of the drilling unit or the production facility exceeds the maximum roll recommended by the manufacturer for the safe operation of the elevating device.

Safety devices

- 38** (1) Subject to subsection (3), an elevating device must not be used or placed in service while any safety device attached to it is inoperative.
- (2) Subject to subsection (3), a safety device attached to an elevating device must not be altered, interfered with or rendered inoperative.
 - (3) Subsections (1) and (2) do not apply to an elevating device or a safety device that is being inspected, tested, repaired or maintained by a qualified person.

Inspection and testing

39 Every elevating device and every safety device attached to it must be inspected and tested by a qualified person to determine that the standards under these regulations are met

- (a) before the elevating device or the safety device attached to it is placed in service;
- (b) after an alteration to the elevating device or a safety device attached to it; and
- (c) once every 12 months.

Record of inspection

40 (1) A record of each inspection and test made in accordance with Section 39 must

- (a) be signed by the qualified person who made the inspection and test;
- (b) include the date of the inspection and test and the identification and location of the elevating device and safety device that were inspected and tested; and
- (c) set out the observations of the qualified person inspecting and testing the elevating device and safety device on the safety of the devices.

(2) Every record referred to in subsection (1) must be kept by the employer for 5 years after the date on which it is signed.

Repair and maintenance

41 Repair and maintenance of elevating devices and safety devices attached to them must be performed by a qualified person appointed by the employer.

Part 5: Boilers and Pressure Vessels**Definitions for Part 5**

42 The following definitions apply in this Part:

“inspector” means a qualified person recognized under the laws of Canada or of a province as qualified to inspect boilers, pressure vessels or piping systems;

“maximum allowable working pressure” means the maximum allowable working pressure set out in the record referred to in Section 52;

“maximum temperature” means the maximum temperature set out in the record referred to in Section 52;

“piping system” means an assembly of pipes, pipe fittings, valves, safety devices, pumps, compressors and other fixed equipment that contains a gas, vapour or liquid and is connected to a boiler or pressure vessel.

Application of Part 5

43 This Part does not apply to

- (a) a heating boiler that has a heating surface of 3 m² or less;
- (b) a pressure vessel that has a capacity of 40 L or less;
- (c) a pressure vessel that is installed for use at a pressure of 100 kPa or less;

- (d) a pressure vessel that has an internal diameter of 150 mm or less;
- (e) a pressure vessel that has an internal diameter of 600 mm or less and that is used for the storage of hot water;
- (f) a pressure vessel that has an internal diameter of 600 mm or less and that is connected to a water-pumping system containing air that is compressed to serve as a cushion; or
- (g) a refrigeration plant that has a capacity of 18 kW or less of refrigeration.

Construction, testing and installation

44 Every boiler, pressure vessel and piping system used in a workplace must be constructed, tested and installed by a qualified person.

Use of equipment

45 A person must not use a boiler, pressure vessel or piping system unless it has been inspected by an inspector in accordance with Sections 48 to 50

- (a) after installation; and
- (b) after any welding, alteration or repair is carried out on it.

Operation, repair and maintenance

46 Every boiler, pressure vessel and piping system in use at a workplace must be operated, maintained and repaired by a qualified person.

Alteration

47 A person must not alter, interfere with or render inoperative any fitting attached to a boiler, pressure vessel or piping system except for the purpose of adjusting or testing the fitting.

Frequency of inspection

- 48** (1) Subject to Section 49, every boiler, pressure vessel and piping system in use in a workplace must be inspected
- (a) externally, at least once each year; and
 - (b) internally, at least once every 5 years.
- (2) Clause (1)(a) does not apply to a pressure vessel that is buried.

Testing and verification

- 49** (1) If a pressure vessel is used to store anhydrous ammonia, a hydrostatic test at a pressure equal to 1.5 times the maximum allowable working pressure must be conducted at least once every 5 years.
- (2) The integrity of a pressure vessel that is a part of a motion compensator system or blowout preventer must be verified at least once every 5 years by
- (a) if reasonably practicable, an internal inspection; or
 - (b) if an internal inspection is not reasonably practicable, by a hydrostatic test or other non-destructive test method.

Testing and visual inspection

- 50** (1) When more than 5 years have elapsed since the date of the last test and inspection of a Halon container, the container must not be recharged without a test of container strength and a complete visual inspection being carried out.
- (2) A Halon container that has been continuously in service without being discharged may be retained in service for a maximum of 20 years after the date of the last test and inspection, at which time it must be emptied, subjected to a test of container strength and a complete visual inspection and re-marked before being placed back in service.
- (3) If a Halon container has been subjected to unusual corrosion, shock or vibration, a complete visual inspection and a test of container strength must be carried out.

Inspection as necessary

- 51** In addition to the requirements of Sections 48 to 50, every boiler, pressure vessel and piping system in use at a workplace must be inspected by a qualified person as frequently as is necessary to ensure that the boiler, pressure vessel or piping system is safe for its intended use.

Records

- 52** (1) A record of each inspection carried out under Sections 45 and 48 to 51 must be completed by the inspector or qualified person who carried out the inspection and
- (a) must be signed by the inspector or qualified person who carried out the inspection; and
 - (b) must include
 - (i) the date of the inspection,
 - (ii) the identification and location of the boiler, pressure vessel or piping system that was inspected,
 - (iii) the maximum allowable working pressure and the maximum temperature at which the boiler or pressure vessel may be operated,
 - (iv) a declaration as to whether the boiler, pressure vessel or piping system meets the standards prescribed by this Part,
 - (v) a declaration as to whether, in the opinion of the inspector or qualified person who carried out the inspection, the boiler, pressure vessel or piping system is safe for its intended use,
 - (vi) if appropriate in the opinion of the inspector or qualified person who carried out the inspection, recommendations regarding the need for more frequent inspections or tests than are required by Section 48, 49 or 50, and
 - (vii) any other observation that the inspector or qualified person who carried out the inspection considers relevant to the safety of employees.
- (2) The employer must keep every record for 1 year after the date that the next inspection is required by this Part.

Part 6: Levels of Lighting

Application of Part 6

53 This Part does not apply to the bridge of a drilling unit or floating production facility.

Lighting systems

- 54 (1) The levels of lighting prescribed in this Part must, if reasonably practicable, be provided by a lighting system installed by the employer.
- (2) If it is not reasonably practicable to comply with subsection (1), the employer must provide portable lighting that gives the prescribed levels of lighting.

Measurement of average levels of lighting

55 For the purposes of this Part, the average level of lighting at a work position or in an area must be determined by taking 4 or more measurements at different places at the work position or in the area and by dividing the total of the results of the measurements by the number of measurements at the level at which the work is performed, in the case of work performed at a level higher than the floor, or at 1 m above the floor, in any other case.

Minimum average levels of lighting

56 The average level of lighting at a work position or in an area referred to in Column 1 of an item of Schedule 1 must be not less than the average level set out in Column 2 of that item.

Emergency lighting systems

- 57 (1) If a failure in the lighting system in an area through which an employee passes in carrying out emergency procedures referred to in subsection 294(1) will cause the level of lighting to be reduced to less than 3 dalx, an emergency lighting system must be installed in the area.
- (2) The emergency lighting system must
- (a) operate automatically in the event of a failure of the lighting system; and
 - (b) provide an average level of lighting of 3 dalx.

Minimum levels of lighting

58 The level of lighting at any place at a work position or in an area must be not less than 1/3 of the average level of lighting prescribed by this Part for the work position or area.

Part 7: Levels of Sound

Definition for Part 7

59 In this Part, "sound level meter" means an instrument for measuring levels of sound and impulse sound that meets ANSI standard ANSI S1.4-1983, *American National Standard Specification for Sound Level Meters*, published in 2006, and is referred to in that standard as type 0, 1 or 2.

Levels of sound

- 60 (1) Subject to subsections (2) and (3) and Sections 61 and 62, the level of sound in a workplace must be less than 85 dB.
- (2) If it is not reasonably practicable for an employer to maintain the level of sound in a workplace at less than 85 dB, an employee must not be exposed in any 24-hour period to
- (a) a level of sound referred to in Column 1 of an item of Schedule 2 for a number of hours exceeding the number set out in Column 2 of that item; or

- (b) a number of different levels of sound referred to in Column 1 of an item of Schedule 2, when the sum of the following quotients exceeds 1:
 - (i) the number of hours of exposure to each level of sound divided by
 - (ii) the maximum number of hours of exposure per 24-hour period set out in Column 2 of that item.
- (3) If it is not reasonably practicable for an employer to maintain the exposure of an employee to a level of sound at or below the levels referred to in subsection (1) or (2), the employer must
 - (a) make a report in writing to the health and safety officer setting out the reasons why the exposure cannot be so maintained; and
 - (b) provide every employee entering the workplace with a hearing protector that
 - (i) meets CSA standard CSA Z94.2-02, *Hearing Protection Devices - Performance, Selection, Care, and Use*, published in 2002, and
 - (ii) reduces the level of sound reaching the employee's ears to less than 85 dB.

Sound in sleeping quarters

61 An employee must not be exposed in sleeping quarters to a level of sound of more than 75 dB.

Hearing protection for impulse sound

62 If the level of impulse sound in a workplace exceeds 140 dB, the employer must provide every employee entering the workplace with a hearing protector that

- (a) meets CSA standard CSA Z94.2-02, *Hearing Protection Devices - Performance, Selection, Care and Use*, published in 2002; and
- (b) reduces the peak level of impulse sound reaching the employee's ears to 140 dB or less.

Sound level measurement

63 The levels of sound referred to in Sections 60 and 61 must be measured by using the slow exponential-time-averaging characteristic and the A-weighting characteristic of a sound level meter.

Impulse sound measurement

64 The level of impulse sound referred to in Section 62 must be measured by using the impulse exponential-time-averaging characteristic of a sound level meter.

Warning signs

65 In a workplace when the level of sound is 85 dB or more or when the peak level of impulse sound exceeds 140 dB, the employer must post signs warning persons entering the workplace

- (a) that there is a hazardous level of sound or impulse sound in the workplace;
- (b) if applicable, of the maximum number of hours of exposure determined under subsection 60(2); and
- (c) if applicable, of the requirement to wear a hearing protector.

Part 8: Electrical Safety

Definition for Part 8

66 In this Part, “control device” means a device that will safely disconnect electrical equipment from its source of energy.

Safety procedures

- 67** (1) All testing or work performed on electrical equipment must be performed by a qualified person or an employee under the direct supervision of a qualified person.
- (2) If there is a possibility that the qualified person or the employee may receive a hazardous electrical shock during the performance of testing or work,
- (a) the qualified person or the employee must use insulated protection equipment and tools that will protect them from injury during the performance of the work; and
 - (b) the employee must be instructed and trained in the use of the insulated protection equipment and tools.

Live equipment

- 68** (1) If electrical equipment is live or may become live, an employee must not work on the equipment unless
- (a) the employer has instructed the employee in procedures that are safe for work on live conductors;
 - (b) a safety ground is connected to the equipment; or
 - (c) the equipment is isolated in accordance with Section 73.
- (2) Subject to subsections (3) and (4), if an employee is working on or near electrical equipment that is live or may become live, the electrical equipment must be guarded.
- (3) Subject to subsection (4), if it is not practicable for electrical equipment referred to in subsection (2) to be guarded, the employer must take measures to protect the employee from injury by insulating the equipment from the employee or the employee from ground.
- (4) If live electrical equipment is not guarded or insulated in accordance with subsection (2) or (3) or if the employee referred to in subsection (3) is not insulated from ground, an employee must not work so near to any live part of the electrical equipment that is within a voltage range set out in Column 1 of an item of Schedule 3 that the distance between the body of the employee or any thing with which the employee is in contact and the live part of the equipment is less than
- (a) the distance set out in Column 2 of that item, when the employee is not a qualified person; or
 - (b) the distance set out in Column 3 of that item, when the employee is a qualified person.
- (5) An employee must not work near a live part of any electrical equipment referred to in subsection (4) if there is a hazard that an unintentional movement by the employee would bring any part of the employee’s body or any thing with which the employee is in contact closer to that live part than the distance referred to in that subsection.

High-voltage electrical equipment

69 An employee must not work on or near high-voltage electrical equipment unless the employee is

authorized to do so by the employer.

Danger signs

70 A legible sign with the words “DANGER–HIGH VOLTAGE” and “DANGER–HAUTE TENSION” in letters that are not less than 50 mm in height on a contrasting background or a symbol conveying the same meaning must be posted in a conspicuous place at every approach to live high-voltage electrical equipment.

Safety watcher

71 (1) If an employee is working on or near live electrical equipment and, because of the nature of the work or the condition or location of the workplace, it is necessary for the safety of the employee that the work be observed by a person not engaged in the work, the employer must appoint a safety watcher

- (a) to warn all employees in the workplace of the hazard; and
- (b) to ensure that all safety precautions and procedures are complied with.

(2) Safety watchers must be

- (a) informed of their duties as safety watchers and of the hazard involved in the work;
- (b) trained and instructed in the procedures to follow in the event of an emergency;
- (c) authorized to stop immediately any part of the work that they consider dangerous; and
- (d) free of any other duties that might interfere with their duties as safety watchers.

(3) For the purposes of subsection (1), employers may appoint themselves as safety watchers.

Coordinating work

72 If an employee or another person, including every safety watcher, is working on or in connection with electrical equipment, the employee or other person must be fully informed by the employer with respect to the safe coordination of their work.

Isolating electrical equipment

73 (1) Before an employee isolates electrical equipment or changes or terminates the isolation of electrical equipment, the employer must issue written instructions with respect to the procedures to be followed for the safe performance of that work.

(2) The instructions referred to in subsection (1) must

- (a) state the isolation procedures to be followed;
- (b) identify the electrical equipment to which the instructions apply;
- (c) describe any tests to be performed;
- (d) specify particulars of the tags or signs to be used; and
- (e) specify the protection equipment to be used.

(3) A tag or sign referred to in clause (2)(d) must

- (a) contain the words “DO NOT OPERATE–DÉFENSE D’ACTIONNER” or display a symbol

conveying the same meaning;

- (b) show the date and time at which the electrical equipment was isolated;
 - (c) show the name of the employee performing the work or live test;
 - (d) when used in connection with a live test, be distinctively marked as a testing tag or sign;
 - (e) be removed only by the employee performing the work or live test; and
 - (f) be used for no purpose other than to notify persons that the operation or movement of the electrical equipment is prohibited during the performance of the work or live test.
- (4) A copy of the instructions must be shown and explained to the employee.
- (5) The instructions must be kept readily available for examination by employees at the workplace in which the electrical equipment is located.

Control devices, switches, cords and cables

- 74 (1) Every control device must be so designed and located as to permit quick and safe operation at all times.
- (2) The path of access to every electrical switch, control device or meter must be free from obstruction.
- (3) If an electrical switch or other control device controlling the supply of electrical energy to electrical equipment is operated only by a person authorized to do so by the employer, the switch or other control device must be fitted with a locking device that only such an authorized person can activate.
- (4) Control switches for all electrically operated machinery must be clearly marked to indicate the switch positions that correspond to the electrical circuits being controlled.

Suitable equipment for hazardous location

- 75 (1) All electrical equipment within a hazardous location as defined in the *Canadian Electrical Code* must be constructed, certified and marked as suitable for the conditions in that location.
- (2) Each extension cord of the electrical equipment must be equipped with a terminal that provides an interruption of the circuit before a connecting device is withdrawn.

Defective electrical equipment

- 76 Defective electrical equipment that is likely to be hazardous to the health or safety of an employee must be disconnected from its power source by a means other than the control switch and notices must be placed on the equipment and at the control switch to indicate that the equipment is defective.

Electrical fuses

- 77 (1) Electrical fuses must be of the correct ampere rating and fault capacity rating for the circuit in which they are installed.
- (2) An employee must not replace missing or burnt-out fuses unless authorized to do so by a qualified person.

Power supply cables

- 78 (1) Power supply cables for portable electrical equipment must be placed clear of areas used for vehicles unless the cables are protected by safety devices.

- (2) A 3-wire power supply cable on electrical equipment or on an electrical appliance must not be altered or changed for the purpose of using the equipment or appliance on a 2-wire power supply.

Grounded electrical equipment

- 79 Grounded electrical equipment and appliances must be used only when connected to a matching electrical outlet receptacle.

Part 9: Sanitation

Definitions for Part 9

- 80 The following definitions apply in this Part:

“ARI” means the Air-Conditioning and Refrigeration Institute of the United States;

“change room” means a room that is used by employees to change from their street clothes to their work clothes and from their work clothes to their street clothes, and includes a locker room;

“personal service room” means a change room, toilet room, shower room, living accommodation or a combination of them.

Personal service room and food preparation area

- 81 (1) Every employer must ensure that each personal service room and food preparation area used by employees is maintained in a clean and sanitary condition.
- (2) Personal service rooms and food preparation areas must be so used by employees that the rooms or areas remain in as clean and sanitary a condition as is reasonably practicable.

Preventing contamination

- 82 All cleaning and sweeping that may cause dusty or unsanitary conditions must be carried out in a manner that prevents the contamination of the air by dust or other substances injurious to health.

Cleaning frequency

- 83 Each personal service room must be cleaned at least once every day that it is used.

Plumbing system

- 84 Every plumbing system that supplies potable water and removes water-borne waste must be installed and maintained by a qualified person.

Preventing vermin

- 85 (1) Each enclosed part of a workplace, each personal service room and each food preparation area must be constructed, equipped and maintained in a manner that prevents the entrance of vermin.
- (2) If vermin have entered any enclosed part of a workplace, any personal service room or any food preparation area, the employer must immediately take all steps necessary to eliminate the vermin and prevent the re-entry of the vermin.

Storing equipment

- 86 A person must not use a personal service room for the purpose of storing equipment unless a closet fitted with a door is provided in that room for that purpose.

Temperature

- 87 In each personal service room and food preparation area, the temperature, measured 1 m above the floor in the centre of the room or area, must be maintained at a level of not less than 18 °C and, when reasonably practicable, not more than 29 °C.

Floors, partitions and walls

- 88** (1) In each personal service room and food preparation area, the floors, partitions and walls must be so constructed that they can be easily washed and maintained in a sanitary condition.
- (2) The floor and lower 150 mm of any walls and partitions in any food preparation area or toilet room must be water-tight and impervious to moisture.

Toilet rooms

- 89** (1) If reasonably practicable, a toilet room must be provided for employees and, when persons of both sexes are employed at the same workplace, a separate toilet room must be provided for employees of each sex.
- (2) If separate toilet rooms are provided for employees of each sex, each room must be equipped with a door that is clearly marked to indicate the sex of the employees for whom the room is provided.
- (3) If persons of both sexes use the same toilet room, the door of the toilet room must be fitted on the inside with a locking device.

Toilet room design

- 90** (1) Every toilet room must be so designed that
- (a) it is completely enclosed with solid material that is non-transparent from the outside;
 - (b) subject to subsection (2), there is no direct access into the toilet room from a sleeping room, dining area or food preparation area;
 - (c) if reasonably practicable, there is direct access into the toilet room from a hallway; and
 - (d) if it contains more than 1 toilet, each toilet is enclosed in a separate compartment fitted with a door and an inside locking device.
- (2) If a toilet room is provided as part of private living accommodation, there may be direct access to it from the sleeping quarters for which the toilet room is provided.

Toilet paper

- 91** Toilet paper must be provided at each toilet.

Container for disposal

- 92** A covered container for the disposal of sanitary napkins must be provided in each toilet room provided for the use of female employees.

Wash basins

- 93** (1) Every employer must provide wash basins in each toilet room as follows:
- (a) if the room contains 1 or 2 toilets or urinals, 1 wash basin; and
 - (b) if the room contains more than 2 toilets or urinals, 1 wash basin for every additional 2 toilets or urinals.
- (2) If an outdoor privy is provided, the employer must provide wash basins required by subsection (1) as close to the outdoor privy as is reasonably practicable.
- (3) An industrial wash trough or circular wash basin of a capacity equivalent to the aggregate of the minimum capacities of the wash basins referred to in subsection (1) may be provided in place of the

wash basins.

- (4) For the purposes of subsection (3), the minimum capacity of a wash basin must be determined by reference to the applicable municipal bylaws or provincial regulations or, if there are no such bylaws or regulations, by reference to the *National Plumbing Code of Canada*, 2010.

Hot and cold water

94 All wash basins and industrial wash troughs and circular wash basins referred to in Section 93 must be supplied with hot and cold water.

Wash facilities

95 If the health of employees is likely to be endangered by skin contact with a hazardous substance, the employer must provide wash facilities to clean the skin and aid in the removal of the hazardous substance.

Cleaning and drying supplies

96 In every personal service room that contains a wash basin or an industrial wash trough or circular wash basin, the employer must provide

- (a) powdered or liquid soap or other cleaning agent in a dispenser at each wash basin or trough or between adjoining wash basins;
- (b) sufficient sanitary hand drying facilities to serve the number of employees using the personal service room; and
- (c) a non-combustible container for the disposal of used towels when disposable towels are provided for drying hands.

Showers and shower rooms

- 97** (1) A shower room with at least 1 shower head for every 10 employees or portion of that number must be provided for employees who regularly perform strenuous physical work in a high temperature or high humidity or whose bodies may be contaminated by a hazardous substance.
- (2) Every shower stall must be constructed and arranged in such a way that water cannot leak through the walls or floors.
- (3) Every shower must be provided with hot and cold water, soap or other cleaning agent, and a clean towel.
- (4) If duck boards are used in showers, they must not be made of wood.

Potable water

98 Every employer must provide potable water for drinking, personal washing and food preparation that meets the standards set out in the *Guidelines for Canadian Drinking Water Quality*, published in 2012 under the authority of the federal Minister of Health.

Sanitary containers

99 If water is transported for drinking, personal washing or food preparation, only sanitary water containers must be used.

Storing and drawing water

100 If a storage container for drinking water is used,

- (a) the container must be securely covered and labelled that it contains potable water;

- (b) the container must be used only for the purpose of storing potable water; and
- (c) the water must be drawn from the container by a tap, a ladle used only for the purpose of drawing water from the container, or any other means that precludes the contamination of the water.

Drinking cups

101 Except when drinking water is supplied by a drinking fountain, sanitary single-use drinking cups must be provided.

Ice

102 Any ice that is added to drinking water or used for the contact refrigeration of foodstuffs must be made from potable water and must be so stored and handled as to prevent contamination.

Drinking fountain

103 If drinking water is supplied by a drinking fountain, the fountain must meet American Refrigeration Institute standard ARI 1010-2002, *Self-Contained, Mechanically-Refrigerated Drinking-Water Coolers*, published in 2002.

Living accommodation

104 All living accommodation must meet the following standards:

- (a) it must be so constructed that it can easily be cleaned and disinfected;
- (b) the food preparation area and dining area must be separated from the sleeping quarters;
- (c) if a water plumbing system is provided, the system must operate under sanitary conditions;
- (d) garbage disposal facilities must be provided to prevent the accumulation of garbage;
- (e) toilet rooms and outdoor privies must be maintained in a sanitary condition; and
- (f) vermin prevention, heating, ventilation and sanitary sewage systems must be provided.

Sleeping quarters

105 (1) In any living accommodation provided as sleeping quarters for employees,

- (a) a separate bed or bunk that is not part of a unit that is more than double-tiered and is so constructed that it can be easily cleaned and disinfected must be provided for each employee;
 - (b) mattresses, pillows, sheets, pillow cases, blankets, bed covers and sleeping bags must be kept in a clean and sanitary condition; and
 - (c) a storage area fitted with a locking device must be provided for each employee.
- (2)** Sufficient individual sleeping quarters in a field accommodation must be provided so that the maximum number of employees sleeping in 1 room is
- (a) 2 for a production facility; and
 - (b) 4 for any other marine installation or structure.

Preparing, handling, storing and serving food

- 106** (1) Each food handler must be instructed and trained in food handling practices that prevent the contamination of food.
- (2) A person who is suffering from a communicable disease must not work as a food handler.

Sanitation code

- 107** When food is served in a workplace, the employer must adopt and implement Section G of the *Sanitation Code for Canada's Foodservice Industry*, published by the Canadian Restaurant and Foodservices Association, dated September 1984, other than items 2 and 11.

Food temperature

- 108** (1) Foods that require refrigeration to prevent them from becoming hazardous to health must be maintained at a temperature of 4 °C or lower.
- (2) Foods that require freezing must be maintained at a temperature of -11 °C or lower.

Food utensils

- 109** All equipment and utensils that come into contact with food must be

- (a) designed to be easily cleaned;
- (b) smooth and free from cracks, crevices, pitting or unnecessary indentations; and
- (c) cleaned and stored to maintain their surfaces in a sanitary condition.

Food contamination

- 110** A person must not eat, prepare or store food

- (a) in an area where a hazardous substance may contaminate food, dishes or utensils;
- (b) in a personal service room that contains a toilet, urinal or shower; or
- (c) in any other area where food is likely to be contaminated.

Food waste and garbage

- 111** (1) Food waste and garbage must be removed daily from personal service rooms and food preparation areas.
- (2) Food waste and garbage must be disposed of by a sanitary drainage system, held in a garbage container or incinerated.
- (3) Every employer must adopt and implement a procedure that requires that combustible garbage not be incinerated unless precautions have been taken to ensure that the fire does not endanger employees, the safety of the workplace or the integrity of any equipment.

Garbage containers

- 112** Garbage containers must be

- (a) maintained in a clean and sanitary condition;
- (b) cleaned and disinfected in an area separate from personal service rooms and food preparation areas;

- (c) if there may be internal pressure in the container, so designed that the pressure is relieved by controlled ventilation;
- (d) constructed of a non-absorbent material and provided with a tight-fitting top;
- (e) located in an area that is inaccessible to animals; and
- (f) if liquids, wet materials or food waste are disposed of in them, leakproof.

Dining areas

113 Every dining area provided by the employer must be

- (a) of sufficient size to allow seating and table space for the employees who normally use the dining area at any one time;
- (b) provided with non-combustible covered receptacles for the disposal of food waste or garbage; and
- (c) separated from any place where a hazardous substance may contaminate food, dishes or utensils.

Ventilation

114 The intake or exhaust duct for a ventilation system must be so located that no employee may be exposed to any hazardous substance drawn in or exhausted through the duct.

Clothing storage

115 Clothing storage facilities must be provided by the employer for the storage of overcoats and other clothes not worn by employees while they are working.

Change room

116 (1) A change room must be provided by the employer if

- (a) the nature of the work engaged in by an employee makes it necessary for the employee to change from street clothes to work clothes for health or safety reasons; or
 - (b) an employee is regularly engaged in work in which his work clothing becomes wet or contaminated by a hazardous substance.
- (2) If wet or contaminated work clothing referred to in clause (1)(b) is changed, it must be stored in such a manner that it does not come in contact with clothing that is not wet or contaminated.
- (3) An employee must not leave the workplace wearing clothing contaminated by a hazardous substance.
- (4) Every employer must supply facilities for the drying or cleaning of wet or contaminated clothing referred to in clause (1)(b).

Part 10: Hazardous Substances**Definitions for Part 10**

117 The following definitions apply in this Part:

“hazard information” mean[s], in respect of a hazardous substance, information on the proper and safe storage, handling and use of the hazardous substance, including information relating to its

toxicological properties;

“lower explosive limit” means the lower limit of flammability of a chemical agent or a combination of chemical agents at ambient temperature and pressure, expressed

- (i) for a gas or vapour, as a percentage per volume of air, and
- (ii) for dust, as the weight of dust per volume of air;

“product identifier” means, in respect of a hazardous substance, the brand name, code name or code number specified by the supplier or employer or the chemical name, common name, generic name or trade name;

“supplier” means a person who is a manufacturer, processor or packager of a hazardous substance or a person who, in the course of business, imports or sells a hazardous substance.

Application of Part 10

118 This Part does not apply to the transportation or handling of dangerous goods to which the *Transportation of Dangerous Goods Act* (Canada) and regulations made under it apply.

Division 1: General Hazard Prevention and Control Procedures

Hazard investigation

- 119 (1)** If there is a likelihood that the health or safety of an employee in a workplace is or may be endangered by exposure to a hazardous substance or by insufficient lighting, the employer must, without delay,
- (a) appoint a qualified person to carry out an investigation; and
 - (b) notify the committee or coordinator of the proposed investigation and of the name of the qualified person appointed to carry out that investigation.
- (2)** In the investigation, the following criteria must be taken into consideration:
- (a) the chemical, biological and physical properties of the hazardous substance;
 - (b) the routes of exposure of the hazardous substance;
 - (c) the effects on health and safety of exposure to the hazardous substance;
 - (d) the state, concentration and quantity of the hazardous substance handled;
 - (e) the manner in which the hazardous substance is handled;
 - (f) the control methods used to eliminate or reduce exposure;
 - (g) the possibility that the concentration of the hazardous substance to which an employee is likely to be exposed exceeds a value or percentage referred to in Section 136 or 137;
 - (h) the possibility that the level of lighting in the workplace is less than the level prescribed in Part 6; and
 - (i) the possibility that the level of sound in the workplace is greater than the level prescribed in Part 7.

Written report

120 On completion of the investigation referred to in subsection 119(1) and after consultation with the committee or the coordinator, the qualified person must set out in a written report signed by the qualified person

- (a) the qualified person's observations respecting the criteria considered in accordance with subsection 119(2); and
- (b) the qualified person's recommendations respecting the manner of compliance with Sections 122 to 141.

Report to be maintained

121 The report referred to in Section 120 must be kept by the employer at the workplace to which it applies for 1 year after the date on which the qualified person signed the report.

Substitution of substances

122 (1) A hazardous substance must not be used for any purpose in a workplace if it is reasonably practicable to substitute for that substance a substance that is not a hazardous substance.

- (2) If a hazardous substance is required to be used for any purpose in a workplace and an equivalent substance that is less hazardous is available to be used for that purpose, the equivalent substance must be substituted for the hazardous substance if it is reasonably practicable to do.

Ventilation

123 Every ventilation system used to control the concentration of an airborne hazardous substance must be so designed, constructed and installed that

- (a) if the hazardous substance is a chemical agent, the concentration of the chemical agent does not exceed the values, levels and percentages prescribed in Sections 136 and 137; and
- (b) if the hazardous substance is not a chemical agent, the concentration of the hazardous substance is not hazardous to the health or safety of employees.

Air pressure

124 (1) Subject to subsection (2), if there is a likelihood that explosive or toxic vapours may enter an enclosed workplace or living accommodation, the air pressure in the workplace or living accommodation must, if reasonably practicable, be maintained positive in relation to the air pressure in the surrounding area.

- (2) If there is a source of explosive or toxic vapours at a workplace, the air pressure in the area of the source must be maintained negative with respect to any adjacent enclosed area.

Warnings

125 If reasonably practicable, automated warning and detection systems must be provided by the employer when the seriousness of any exposure to a hazardous substance so requires.

Storage, handling and use

126 Every hazardous substance stored, handled or used in a workplace must be stored, handled and used in a manner in which the hazard related to that substance is reduced to a minimum.

Confirming hazard

127 Subject to Section 130, when a hazardous substance is stored, handled or used in a workplace, any hazard resulting from that storage, handling or use must be confined to as small an area as reasonably practicable.

Container for hazardous substance

- 128 (1)** Every container for a hazardous substance that is used in a workplace must be so designed and constructed that it protects the employees from any health or safety hazard that is created by the hazardous substance.
- (2) If a container referred to in subsection (1) is emptied and is not to be refilled with the hazardous substance, it must be completely cleaned of the hazardous substance that was stored in it before being reused and the label identifying the hazardous substance must be removed.

Quantity of hazardous substance

- 129** The quantity of a hazardous substance used or processed in a workplace must, to the extent reasonably practicable, be kept to a minimum.

Static electricity

- 130** If a hazardous substance is capable of combining with another substance to form an ignitable combination and a hazard of ignition of the combination by static electricity exists, the standards set out in the United States National Fire Prevention Association publication NFPA 77, *Recommended Practice on Static Electricity*, published in 2007. [sic]

Warning of hazardous substances

- 131 (1)** If a hazardous substance is stored in a workplace, signs must be posted in conspicuous places warning of the presence of the hazardous substance.
- (2) Hazard information in respect of hazardous substances that are, or are likely to be, present in a workplace must be readily available for examination at the workplace.

Assembly of pipes

- 132** Every assembly of pipes, pipe fittings, valves, safety devices, pumps, compressors and other fixed equipment that is used for transferring a hazardous substance from one location to another must be
- (a) labelled to identify the hazardous substance transferred there;
 - (b) fitted with valves and other control and safety devices to ensure its safe operation;
 - (c) inspected by a qualified person before it is placed in service and once a year after that; and
 - (d) maintained and repaired by a qualified person.

Employee education

- 133 (1)** Every employer must, in consultation with the committee or the coordinator, develop and implement an employee education program with respect to hazard prevention and control at the workplace.
- (2) The employee education program referred to in subsection (1) must include
- (a) the instruction of each employee who handles or is exposed to or is likely to handle or be exposed to a hazardous substance with respect to
 - (i) the product identifier of the hazardous substance,
 - (ii) all hazard information disclosed by the supplier of the hazardous substance or by the employer on a material safety data sheet or on a label,
 - (iii) all hazard information of which the employer is aware or ought reasonably to be aware,

- (iv) the observations referred to in clause 120(a),
 - (v) the information disclosed on the material safety data sheet referred to in Section 143 and the purpose and significance of that information,
 - (vi) in respect of controlled products in the workplace, the information required to be disclosed on a material safety data sheet and on a label under Division 3 and the purposes and significance of that information, and
 - (vii) the information referred to in subsection 131(2);
 - (b) the instruction and training of each employee who operates, maintains or repairs an assembly of pipes referred to in Section 132 with respect to
 - (i) every valve and other control and safety device connected to the assembly of pipes, and
 - (ii) the procedures to follow for the proper and safe use of the assembly of pipes;
 - (c) the instruction and training of each employee referred to in clauses (a) and (b) with respect to
 - (i) the procedures to follow to implement the provisions of Sections 126, 127 and 130, and
 - (ii) the procedures to follow for the safe storage, handling, use and disposal of hazardous substances, including procedures to be followed in an emergency involving a hazardous substance; and
 - (d) if the employer makes a computerized version of a material safety data sheet available in accordance with subsection 149(2), the training of each employee in accessing that material safety data sheet.
- (3) Every employer must, in consultation with the committee or the coordinator, review the employee education program referred to in subsection (1) and, if necessary, revise it
- (a) at least once a year;
 - (b) whenever there is a change in conditions in respect of the hazardous substances in the workplace; and
 - (c) whenever new hazard information in respect of a hazardous substance in the workplace becomes available to the employer.

Record of program

134 A written record of the employee education program referred to in subsection 133(1) must be kept by the employer readily available for examination by employees for as long as the employees

- (a) handle or are exposed to or are likely to handle or be exposed to the hazardous substance; or
- (b) operate, maintain or repair the assembly of pipes.

Medical examinations

135 (1) If the report referred to in Section 120 contains a recommendation for a medical examination, the employer may, regarding that recommendation, consult a physician who has specialized knowledge in respect of the hazardous substance in the workplace.

- (2) If the employer does not consult a physician, or if the employer does consult a physician and the physician confirms the recommendation for a medical examination, the employer must not permit an employee to work with the hazardous substance in the workplace until a physician who has the specialized knowledge referred to in subsection (1) and is acceptable to the employee has examined the employee and declared the employee fit for work with the hazardous substance.
- (3) If an employer consults a physician, the employer must keep a copy of the decision of the physician with the report referred to in Section 120.
- (4) The cost of a medical examination must be borne by the employer.

Control of hazards

136 (1) An employee must not be exposed to a concentration of

- (a) an airborne chemical agent, other than grain dust, in excess of the value for that chemical agent adopted by the American Conference of Governmental Industrial Hygienists in its publication entitled *2012 Threshold Limit Values and Biological Exposure Indices*;
 - (b) airborne grain dust, respirable and non-respirable, in excess of 10 mg/m³; or
 - (c) an airborne hazardous substance, other than a chemical agent, that is hazardous to the health and safety of the employee.
- (2) If there is a likelihood that the concentration of an airborne chemical agent may exceed the value referred to in clause (1)(a) or (b), the air must be sampled and the concentration of the chemical agent determined by a qualified person by a test in accordance with
- (a) the standards set out by the United States National Institute for Occupational Safety and Health in the *NIOSH Manual of Analytical Methods*, fourth edition, published in 1994; or
 - (b) a method set out in the *United States Federal Register*, volume 40, number 33, dated February 18, 1975, as amended by volume 41, number 53, dated March 17, 1976.
- (3) A record of each test made under subsection (2) must be kept by the employer at the employer's place of business nearest to the workplace where the air was sampled for 2 years after the date of the test.
- (4) The record must include
- (a) the date, time and location of the test;
 - (b) the chemical agent for which the test was made;
 - (c) the sampling and testing method used;
 - (d) the result obtained; and
 - (e) the name and occupation of the qualified person who made the test.

Lower explosive limit

137 (1) Subject to subsections (2) and (3), the concentration of an airborne chemical agent or combination of chemical agents in a workplace must be less than 50% of the lower explosive limit of the chemical agent or combination of chemical agents.

- (2) If a source of ignition may ignite the concentration of an airborne chemical agent or combination of chemical agents in a workplace, that concentration must not exceed 10% of the lower explosive limit of the chemical agent or combination of chemical agents.
- (3) Subsection (1) does not apply if
 - (a) the workplace is in a hazardous location as defined in the *Canadian Electrical Code*;
 - (b) the workplace is equipped with an alarm system that will automatically be activated when the concentration referred to in subsection (1) exceeds 60% of the lower explosive limit of the chemical agent or combination of chemical agents; and
 - (c) no employee is exposed to a level in excess of 75% of the lower explosive limit of the chemical agent or combination of chemical agents.

Compressed air

- 138** (1) Compressed air must be used in such a manner that the air is not directed forcibly against any person.
- (2) When compressed air is used, its use must not result in a concentration of a hazardous substance in the atmosphere in excess of the value for the hazardous substance prescribed in subsection 136(1).

Explosives

- 139** (1) A detonator must not be stored with an explosive that is not a detonator.
- (2) A detonator must not be stored with a detonator of a different type.
 - (3) Not more than 75 kg of explosives must be stored on a drilling unit or offshore production facility.
 - (4) Explosives must be stored in a locked container that is accessible only to a qualified person.

Use and record of use

- 140** (1) Explosives must be used, stored and controlled by a qualified person.
- (2) The qualified person must make a record of all explosives used or stored by the qualified person or removed for use.
 - (3) The record must be kept readily accessible at the workplace and must contain
 - (a) the type and amount of explosives used, stored or removed for use;
 - (b) the date of use, storage or removal;
 - (c) particulars of the use of the explosive; and
 - (d) the name of the qualified person who made the record.

Radiation-emitting devices

- 141** (1) When a device that is capable of producing and emitting energy in the form of electromagnetic waves or acoustical waves is used in a workplace, the employer must, if the device is referred to in subsection (2), adopt and implement the applicable safety code of Health Canada's Radiation Protection Bureau as specified in that subsection.
- (2) For the purposes of subsection (1), the applicable safety code is

- (a) in respect of radiofrequency and microwave devices in the frequency range 10 MHz to 300 GHz, *Safety Code - 6*, published in 2009;
- (b) in respect of X-ray equipment in medical diagnosis, *Safety Code - 35*, published in 1999;
- (c) in respect of baggage inspection X-ray equipment, *Safety Code - 29*;
- (d) in respect of dental X-ray equipment, *Safety Code - 30*;
- (e) in respect of ultrasound, *Guidelines for the Safe Use of Diagnostic Ultrasound*, published in 2001 and *Safety Code - 24*, published in 1991; and
- (f) in respect of short-wave diathermy, *Safety Code - 25*, dated 1983.

Division 2: Hazardous Substances Other Than Controlled Products

Identification

142 Every container of a hazardous substance, other than a controlled product, that is stored, handled or used in the workplace must be labelled in a manner that discloses clearly the name of the substance and the hazardous properties of the substance.

Material safety data sheets

143 If a material safety data sheet pertaining to a hazardous substance, other than a controlled product, that is stored, handled or used in a workplace may be obtained from the supplier of the hazardous substance, the employer must

- (a) obtain a copy of the material safety data sheet; and
- (b) keep a copy of the material safety data sheet readily available in the workplace for examination by employees.

Division 3: Controlled Products

Definitions for Division 3

143 The following definitions apply in this Division:

“bulk shipment” means a shipment of a controlled product that is contained, without intermediate containment or intermediate packaging, in

- (i) a tank with a water capacity of more than 454 L,
- (ii) a freight container or a portable tank,
- (iii) a road vehicle, railway vehicle or ship, or
- (iv) a pipeline;

“fugitive emission” means a controlled product in gas, liquid or solid form that escapes from processing equipment, from control emission equipment or from a product;

“hazardous waste” means a controlled product that is intended solely for disposal or is sold for recycling or recovery;

“manufactured article” means any article that is formed to a specific shape or design during

manufacture, the intended use of which when in that form is dependent in whole or in part on its shape or design, and that, under normal conditions of use, will not release or otherwise cause a person to be exposed to a controlled product;

“readily available” means present in an appropriate place in a physical copy form that can be handled;

“risk phrase” means, in respect of a controlled product, a statement identifying a hazard that may arise from the use of or exposure to the controlled product;

“sale” includes offer for sale, expose for sale and distribute;

“supplier label” means, in respect of a controlled product, a label prepared by a supplier under the *Hazardous Products Act* (Canada);

“supplier material safety data sheet” means, in respect of a controlled product, a material safety data sheet prepared by a supplier under the *Hazardous Products Act* (Canada);

“workplace label” means, in respect of a controlled product, a label prepared by an employer under this Division;

“workplace material safety data sheet” means, in respect of a controlled product, a material safety data sheet prepared by an employer under subsection 148(1) or (2).

Application of Division

145 (1) This Division does not apply in respect of any

- (a) wood or product made of wood;
- (b) tobacco or product made of tobacco; or
- (c) manufactured article.

(2) This Division, other than Section 158, does not apply in respect of hazardous waste.

Material safety data sheets and labels in respect of certain controlled products

146 Subject to Section 157, every employer must adopt and implement the provisions of Sections 142 and 143 in respect of a controlled product and may, in so doing, replace the name of the substance with the product identifier, when the controlled product is a controlled product that

- (a) is present in the workplace;
- (b) was received from a supplier; and
- (c) is 1 of the following:
 - (i) an explosive within the meaning of the *Explosives Act* (Canada),
 - (ii) a cosmetic, device, drug or food within the meaning of the *Food and Drugs Act* (Canada),
 - (iii) a pest control product within the meaning of the *Pest Control Products Act* (Canada),
 - (iv) a prescribed substance within the meaning of the *Nuclear Safety and Control Act*

(Canada), and

- (v) a product, material or substance included in Part 2 of the *Hazardous Products Act* (Canada) that is packaged as a consumer product.

Supplier material safety data sheets

- 147 (1)** If a controlled product, other than a controlled product referred to in clause 146(c), is received by an employer, the employer must, at the time the controlled product is received in the workplace, obtain from the supplier of the controlled product a supplier material safety data sheet, unless the employer has in the employer's possession a supplier material safety data sheet that
- (a) is for a controlled product that has the same product identifier;
 - (b) discloses information that is current at the time that the controlled product is received; and
 - (c) was prepared and dated not more than 3 years before the date that the controlled product is received.
- (2)** If there is a controlled product in a workplace and the supplier material safety data sheet pertaining to the controlled product is 3 years old, the employer must, if reasonably practicable, obtain from the supplier an up-to-date supplier material safety data sheet.
- (3)** If it is not reasonably practicable for an employer to obtain an up-to-date supplier material safety data sheet referred to in subsection (2), the employer must update the hazard information on the most recent supplier material safety data sheet that the employer has received on the basis of the ingredients disclosed in that supplier material safety data sheet.
- (4)** If a controlled product is received in a workplace that is a laboratory, the employer is excepted from the requirements of subsection (1) if the controlled product
- (a) originates from a laboratory supply house;
 - (b) is intended for use in a laboratory;
 - (c) is packaged in a container in a quantity of less than 10 kg; and
 - (d) is packaged in a container that has applied to it a supplier label.

Workplace material safety data sheets

- 148 (1)** Subject to Section 157, if an employer produces a controlled product, other than a fugitive emission, in a workplace or imports into Canada a controlled product and brings it into a workplace, the employer must prepare a workplace material safety data sheet in respect of the controlled product that discloses the information required to be disclosed under subclauses 202W(e)(i) to (iv) of the Act.
- (2)** Subject to Section 157, if an employer receives a supplier material safety data sheet, the employer may prepare a workplace material safety data sheet to be used in the workplace in place of the supplier material safety data sheet if
- (a) the workplace material safety data sheet discloses at least the information disclosed on the supplier material safety data sheet;
 - (b) the information disclosed on the workplace material safety data sheet does not disclaim or contradict the information disclosed on the supplier material safety data sheet;

- (c) the supplier material safety data sheet is available for examination by employees in the workplace; and
 - (d) the workplace material safety data sheet discloses that the supplier material safety data sheet is available in the workplace.
- (3) If an employer produces, in a workplace that is a laboratory supply house, or imports into Canada and brings into such a workplace, a controlled product that is intended to be used in a laboratory, the employer is exempted from the requirements of subsection (1) if the employer
- (a) packages the controlled product in containers in quantities of less than 10 kg per container; and
 - (b) subject to Section 157, discloses on the label of the container of the controlled product the information required to be disclosed under Section 154.
- (4) The employer must update the workplace material safety data sheet referred to in subsection (1) or (2) or the label referred to in clause (3)(b)
- (a) as soon as reasonably practicable in the circumstances but not later than 90 days after new hazard information becomes available to the employer; and
 - (b) at least every 3 years.
- (5) If the information required to be disclosed under this Section is not available to the employer or not applicable to the controlled product, the employer must replace the information with the words “not available” or “not applicable”, as the case may be, in the English version and the words “non disponible” or “sans objet”, as the case may be, in the French version of the material safety data sheet.

Availability of material safety data sheets

- 149 (1) Subject to subsection (2), every employer, other than an employer referred to in subsection 147(4), must keep readily available for examination by employees and by the committee or the coordinator, in any workplace in which an employee may handle or be exposed to a controlled product, a copy in English and in French of
- (a) in the case of an employer who is an employer referred to in subsection 148(1) or (2), the workplace material safety data sheet; and
 - (b) in any other case, the supplier material safety data sheet.
- (2) In place of keeping a material safety data sheet in the manner required under subsection (1), an employer may make a computerized version of the material safety data sheet available in English and in French for examination by employees and by the committee or the coordinator by means of a computer if the employer
- (a) takes all reasonable steps to keep the computer in working order;
 - (b) provides the training referred to in clause 133(2)(d) to the employees and to the committee or to the coordinator; and
 - (c) on the request of an employee or the committee or the coordinator, makes the material safety data sheet readily available to the employee or the committee.

Labels

- 150 (1)** Subject to Sections 152 to 154, each controlled product, other than a controlled product referred to in clause 146(c), in a workplace and each container in which such a controlled product is contained in a workplace must, if the controlled product or the container was received from a supplier,
- (a) in the case of a controlled product that was received in a bulk shipment, be accompanied by a supplier label;
 - (b) in the case of an employer who has undertaken in writing to the supplier to apply a label to the inner container of the controlled product, have applied
 - (i) to the outer container a supplier label, and
 - (ii) as soon as reasonably practicable after the controlled product is received from the supplier, to the inner container a supplier label; and
 - (c) in any other case, have applied to it a supplier label.
- (2)** Subject to Sections 152 to 154 and 157, when a controlled product, other than a controlled product referred to in clause 146(c), is received from a supplier and an employer places the controlled product in the workplace in a container other than the container in which it was received from the supplier, the employer must apply to the container a supplier label or a workplace label that discloses the information referred to in clauses 151(1)(a) to (c).
- (3)** Subject to Sections 156 and 157, a person must not remove, deface, modify or alter the supplier label applied to
- (a) a controlled product that is in the workplace; or
 - (b) a container of a controlled product that is in the workplace.

Information on label

- 151 (1)** Subject to Section 153, if an employer produces a controlled product, other than a fugitive emission, in a workplace or imports into Canada a controlled product and brings it into a workplace, and the controlled product is not in a container, the employer must disclose the following information on a workplace label applied to the controlled product or on a sign posted in a conspicuous place in the workplace:
- (a) the product identifier;
 - (b) hazard information in respect of the controlled product; and
 - (c) a statement indicating that a workplace material safety data sheet for the controlled product is available in the workplace.
- (2)** Subject to Sections 152 to 154, when an employer produces a controlled product, other than a fugitive emission, in a workplace, or imports into Canada a controlled product and brings it into a workplace, and places the controlled product in a container, the employer must apply to the container a workplace label that discloses the information referred to in clauses (1)(a) to (c).
- (3)** Subsection (2) does not apply in respect of a controlled product that is
- (a) intended for export; or

- (b) packaged in a container for sale in Canada, if the container is or is in the process of being appropriately labelled for that purpose.

Portable containers

152 If an employer stores a controlled product in the workplace in a container that has applied to it a supplier label or a workplace label, a portable container filled from that container does not have to be labelled in accordance with Section 150 or 151 if

- (a) the controlled product is required for immediate use; or
- (b) the following conditions apply in respect of the controlled product:
 - (i) it is under the control of and used exclusively by the employee who filled the portable container,
 - (ii) it is used only during the work shift in which the portable container was filled, and
 - (iii) it is clearly identified by a workplace label applied to the portable container that discloses the product identifier.

Special cases

153 An employer must, in a conspicuous place near a controlled product, post a sign in respect of the controlled product that discloses the product identifier if the controlled product is

- (a) in a process, reaction or storage vessel;
- (b) in a continuous-run container;
- (c) a bulk shipment that is not placed in a container at the workplace; or
- (d) not in a container and stored in bulk.

Laboratories

154 The label of the container of a controlled product in a laboratory must disclose

- (a) if the controlled product is used exclusively in the laboratory, the product identifier;
- (b) if the controlled product is a mixture or substance undergoing an analysis, test or evaluation in the laboratory, the product identifier; and
- (c) if the controlled product originates from a laboratory supply house and was received in a container containing a quantity of less than 10 kg, the following information:
 - (i) the product identifier,
 - (ii) if a material safety data sheet is available, a statement to that effect,
 - (iii) risk phrases that are appropriate to the controlled product,
 - (iv) precautionary measures to be followed when handling, using or being exposed to the controlled product, and
 - (v) if appropriate, first aid measures to be taken in case of exposure to the controlled product.

Signs

155 The information disclosed on a sign referred to in subsection 151(1), Section 153 or clause 158(b) must be of such a size that it is clearly legible to the employees in the workplace.

Replacing labels

156 If, in a workplace, a label applied to a controlled product or a container of a controlled product becomes illegible or is removed from the controlled product or the container, the employer must replace the label with a workplace label that discloses the following information:

- (a) the product identifier;
- (b) hazard information in respect of the controlled product; and
- (c) a statement indicating that a material safety data sheet for the controlled product is available in the workplace.

Exemptions from disclosure

157 (1) Subject to subsection (2), if an employer has filed a claim under subsection 11(2) of the *Hazardous Materials Information Review Act* (Canada) for exemption from the requirement to disclose information on a material safety data sheet or on a label, the employer must disclose, in place of the information that the employer is exempt from disclosing,

- (a) if there is no final disposition of the proceedings in relation to the claim, the date that the claim for exemption was filed and the registry number assigned to the claim under the *Hazardous Materials Information Review Act* (Canada); and
- (b) if the final disposition of the proceedings in relation to the claim is that the claim is valid, a statement that an exemption has been granted and the date on which the exemption was granted.

- (2)** If a claim for exemption referred to in subsection (1) is in respect of the chemical name, common name, generic name, trade name or brand name of a controlled product, the employer must, on the material safety data sheet or label of the controlled product, replace that information with a code name or code number specified by the employer as the product identifier for that controlled product.

Hazardous waste

158 If a controlled product in the workplace is hazardous waste, the employer must clearly identify it as hazardous waste by

- (a) applying a label to the hazardous waste or its container; or
- (b) posting a sign in a conspicuous place near the hazardous waste or its container.

Information required in a medical emergency

159 For the purposes of subsection [Section] 202X of the Act, a medical professional is a registered nurse registered or licensed under the laws of a province or a medic.

Part 11: Confined Spaces**Definition for Part 11**

160 In this Part, “confined space” means a storage tank, process vessel, ballast tank or other enclosure not designed or intended for human occupancy, except for the purpose of performing work,

- (a) that has poor ventilation;

- (b) in which there may be an oxygen-deficient atmosphere; or
- (c) in which there may be an airborne hazardous substance.

Testing and reporting procedures

- 161 (1)** If a person is about to enter into a confined space, the employer must appoint a qualified person to verify by tests that
- (a) the concentration of any chemical agent in the confined space to which the person is likely to be exposed does not exceed the value referred to in subsection 136(1), and does not exceed the percentage referred to in Section 137;
 - (b) the concentration of airborne hazardous substances, other than chemical agents, in the confined space is not hazardous to the health or safety of the person;
 - (c) the percentage of oxygen in the atmosphere in the confined space is not less than 18% by volume and not more than 23% by volume at normal atmospheric pressure and the partial pressure of oxygen is not less than 135 mm Hg in any case;
 - (d) the level or percentage referred to in clauses (a) to (c) can be maintained during the period of proposed occupancy of the confined space by the person;
 - (e) any liquid in which a person may drown or any free-flowing solid in which a person may become entrapped has been removed to the extent that is reasonably practicable from the confined space;
 - (f) the entry of any liquid, free-flowing solid or hazardous substance into the confined space has been prevented by a secure means of disconnection or the fitting of blank flanges;
 - (g) all electrical and mechanical equipment that presents a hazard to a person entering into, exiting from or occupying the confined space has been disconnected from its power source and locked out; and
 - (h) the opening for entry into and exit from the confined space is sufficient in size to allow safe passage of a person who is using protection equipment.
- (2)** The qualified person referred to in subsection (1) must, in a written report signed by the qualified person,
- (a) set out
 - (i) the location of the confined space,
 - (ii) a record of the results of the tests made in accordance with subsection (1), and
 - (iii) an evaluation of the hazards of the confined space;
 - (b) if the employer has established procedures to be followed by a person entering into, exiting from or occupying the confined space, identify which of those procedures are to be followed;
 - (c) if the employer has not established procedures referred to in clause (b), set out the procedures to be followed by a person referred to in that clause;
 - (d) identify the protection equipment referred to in Part 8 that is to be used by every person

- granted access to the confined space;
- (e) identify which of the procedures are to be followed if the employer has established emergency procedures to be followed in the event of an accident or other emergency in or near the confined space, including immediate evacuation of the confined space when
 - (i) an alarm is activated, or
 - (ii) there is any significant change in the value, level or percentage referred to in subsection (1);
 - (f) if the employer has not established emergency procedures referred to in clause (e), set out emergency procedures to be followed, including immediate evacuation of the confined space in the circumstances referred to in that clause; and
 - (g) specify the protection equipment, emergency equipment and any additional equipment to be used by an employee who undertakes rescue operations in the event of an accident or other emergency.
- (3) The employer must provide to each person granted access to the confined space the protection equipment referred to in subsection (2).
- (4) The written report referred to in subsection (2) and any procedures identified in the report must be explained to an employee who is about to enter into the confined space, other than the qualified person referred to in subsection (1), and the employee must acknowledge by signing a dated copy of the report that the employee has read the report and that the report and the procedures were explained to the employee.
- (5) The employee referred to in subsection (4) must be instructed and trained in the procedures and in the use of the protection equipment referred to in subsection (2).
- (6) Every employee who enters into, exits from or occupies the confined space must follow the procedures and use the protection equipment referred to in subsection (2).

Alternate procedure

162 If conditions in the confined space or the nature of the work to be performed in the confined space are such that subclause 161(1)(a)(i) and clauses 161(1)(c), (e) and (f) cannot be complied with, the following procedures apply:

- (a) a qualified person trained in the procedures referred to in subsection 161(2) must be
 - (i) in attendance outside the confined space,
 - (ii) in communication with the person inside the confined space, and
 - (iii) provided with a suitable alarm device for summoning assistance;
- (b) every person granted access to the confined space must be provided with and trained in the use of the protection equipment referred to in subsection 161(2);
- (c) every employee entering into, exiting from and occupying the confined space must wear a safety harness that is securely attached to a life line that is attached to a secure anchor outside the confined space and is controlled by the qualified person referred to in clause (a);

- (d) 2 or more employees must be in the immediate vicinity of the confined space to assist in the event of an accident or other emergency; and
- (e) 1 of the employees referred to in clause (d) must
 - (i) be trained in the emergency procedures referred to in subsection 161(2),
 - (ii) be a first aid attendant who has successfully completed a CPR course, and
 - (iii) be provided with the protection equipment and emergency equipment referred to in subsection 161(2).

Sealing confined space

163 Before a confined space is sealed, the person in charge of the area surrounding the confined space must ascertain that no person is inside the confined space.

Hot work operations

164 (1) Hot work must not be performed in a confined space when an explosive or flammable hazardous substance may be present unless a qualified person has determined that the work can be safely performed in the confined space.

(2) When hot work is to be performed in a confined space,

- (a) a qualified person must patrol the area surrounding the confined space and maintain a fire protection watch there until all hazard of fire is passed; and
- (b) fire extinguishers must be provided in the area referred to in clause (a).

Ventilation equipment

165 (1) If a hazardous substance may be produced by hot work in a confined space,

- (a) the confined space must be ventilated in accordance with subsection (2); or
- (b) every employee who enters into, exits from and occupies the confined space must use a respiratory protective device that meets the requirements of Section 174.

(2) If an airborne hazardous substance or oxygen in the atmosphere in a confined space is maintained at the value, level or percentage prescribed in subsection 161(1) by the use of ventilation equipment, a person must not be granted access to the confined space unless

- (a) the ventilation equipment is
 - (i) equipped with an alarm that will, if the equipment fails, be activated automatically and be audible or visible to any person in the confined space, or
 - (ii) monitored by an employee who is in constant attendance at the equipment; and
- (b) in the event of failure of the ventilation equipment, sufficient time will be available for the person to escape from the confined space before
 - (i) the person's exposure to or the concentration of a hazardous substance in the confined space exceeds the value, level or percentage prescribed in clause 161(1)(a) or (b), or
 - (ii) the percentage of oxygen in the atmosphere ceases to meet the requirements of clause

161(1)(c).

- (3) The employee referred to in subclause (2)(a)(ii) must activate an alarm in the event of failure of the ventilation equipment.

Keeping reports

166 The written report referred to in subsection 161(2) must be kept by the employer for 1 year after the date on which the qualified person signs the report.

Keeping procedures

167 When the employer establishes procedures or emergency procedures referred to in clause 161(2)(b) or (e), the employer must keep a copy of them at the employer's place of business nearest to the workplace in which the confined space is located.

Part 12: Protection Equipment

Protection equipment required

168 Every person granted access to the workplace who is exposed to that hazard must use the protection equipment prescribed by this Part if

- (a) it is not reasonably practicable to eliminate or control the hazard in a workplace within safe limits; and
- (b) the use of protection equipment may prevent or reduce injury from the hazard.

Design of equipment

169 All protection equipment

- (a) must be designed to protect the person from the hazard for which it is provided; and
- (b) must not in itself create a hazard.

Maintaining equipment

170 All protection equipment provided by the employer must

- (a) be maintained, inspected and tested by a qualified person; and
- (b) if necessary to prevent a health hazard, be maintained in a clean and sanitary condition by a qualified person.

Protective headwear

171 If there is a hazard of head injury in a workplace, the employer must provide protective headwear that meets CSA standard CSA Z94.1-05, *Industrial Protective Headwear - Performance, Selection, Care and Use*, published in 2005.

Protective footwear

172 (1) If there is a hazard of a foot injury or electric shock through footwear in a workplace, protective footwear that meets CSA standard CSA Z195-09, *Protective Footwear*, published in 2009. [sic]

- (2) If there is a hazard of slipping in a workplace, non-slip footwear must be used.

Eye and face protection

173 If there is a hazard of injury to the eyes, face, ears or front of the neck of an employee in a workplace, the employer must provide eye or face protectors that meet CSA standard CSA Z94.3-07, *Eye and Face*

Protectors, published in 2007.

Respiratory protection

- 174** (1) Subject to subsection (4), if there is a hazard of an airborne hazardous substance or an oxygen-deficient atmosphere in a workplace, the employer must provide a respiratory protective device that is listed in the *NIOSH Certified Equipment List as of September 1994*, published in 1994 by the United States National Institute for Occupational Safety and Health.
- (2) A respiratory protective device referred to in subsection (1) must be selected, fitted, cared for, used and maintained in accordance with CAN/CSA standard Z94.4-11, *Selection, Use and Care of Respirators*, published in 2011, excluding paragraphs 6.1.5, 10.3.3.1.2 and 10.3.3.4.2(c).
- (3) If air is provided for the purpose of a respiratory protective device referred to in subsection (1),
- (a) the air must meet the standards set out in paragraphs 5.5.2 to 5.5.11 of CSA standard CSA Z180.1-13, *Compressed Breathing Air and Systems*, published in 2013; and
- (b) the system that supplies air must be constructed, tested, operated and maintained in accordance with the CSA standard referred to in clause (a).
- (4) If there is a likelihood of exposure to hydrogen sulphide or combustible gases at a drilling rig, drilling unit or production facility, the employer must provide, at a readily accessible location
- (a) on the drill floor, at least 1 self-contained positive pressure breathing device for each employee normally employed on the drill floor or an air manifold equipped with a face mask for each such employee;
- (b) at least 2 portable hydrogen sulphide detectors; and
- (c) at least 2 portable combustible gas detectors.
- (5) If employee sleeping quarters are located adjacent to a drilling rig or on a drilling unit or production facility, at least 4 self-contained positive pressure breathing devices must be located in a readily accessible location.
- (6) A person who may be required to use a respiratory protective device must not have hair that interferes with the functioning of the breathing device.

Removing breathing apparatus from service

175 If a steel or aluminum self-contained breathing apparatus cylinder has a dent deeper than 1.5 mm and less than 50 mm in major diameter or shows evidence of deep isolated pitting, cracks or splits, the cylinder must be removed from service until it has been shown to be safe for use by means of a hydrostatic test at a pressure equal to 1.5 times the maximum allowable working pressure.

Skin protection

- 176** If there is a hazard of injury or disease to or through the skin in a workplace, the employer must provide to every person granted access to the workplace
- (a) a shield or screen;
- (b) a cream or barrier lotion to protect the skin; or
- (c) an appropriate body covering.

Fall-protection systems

- 177 (1)** The employer must provide a fall-protection system if a person, other than an employee who is installing or removing such a system in accordance with the instructions referred to in subsection (5), works from
- (a) an unguarded structure that is
 - (i) more than 2.4 m above the nearest permanent safe level,
 - (ii) above any moving parts of machinery or any other surface or thing that could cause injury to an employee on contact,
 - (iii) above an open hopper, vat or pit, or
 - (iv) above water more than 1 m deep; or
 - (b) a ladder at a height of more than 2.4 m above the nearest permanent safe level when, because of the nature of the work, that person can use only 1 hand to hold onto the ladder.
- (2)** The components of a fall-protection system must meet the following standards:
- (a) CSA standard CSA Z259.2.1-98, *Fall Arresters and Vertical Lifelines and Rail*, published in 2011;
 - (b) CSA standard CSA Z259.1-05, *Body Belts and Saddles For Work Positioning and Travel Restraint*, published in 2010;
 - (c) CSA standard CSA Z259.2.2-98, *Self-Retracting Devices for Personal Fall-Arrest Systems*, published in 2009;
 - (d) CSA standard CAN/CSA Z259.2.3-12, *Descent Devices*, published in 2012;
 - (e) CSA standard CSA Z259.11-05, *Energy Absorbers and Lanyards*, published in 2010;
 - (f) CSA standard CSA Z259.12-11, *Connecting Components for Personal Fall Arrest Systems (PFAS)*, published in 2011;
 - (g) CSA standard CSA Z259.13-04, *Flexible Horizontal Lifeline Systems*, published in 2009;
 - (h) CSA standard CSA Z259.16-04, *Design of Active Fall Protection Systems*, published in 2009; and
 - (i) CSA standard CAN/CSA Z259.10-12 *Full Body Harnesses*, published in 2012;
- (3)** The anchor of a fall-protection system must be capable of withstanding a force of 17.8 kN.
- (4)** A fall-protection system that is used to arrest the fall of a person must prevent that person
- (a) from being subjected to a peak fall arrest force greater than 8 kN; and
 - (b) from falling freely for more than 1.2 m.
- (5)** Every employee required to install or remove a fall-protection system in a workplace must be instructed and trained by the employer in the procedures to be followed for the installation or

removal of the system.

Emergency escape devices

- 178 (1)** If reasonably practicable, an emergency escape device that is equipped with a brake mechanism that controls the descent of persons using the device must be provided in the derrick of a drilling rig or an elevated part of a production facility.
- (2) The employer must set out in writing working instructions for the use of the device referred to in subsection (1) and keep them in a conspicuous place on the drilling rig or production facility.
- (3) An emergency escape device referred to in subsection (1) must be installed, inspected and maintained by a qualified person.

Protection against drowning

- 179 (1)** If, in a workplace, there is a hazard of drowning, the employer must provide every person granted access to the workplace with
- (a) a life jacket or personal flotation device that meets the Canadian General Standards Board Standard
- (i) CAN/CGSB 2-65.7-2007, *Life Jackets*, published in 2007,
- (ii) CAN/CGSB 65.11-M88, *Personal Flotation Devices*, published in 1988; or
- (b) a safety net or a fall-protection system.
- (2) If, in a workplace, there is a hazard of drowning,
- (a) emergency equipment must be provided and held in readiness;
- (b) a qualified person to operate all the emergency equipment provided must be readily available;
- (c) if appropriate, a powered rescue boat must be provided and held in readiness; and
- (d) written emergency procedures must be prepared by the employer containing
- (i) a full description of the procedures to be followed and the responsibilities of all persons granted access to the workplace, and
- (ii) the location of any emergency equipment.
- (3) If a workplace is a wharf, dock, pier, quay or other similar structure, a ladder that extends at least 2 rungs below water level must, if reasonably practicable, be installed on the face of the structure every 60 m along its length.

Loose-fitting clothing

- 180** Loose-fitting clothing, long hair, dangling accessories, jewellery or other similar items that are likely to be hazardous to the health or safety of an employee in a workplace must not be worn unless they are so tied, covered or otherwise secured as to prevent the hazard.

Protection from extreme temperatures

- 181** If there is a likelihood that exposure of an employee to extreme temperatures could result in the employee suffering from hypothermia or hyperthermia, protection equipment suitable to protect the employee from the hazard must be used.

Protection against moving vehicles

182 If an employee is regularly exposed to a hazard resulting from contact with moving vehicles during their work, the employee must wear a high-visibility vest or other high-visibility clothing.

Fire protection equipment

183 (1) Subject to subsection (2), every drilling rig must be equipped with

- (a) at least 1 portable fire extinguisher with a 40 BC rating, as defined in the ULC Standard, that is readily accessible from
 - (i) each boiler,
 - (ii) the drill floor or doghouse,
 - (iii) the enclosure for the choke manifold,
 - (iv) every enclosure housing a fuel-fired engine or heating unit, and
 - (v) every welding unit; and
 - (b) at least 1 portable multipurpose fire extinguisher with an 80 BC rating, as defined in the ULC Standard.
- (2) Fire protection equipment must be installed, inspected and maintained for every workplace in accordance with the standards set out in Parts 6 and 7 of the *National Fire Code of Canada*, 2010.
- (3) Every workplace must be equipped with the fire protection equipment that is appropriate for fighting any class of fire that may occur.
- (4) A person must not tamper with or activate without cause any fire protection equipment.

Fire protection equipment testing

184 All fire protection equipment must be inspected by a qualified person at least once a month and tested, maintained and repaired by a qualified person.

Records

- 185 (1)** A record of all protection equipment provided by the employer and requiring maintenance must be kept for as long as the equipment is in use.
- (2) The record referred to in subsection (1) must contain
- (a) a description of the protection equipment and the date of its acquisition by the employer;
 - (b) the date and result of each inspection and test of the protection equipment;
 - (c) the date and nature of any maintenance work performed on the protection equipment since its acquisition by the employer; and
 - (d) the name of the qualified person who performed the inspection, test, maintenance or repair of the protection equipment.

Instructions and training

186 (1) Every person granted access to the workplace who uses protection equipment must be instructed by the employer in the use of the equipment.

- (2) Every employee who uses protection equipment must be instructed and trained in the use, operation and maintenance of the equipment.
- (3) Every person granted access to a workplace must be instructed in respect of the written emergency procedures referred to in clause 179(2)(d).
- (4) The employer must
 - (a) set out in writing, and keep readily available for examination by the employees referred to in subsection (2), the instructions referred to in that subsection; and
 - (b) keep readily available for examination by every person granted access to the workplace a copy of the emergency procedures referred to in clause 179(2)(d).

Defective protection equipment

187 If an employee finds any defect in protection equipment that may render it unsafe for use, the employee must report the defect to the employer as soon as reasonably practicable.

Removing protection equipment from service

188 An employer must mark or tag as unsafe and remove from service any protection equipment that has a defect that may render it unsafe for use.

Part 13: Tools and Machinery**Definition for Part 13**

189 In this Part, “explosive actuated fastening tool” means a tool that, by means of an explosive force, propels or discharges a fastener for the purpose of impinging it on, affixing it to or causing it to penetrate another object or material.

Non-sparking material

190 The exterior surface of any tool used by an employee in a fire hazard area must be made of non-sparking material.

Standards for portable tools

191 All portable electric tools used by employees must meet CSA standard CAN/CSA-C22.2 No. 60745-2, in its most recent version and applicable to the particular tool.

Grounding for portable tools

192 All portable electric tools used by employees must be grounded, except if they

- (a) are powered by a self-contained battery;
- (b) have a protective system of double insulation; or
- (c) are used in a location when reliable grounding cannot be obtained, if the tools are supplied from a double-insulated portable ground fault circuit interrupter of the class A type that meets CSA standard CAN/CSA C22.2 No. 144-M91, *Ground Fault Circuit Interrupters*, published 2011.

Portable tools in fire hazard area

193 All portable electric tools used by employees in a fire hazard area must be marked as appropriate for use or designed for use in such a fire hazard area.

Restraining devices

194 If an air hose is connected to a portable air-powered tool used by an employee, a restraining device must be attached to all hose connections and if an employee may be injured by the tool falling, to the tool.

Explosive actuated fastening tools

- 195** (1) All explosive actuated fastening tools used by employees must meet the standards set out in ANSI A10.3-2006, *Safety Requirements for Powder-Actuated Systems*, published in 2006.
- (2) An employee must not operate an explosive actuated fastening tool unless authorized to do so by their employer.
- (3) Every employee who operates an explosive actuated fastening tool must operate it in accordance with the CSA standard referred to in subsection (1).

Chain saws

196 All chain saws used by employees must meet CSA standard CSA Z62.1-11, *Chain Saws*, published in 2011.

Defective tools and machines

197 If an employee finds any defect in a tool or machine that may render it unsafe for use, the employee must report the defect to the employer as soon as reasonably practicable.

Removing tool or machine from service

198 An employer must mark or tag as unsafe and remove from service any tool or machine used by employees that has a defect that may render it unsafe for use.

Instructions and training

199 Every employee must be instructed and trained by a qualified person appointed by the employer in the safe and proper inspection, maintenance and use of all tools and machinery that the employee is required to use.

Maintaining manuals

200 Every employer must maintain a manual of operating instructions for each type of portable electric tool, portable air-powered tool, explosive actuated fastening tool and machine used by the employees and keep it readily available for examination by an employee who is required to use the tool or machine to which the manual applies.

General requirements for machine guards

- 201** (1) Every machine that has exposed moving, rotating, electrically charged or hot parts or that processes, transports or handles material that constitutes a hazard to an employee must be equipped with a machine guard that
- (a) prevents the employee or any part of the employee's body from coming into contact with the parts or material;
 - (b) prevents access by the employee to the area of exposure to the hazard during the operation of the machine; or
 - (c) renders the machine inoperative if the employee or any part of employee's clothing is in or near a part of the machine that is likely to cause injury.
- (2) To the extent that is reasonably practicable, a machine guard referred to in subsection (1) must not be removable.
- (3) A machine guard must be so constructed, installed and maintained that it meets the requirements of

subsection (1).

Operation, repair and maintenance of machine guards

202 Machine guards must be operated, maintained and repaired by a qualified person.

Machine guard position

203 If a machine guard is installed on a machine, a person must not use or operate the machine unless the machine guard is in its proper position, except to permit the removal of an injured person.

Repair or maintenance with machine guard removed

204 (1) Subject to subsection (2), if it is necessary to remove a machine guard from a machine in order to perform repair or maintenance work on the machine, a person must not perform the repair or maintenance work unless the machine has been rendered inoperative.

(2) If it is not reasonably practicable to render a machine referred to in subsection (1) inoperative in order to perform repair or maintenance work on the machine, the work may be performed if the person performing the work is a qualified person.

Abrasive wheels

205 Abrasive wheels must be used only on machines equipped with machine guards, mounted between flanges, and operated in accordance with ANSI standard B7.1-2010, *The Use, Care and Protection of Abrasive Wheels*, published in 2010.

Bench grinder

206 A bench grinder must be equipped with a work rest or other device that prevents the work piece from jamming between the abrasive wheel and the wheel guard and does not make contact with the abrasive wheel at any time.

Mechanical power transmission apparatus

207 Equipment used in the mechanical transmission of power must be guarded in accordance ANSI standard ANSI B11 B15.1-2000, *Safety Standard for Mechanical Power Transmission Apparatus*, published in 2008.

Punch presses

208 Punch presses must meet CSA standard CSA Z142-10, *Code for the Power Press Operation: Health, Safety and Safeguarding Requirements*, published in 2010.

Part 14: Materials Handling

Definitions for Part 14

209 The following definitions apply in this Part:

“materials handling area” means an area within which materials handling equipment may create a hazard to any person;

“materials handling equipment” means equipment used to transport, lift, move or position materials, goods or things and includes mobile equipment but does not include an elevating device;

“operator” means an employee who operates materials handling equipment;

“safe working load” means, with respect to materials handling equipment, the maximum load that the materials handling equipment is designed and constructed to handle or support safely;

“signaller” means a person instructed by an employer to direct, by means of visual or auditory

signals, the safe movement and operation of materials handling equipment.

Division 1: Design and Construction

Standards

- 210** (1) The design and construction of drilling and production hoisting equipment must meet API standard API SPEC 8A, *Drilling and Production Hoisting Equipment*, Thirteenth Edition, published in 2001.
- (2) The design and construction of offshore cranes must meet API standard API Spec 2C, *API Specification for Offshore Pedestal Mounted Cranes*, Sixth Edition, published in 2004.

General design requirements

- 211** (1) Materials handling equipment must, to the extent that is reasonably practicable, be so designed and constructed that if there is a failure of any part of the materials handling equipment, it will not result in loss of control of the materials handling equipment or create a hazardous condition.
- (2) All glass in doors, windows and other parts of materials handling equipment must be of a type that will not shatter into sharp or dangerous pieces on impact.

Protection from falling objects

- 212** (1) If materials handling equipment is used under such circumstances that the operator may be struck by a falling object or shifting load, the employer must equip the materials handling equipment with a protective structure of a design, construction and strength that it will, under all foreseeable conditions, prevent the penetration of the object or load into the area occupied by the operator.
- (2) A protective structure referred to in subsection (1) must be constructed from non-combustible or fire-resistant material and designed to permit quick exit from the materials handling equipment in an emergency.

Load over operator

- 213** If, during the loading or unloading of materials handling equipment, the load will pass over the operator's position, the operator must not occupy the materials handling equipment unless it is equipped with a protective structure referred to in Section 212.

Protection from overturning

- 214** Guards must be installed on the deck of every drilling unit, production facility and elevated working area on which mobile equipment is used to prevent the equipment from falling over the sides of the deck or area.

Fuel tanks

- 215** If a fuel tank, compressed gas cylinder or similar container contains a hazardous substance and is mounted on materials handling equipment, it must be
- (a) so located or protected that under all conditions it is not hazardous to the health or safety of an employee who is required to operate or ride on the materials handling equipment; and
 - (b) connected to fuel overflow and vent pipes that are so located that fuel spills and vapours cannot
 - (i) be ignited by hot exhaust pipes or other hot or sparking parts, or
 - (ii) be hazardous to the health or safety of any employee who is required to operate or ride on the materials handling equipment.

Protection from environmental conditions

- 216** (1) Materials handling equipment that is regularly used outdoors must be fitted with a roof or other structure that will protect the operator from exposure to any environmental condition that is likely to be hazardous to the operator's health or safety.
- (2) When heat produced by materials handling equipment is capable of raising the temperature in any area occupied by an employee on the equipment to 27 °C or more, the area must be protected from the heat by an insulated barrier.

Vibration

- 217** All materials handling equipment must be so designed and constructed that the operator will not be injured or the operator's control of the materials handling equipment impaired by any vibration, jolting or other uneven movement of the materials handling equipment.

Controls

- 218** The arrangement and design of dial displays and the controls and general layout and design of the operator's compartment or position on all materials handling equipment must not hinder or prevent the operator from operating the materials handling equipment.

Fire extinguishers

- 219** Mobile equipment that is used or operated for transporting or handling combustible or flammable substances must be equipped with a portable dry chemical fire extinguisher which must have not less than a 5B rating, as defined in the ULC Standard, and be so located that it is readily accessible to the operator while the operator is in the operating position.

Means of entering and exiting

- 220** All materials handling equipment must be provided with a step, handhold or other means of entering into and exiting from the compartment or position of the operator and any other place on the equipment that an employee enters in order to service the equipment.

Lighting

- 221** When mobile equipment is used or operated by an employee in a workplace at night or at any time when the level of lighting within the workplace is less than 1 dalx, the mobile equipment must be
- (a) fitted on the front and rear of it with warning lights that are visible from a distance of not less than 100 m; and
 - (b) provided with lighting that ensures the safe operation of the equipment under all conditions of use.

Control systems

- 222** All mobile equipment must be fitted with braking, steering and other control systems that
- (a) are capable of safely controlling and stopping the movement of the mobile equipment and any hoist, bucket or other part of the mobile equipment; and
 - (b) respond reliably and quickly to moderate effort on the part of the operator.

Transporting employees

- 223** Any mobile equipment that is normally used for transporting employees from place to place in a workplace must be equipped with a mechanical parking brake and a hydraulic or pneumatic braking system.

Warnings

224 Mobile equipment must be fitted with a horn or similar audible warning device having a distinctive sound that can be clearly heard above the noise of the equipment and any surrounding noise.

Seat belts

225 If mobile equipment is used under conditions when a seat belt or shoulder-strap-type restraining device is likely to contribute to the safety of the operator or passengers, the mobile equipment must be fitted with such a belt or device.

Rear-view mirror

226 If mobile equipment cannot be operated safely in reverse unless it is equipped with a rear-view mirror, the mobile equipment must be so equipped.

Electric materials handling equipment

227 Any materials handling equipment that is electrically powered must be so designed and constructed that the operator and all other employees are protected from electrical shock or injury by means of protective guards, screens or panels secured by bolts, screws or other equally reliable fasteners.

Automatic materials handling equipment

228 If materials handling equipment that is controlled or operated by a remote or automatic system may make physical contact with an employee, it must be prevented from doing so by the provision of an emergency stop system or barricades.

Conveyors

229 The design, construction, installation, operation and maintenance of each conveyor, cableway or other similar materials handling equipment must meet ASME standard ANSI/ASME B20.1-2009, *Safety Standards for Conveyors and Related Equipment*, published in 2009.

Division 2: Maintenance, Operation and Use**Inspection, testing and maintenance**

- 230** (1) Before materials handling equipment is operated for the first time in a workplace, the employer must set out in writing instructions for the inspection, testing and maintenance of that materials handling equipment.
- (2) The instructions referred to in subsection (1) must, subject to Section 232, specify the nature and frequency of inspections, tests and maintenance.

Inspection, testing and maintenance reports

- 231** (1) Every inspection, test and maintenance of materials handling equipment must be performed by a qualified person.
- (2) The qualified person referred to in subsection (1) must
- (a) comply with the instructions referred to in subsection 230(1); and
 - (b) make and sign a report of each inspection, test or maintenance work performed by the qualified person.
- (3) The report referred to in clause (2)(b) must
- (a) include the date of the inspection, test or maintenance performed by the qualified person;
 - (b) identify the materials handling equipment that was inspected, tested or maintained; and

- (c) set out the safety observations of the qualified person inspecting, testing or maintaining the materials handling equipment.
- (4) The employer must keep at the workplace at which the materials handling equipment is located a copy of
- (a) the instructions referred to in subsection 230(1), for as long as the materials handling equipment is in use; and
 - (b) the report referred to in clause (2)(b) for 1 year after the report is signed.

Standards

- 232 (1) The operation, maintenance and inspection of all draw works and associated equipment must meet the standards set out in the following:
- (a) API standard API Spec 8A, *Drilling and Production Hoisting Equipment*, published in 2001;
 - (b) API standard API RP 8B, *Inspections, Maintenance, Repair and Remanufacture of Hoisting Equipment*, published in 2012; and
 - (c) API standard API Spec 8C, *Specification for Drilling and Production Hoisting Equipment (PSL 1 and PSL 2)*, Fifth Edition, published in 2012.
- (2) The operation, maintenance and inspection of offshore cranes must meet API standard API RP 2D, *API Recommended Practice for Operation and Maintenance of Offshore Cranes*, Sixth Edition, published in 2007.

Ropes, slings and chains

- 233 The employer must, with respect to the use and maintenance of any rope or sling or any attachment or fitting on such a rope or sling used by an employee, adopt and implement the recommendations set out in ASME standard ASME B30.9-2010 *Slings*, published in 2010.

Code of practice

- 234 The employer must, with respect to the use and maintenance of any chain used by an employee, adopt and implement the code of practice set out in ASME standard B30.26-2010, *Rigging Hardware*, published in 2010.

Training

- 235 (1) Every operator must be instructed and trained by the employer in the procedures to be followed for
- (a) the inspection of the materials handling equipment;
 - (b) the fuelling of the materials handling equipment, where applicable; and
 - (c) the safe and proper use of the materials handling equipment.
- (2) Every employer must keep a record of any instruction or training given to an operator for as long as the operator remains in the employer's employ.

Qualified person

- 236 An employer must not require an employee to operate materials handling equipment unless the employee is a qualified person.

Operation

- 237 (1)** A person must not operate materials handling equipment unless
- (a) the person has a clear and unobstructed view of the area in which the equipment is being operated; or
 - (b) the person is directed by a signaller.
- (2) Materials handling equipment must not be used on a ramp with a slope greater than the maximum slope recommended by the manufacturer of the equipment.
- (3) A person must not leave mobile equipment unattended unless the equipment has been properly secured to prevent it from moving.

Signalling

- 238 (1)** Every employer must establish a code of signals for the purposes of clause 237(1)(b) and must
- (a) instruct every signaller and operator in the employer's employ in the use of the code; and
 - (b) keep a copy of the code in a place where it is readily available for examination by the signallers, operators and other employees.
- (2) A signaller must not perform duties other than signalling while any materials handling equipment under the signaller's direction is in motion.

Alternative to visual signals

- 239 (1)** Subject to subsection (2), if it is not reasonably practicable for a signaller to use visual signals, a telephone, radio or other signalling device must be provided by the employer for the use of the signaller.
- (2) Radio transmitting equipment must not be used in any workplace for the transmission of signals when such use may activate electric blasting equipment in that place.

Repairs

- 240 (1)** Subject to subsection (2), any repair, modification or replacement of a part of any materials handling equipment must not decrease the safety of the materials handling equipment or part.
- (2) If a part of lesser strength or quality than the original part is used in the repair, modification or replacement of a part of any materials handling equipment, the use of the materials handling equipment must be restricted by the employer to such loading and use that will ensure the retention of the original safety of the equipment or part.

Transporting and positioning employees

- 241** Materials handling equipment must not be used for transporting an employee unless the equipment is equipped with a platform, bucket or basket designed for that purpose and is provided with a fail-safe control system that will prevent a free fall of the load that is carried.

Loading and unloading

- 242** Materials, goods or things must not be picked up from or placed on any mobile equipment while the equipment is in motion unless the equipment is specifically designed for that purpose.

Getting on or off

- 243** Except in the case of an emergency, an employee must not get on or off any mobile equipment while it is in motion.

Maintenance or cleaning while being operated

- 244** (1) Subject to subsection (2), repair, maintenance or cleaning work must not be performed on any materials handling equipment while the materials handling equipment is being operated.
- (2) Fixed parts of materials handling equipment may be repaired, maintained or cleaned while the materials handling equipment is being operated if they are so isolated or protected that the operation of the materials handling equipment does not affect the safety of the employee performing the repair, maintenance or cleaning work.

Positioning load

- 245** If mobile equipment is travelling with a raised or suspended load, the operator must ensure that the load is carried as close to the ground, floor or deck as the situation permits and in any case the load must not be carried at a point above the centre of gravity of the loaded mobile equipment.

Tools

- 246** If tools, tool boxes or spare parts are carried on materials handling equipment, they must be securely stored.

Housekeeping

- 247** The floor, cab and other occupied parts of materials handling equipment must be kept free of any grease, oil, materials, tools or equipment that may cause a hazard to an employee.

Parking

- 248** Mobile equipment must not be parked in any place where it may interfere with the safe movement of persons, materials, goods or things.

Materials handling area

- 249** (1) The main approaches to any materials handling area must be posted with warning signs or must be under the control of a signaller while operations are in progress.
- (2) A person must not enter a materials handling area while operations are in progress unless that person
- (a) is a health and safety officer;
 - (b) is an employee whose presence in the materials handling area is essential to the conduct, supervision or safety of the operations; or
 - (c) is a person who has been instructed by the employer to be in the materials handling area while operations are in progress.
- (3) If any person other than a person referred to in subsection (2) enters a materials handling area while operations are in progress, the employer must cause the operations in that area to be immediately discontinued and not resumed until that person has left the area.

Dumping

- 250** If mobile equipment designed for dumping is used to discharge a load that may cause the mobile equipment to tip, a bumping block must be used, or a signaller must give directions to the operator to prevent the mobile equipment from tipping.

Enclosed workplace

- 251** Every enclosed workplace in which materials handling equipment powered by an internal combustion engine is used must be ventilated in such a manner that the carbon monoxide concentration in the atmosphere of the workplace does not exceed the value, level or percentage prescribed in Section 136.

Fuelling

252 If materials handling equipment is fuelled in a workplace, the fuelling must be done in accordance with the instructions given by the employer under Section 230 in a place where the vapours from the fuel are readily dissipated.

Must not operate crane in hazardous conditions

253 A person must not operate a crane under conditions that are likely to create a hazard to any person, ship, aircraft, vehicle, load or structure or to the stability of the crane.

Safety requirements for cranes

254 (1) Every crane must

- (a) have posted inside the crane control cab a load capacity chart that specifies the boom angle and safe working load for each block;
 - (b) be equipped with
 - (i) boom and block travel limiting devices, and
 - (ii) if the load rating of the crane is more than 5 t, a load measure device for the main block.
- (2)** All crane hooks must be equipped with safety catches.
- (3)** A person must not move a crane in the vicinity of a helicopter deck when a helicopter is landing or taking off.

Tag lines

- 255 (1)** Tag lines must be used to control any swinging of a load that is being lifted by a crane except when the use of the lines may be hazardous to the safety of any person.
- (2)** Loads must not be left hanging by a crane above the deck of a drilling unit or production facility unless the crane operator is at the controls of the crane.

Safe working loads

- 256 (1)** Materials handling equipment must not be used or operated with a load that is in excess of its safe working load.
- (2)** The safe working load of materials handling equipment must be clearly marked on the equipment or on a label securely attached to a permanent part of the equipment in a position where the mark or label can be easily read by the operator.

Aisles and corridors

257 At blind corners, mirrors must be installed that permit an operator to see a pedestrian, vehicle or mobile equipment approaching the blind corner.

Clearances

258 On any route that is frequently travelled by mobile equipment, the overhead and side clearances must be adequate to permit the mobile equipment and its load to be manoeuvred safely by an operator.

Operating near hazard

259 (1) Subject to subsection (2), materials handling equipment must not be operated in an area in which it may come into contact with an electrical cable, a pipeline, part of a structure or other hazard known to the employer, unless the operator and signaller, if any, have been

- (a) warned of the presence of the hazard;
 - (b) informed of the location of the hazard; and
 - (c) informed of the safety clearance that must be maintained with respect to the hazard in order to avoid accidental contact with it.
- (2) If an employer is unable to determine with reasonable certainty the location of the hazard or the safety clearance referred to in subsection (1), every electrical cable must be de-energized and every pipeline containing a hazardous substance must be shut down and drained before any operation involving the use of materials handling equipment commences within the area.

Division 3: Manual Handling of Materials

Restriction on handling

260 If, because of the weight, size, shape, toxicity or other characteristic of materials, goods or things, the manual handling of the materials, goods or things may be hazardous to the health or safety of an employee, the employer must issue instructions that the materials, goods or things must, if reasonably practicable, not be handled manually.

Lifting heavy load

261 If an employee is required to lift or carry a load in excess of 10 kg manually, the employee must be instructed and trained by the employer in a safe method of lifting and carrying that load.

Division 4: Storing Materials

Storing materials

- 262 (1)** All materials, goods and things must be stored and placed in such a manner that the maximum safe load-carrying capacity of the floor or other supporting structures is not exceeded.
- (2) Materials, goods or things must not be stored or placed in a manner that may
- (a) obstruct or encroach on passageways, traffic lanes or exits;
 - (b) impede the safe operation of materials handling equipment;
 - (c) obstruct the ready access to or the use and operation of firefighting equipment;
 - (d) interfere with the operation of fixed fire protection equipment; or
 - (e) be hazardous to the health or safety of any employee.

Part 15: Hazardous Occurrence Investigation, Recording and Reporting

Definitions for Part 15

263 The following definitions apply in this Part:

“disabling injury” means an employment injury or an occupational disease that

- (i) 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 disabling injury occurred, whether or not that subsequent day is a working day for that employee,

- (ii) results in the loss by an employee of a body member or a part of a body member or in the complete loss of the usefulness of a body member or part of a body member; or
- (iii) results in the permanent impairment of a body function of an employee;

“minor injury” means an employment injury or an occupational disease for which medical treatment is provided and excludes a disabling injury.

Report by employee

264 If an employee becomes aware of an accident or other occurrence arising in the course of or in connection with the employee’s work that has caused injury to the employee or to any other person, the employee must without delay report the accident or other occurrence to the employer, orally or in writing.

Investigation

- 265 (1)** If an employer is aware of an accident, occupational disease or other hazardous occurrence affecting any of the employer’s employees in the course of employment, the employer must, without delay,
- (a) take necessary measures to prevent a recurrence of the hazardous occurrence;
 - (b) appoint a qualified person to carry out an investigation of the hazardous occurrence; and
 - (c) notify the committee or the coordinator of the hazardous occurrence and of the name of the person appointed to investigate it.
- (2)** In addition to the investigation referred to in clause (1)(b), if the hazardous occurrence referred to in subsection (1) is an accident involving a ship or aircraft, the employer must investigate the accident by obtaining from the appropriate police or other investigating authority a copy of the report made by that authority in respect of the accident.
- (3)** As soon as reasonably practicable after receipt of the report referred to in subsection (2), the employer must provide a copy of it to the committee or the coordinator.

Hazardous occurrence report

- 266 (1)** The employer must report, by the most rapid means of communication available to the employer, the date, time, location and nature of any accident, occupational disease or other hazardous occurrence referred to in Section 265 to a health and safety officer and to the committee or the coordinator as soon as reasonably practicable but not later than 24 hours after becoming aware of the occurrence, when the occurrence resulted in 1 of the following circumstances:
- (a) the death of an employee;
 - (b) a missing person;
 - (c) a disabling injury to an employee;
 - (d) the implementation of emergency rescue, revival or evacuation procedures;
 - (e) a fire or explosion that threatened the health and safety of an employee;
 - (f) the free fall of an elevating device that rendered the elevating device unsafe for use by an employee;
 - (g) an accidental accumulation, spill or leak of a hazardous substance; or

- (h) the loss of or damage to support craft.
- (2) A written report of the accident, occupational disease or other hazardous occurrence referred to in subsection (1) must be submitted by the employer within 14 days after the occurrence to the health and safety officer and to the committee or the coordinator.
- (3) The report referred to in subsection (2) must be in the form set out in Schedule 4 and contain the information required by the form.

Submitting report of accident involving ship or aircraft

267 If an investigation referred to in subsection 265(2) discloses that the accident resulted in a circumstance referred to in subsection 266(1), the employer must, within 14 days after the receipt of the report of the accident made by the police or other investigating authority, submit a copy of the report to the health and safety officer.

Minor injury record

- 268** (1) Every employer must keep a record of each minor injury of which the employer is aware that affected any of the employees in the course of employment.
- (2) The record must contain
- (a) the date, time and location of the occurrence that resulted in the minor injury;
 - (b) the name of the injured or ill employee;
 - (c) a brief description of the minor injury; and
 - (d) the causes of the minor injury.

Retention of reports and records

- 269** (1) Subject to subsection (2), every employer must keep a copy of each report and record referred to in this Part for 1 year after its submission to the health and safety officer, to the committee or the coordinator.
- (2) Every record with respect to a circumstance referred to in clause 266(1)(f) must be kept by the employer for a period of 5 years after the hazardous occurrence.

Part 16: First Aid

Definitions for Part 16

270 The following definitions apply in this Part:

“first aid station” means a place, other than a first aid room or medical clinic, in which first aid supplies or equipment are stored;

“isolated workplace” means a workplace that is more than 2 hours’ travel time from a hospital or a medical clinic under normal travel conditions using the fastest available means of transportation;

“medical clinic” means a medical consultation and treatment facility that is in the charge of a medic or a physician.

First aid instructions

- 271** (1) Every employer must establish written instructions that provide for the prompt rendering of first aid to an employee for an injury, an occupational disease or an illness.

- (2) A copy of the instructions must be kept by the employer readily available for examination by employees.
- (3) Every employee, on sustaining an injury or becoming aware that the employee has contracted an occupational disease or an illness must, if reasonably practicable, report immediately for treatment to a first aid attendant.

Physician readily available

272 A physician who has specialized knowledge in the treatment of the health and safety problems that may be encountered in the oil and gas industry must be readily available at all times for medical consultation.

First aid attendant required

- 273 (1) If there are not more than 5 employees normally working in a workplace, other than an isolated workplace, a first aid attendant must be readily available at all times.
- (2) At an isolated workplace in which not more than 5 employees are normally working, 1 of those employees must be a first aid attendant who holds at least a standard first aid certificate.

Determining number of attendants

- 274 (1) At a workplace offshore in which the number of employees set out in Column 1 of an item of Schedule 5 is normally working, that number must include the number of first aid attendants set out in Columns 2, 3 and 4 of that item.
- (2) If a physician is available in a workplace, the requirements of subsection (1) and (2) respecting the presence of a medic do not apply. [*sic*]

Medic at isolated workplace

- 275 (1) In addition to the requirements of Section 274, if there are more than 30 employees and fewer than 61 employees normally working at an isolated workplace,
- (a) a medic, who may be one of the employees, must, if reasonably practicable, be readily available in the workplace; or
 - (b) if it is not reasonably practicable for a medic to be readily available in the workplace, the employer must make arrangements to have a medic available at all times for consultation and to be transported to the workplace.
- (2) If a physician is available in an isolated workplace, the requirements of subsection (1) do not apply.

CPR course required

276 In addition to the requirements of Sections 273 to 275, at a workplace in which any employee is working on live high-voltage electrical equipment, one of the employees must be a first aid attendant who has successfully completed a CPR course in the last 12 months.

Attendant to be available

- 277 A first aid attendant referred to in subsection 273(2), Section 274 or clause 276(a) must not be assigned duties that will interfere with the prompt and adequate rendering of first aid and must
- (a) be assigned to a first aid station or first aid room;
 - (b) be readily available to employees in the workplace; and
 - (c) render first aid to employees that are injured or ill at the workplace.

First aid stations

- 278 (1)** At least 1 first aid station must be provided for every workplace and must
- (a) be readily available to all employees;
 - (b) be clearly identified by a conspicuous sign;
 - (c) contain only supplies and equipment that are required for rendering first aid; and
 - (d) be inspected regularly and its contents maintained in a clean, dry and serviceable condition.
- (2)** Subsection (1) does not apply if a first aid room or a medical clinic that meets the requirements of clauses (1)(a) and (b) is provided by the employer.

Posting of information

- 279 (1)** Subject to subsection (2), an employer must post and keep posted in a conspicuous place accessible to every employee in each workplace
- (a) information regarding first aid to be rendered for any injury, occupational disease or illness likely to be sustained or contracted in the workplace;
 - (b) information regarding the location of first aid attendants, first aid stations and first aid rooms; and
 - (c) at every telephone, an up-to-date list of telephone numbers for use in emergencies.
- (2)** At an isolated workplace or in a motor vehicle, the information referred to in subsection (1) must be provided and kept with the first aid kit.

First aid supplies and equipment

- 280 (1)** For each workplace at which the number of employees working at any time is the number set out in Column 1 of an item of Schedule 6, a first aid kit that is of the type set out in Column 2 of that item must be provided.
- (2)** For the purposes of subsection (1), a first aid kit of a type set out at the head of Column 2, 3, 4, 5 or 6 of Schedule 7 must contain the first aid supplies and equipment set out in Column 1 of an item of that Schedule in the applicable number set out opposite those supplies and equipment in Column 2, 3, 4, 5 or 6 of that item.

Shower facilities

- 281 (1)** Subject to subsection (2), if a hazard of skin or eye injury from a hazardous substance exists in the workplace, shower facilities to wash the skin and eye wash facilities to irrigate the eyes must be provided for immediate use by employees.
- (2)** If it is not reasonably practicable to comply with subsection (1), portable equipment that may be used in place of the facilities referred to in subsection (1) must be provided.

When first aid room required

- 282 (1)** A first aid room must be provided
- (a) if 60 or more employees are working at any time in a workplace other than an isolated workplace; or
 - (b) if 30 or more employees are working at any time in an isolated workplace.

- (2) Clause (1)(a) does not apply if a medical clinic or hospital at which medical treatment is provided without charge to employees is readily accessible.

First aid room requirements

283 Every first aid room provided in accordance with Section 282 must be

- (a) under the supervision of
 - (i) in the case where a physician is available in the workplace, the physician,
 - (ii) in the case where there is a medic and no physician available in the workplace, the medic, or
 - (iii) in any other case, the first aid attendant available in the workplace who is the holder of the highest level of first aid certificate;
- (b) located as close as reasonably practicable to the workplace and within easy access to a toilet room, a telephone, and a list of telephone numbers for use in emergencies;
- (c) constructed to allow for optimum ease of access to persons carrying a patient on a stretcher;
- (d) maintained in an orderly and sanitary condition;
- (e) clearly identified by a conspicuous sign;
- (f) equipped with
 - (i) a lockable storage cupboard and a counter,
 - (ii) the first aid supplies and equipment set out in Column 1 of an item of Schedule 8 in the applicable quantities set out in Column 2 of that item of that Schedule,
 - (iii) a copy of the emergency procedures referred to in Section 294, and
 - (iv) information regarding hazardous substances in the workplace and the first aid required to treat exposure to the hazardous substances; and
- (g) maintained, if reasonably practicable, at a temperature of not less than 18 °C and not more than 24 °C, measured 1 m above the floor.

Transportation

284 Before assigning employees to a workplace, the employer must provide for that workplace

- (a) an ambulance service or other suitable means of transporting an injured or ill employee
 - (i) if reasonably practicable, to a hospital at which a physician referred to in Section 272 practises, or
 - (ii) if it is not reasonably practicable to comply with subclause (i), to a medical clinic in the charge of a medic who is in contact with a physician referred to in Section 272;
- (b) a first aid attendant to accompany an injured or ill employee and to render first aid in transit, if required; and

- (c) a means of quickly summoning the ambulance service or other means of transportation.

Records

285 (1) If an injured or ill employee reports for treatment to a first aid attendant in accordance with subsection 271(3) or if a first aid attendant renders first aid to an employee, the first aid attendant must

- (a) enter in a first aid record the following information:
 - (i) the date and time of the reporting of the injury, occupational disease or illness,
 - (ii) the full name of the injured or ill employee,
 - (iii) the date, time and location of the occurrence of the injury, occupational disease or illness,
 - (iv) a brief description of the injury, occupational disease or illness,
 - (v) a brief description of the first aid rendered, if any, and
 - (vi) a brief description of the arrangements made for the treatment or transportation of the injured or ill employee, if any; and
 - (b) sign the first aid record adjacent to the information entered in accordance with clause (a).
- (2)** The employer must keep a first aid record containing information entered in accordance with subsection (1) for 1 year after the date of that entry.

Part 17: Safe Occupancy of the Workplace**Definition for Part 17**

286 In this Part, “emergency evacuation plan” means a written plan for use in an emergency, prepared in accordance with Section 297.

Fire protection

287 Every workplace must be so designed, constructed and arranged as to minimize, to the extent that is reasonably practicable, the risk of fire.

Fire exits

288 (1) Fire escapes, exits, stairways and any other means of evacuation at a workplace must be in serviceable condition and ready for use at all times.

- (2) Exits to the exterior must be clearly identified by signs.

Fire hazard areas

289 (1) A person must not, in a fire hazard area,

- (a) subject to subsection (2), perform any hot work;
- (b) smoke; or
- (c) use an open flame or other source of ignition.

- (2) When it is not reasonably practicable to avoid performing hot work in a fire hazard area, the employer must
- (a) issue written instructions with respect to the procedures to be followed that will provide for the safe performance of that work;
 - (b) show and explain the instructions referred to in clause (a) to any employee who is required to work in the fire hazard area; and
 - (c) keep a copy of the instructions referred to in clause (a) readily available for examination by employees.

Signs for fire hazard area

290 Signs must be posted in conspicuous places at all entrances to a fire hazard area

- (a) identifying the area as a fire hazard area; and
- (b) prohibiting the use of an open flame or other source of ignition in the fire hazard area.

Alarm systems

291 Every workplace must be equipped with an alarm system that warns all employees when

- (a) the safety of the workplace is threatened;
- (b) employees are to be evacuated from the workplace;
- (c) a fire is likely to threaten the health or safety of employees at the workplace; and
- (d) there is a malfunction of a mechanical ventilation system provided for an area where concentrations of toxic or combustible gases may accumulate.

Emergency electrical power

292 Every drilling rig, drilling unit and production facility must be equipped with an emergency electrical power supply sufficient to operate, for at least 18 consecutive hours,

- (a) the alarm system and warning devices;
- (b) the emergency lighting system referred to in Section 57;
- (c) internal and external communications systems; and
- (d) light and sound signals marking the location of the workplace.

Emergency switchboard

293 If an emergency switchboard is provided, it must be independent of the main electrical power supply and must be located as near as reasonably practicable to the emergency electrical power supply.

Emergency procedures

294 (1) Every employer must prepare emergency procedures to be implemented

- (a) if any person commits or threatens to commit an act that is likely to be hazardous to the health or safety of the employer or any employee;
- (b) if a hazardous occurrence referred to in subsection 266(1) occurs;

- (c) if evacuation is not an appropriate means of ensuring the health or safety of employees; and
 - (d) if there is a failure of the lighting system.
- (2) If 2 or more employers are engaged in work at the same workplace, those employers must prepare common emergency procedures.
- (3) A copy of the emergency procedures referred to in subsection (1) or (2) must be kept up to date and readily accessible to all employees at the workplace.

Procedures in writing

295 The emergency procedures referred to in Section 294 must contain a full written description of the procedures to be followed by the employees, including

- (a) the duties of the employees during the execution of the procedures;
- (b) the name, position, usual location and telephone number of each person responsible for the execution of the procedures;
- (c) a list of agencies, companies or organizations that could render assistance in the event of an emergency and their telephone numbers; and
- (d) a list of the emergency and protection equipment required to carry out the procedures.

Emergency evacuation plan

296 If the emergency procedures referred to in Section 294 provide for the evacuation of employees from a workplace, an emergency evacuation plan must be prepared by the employer or employers.

Plan details

297 The emergency evacuation plan must include

- (a) a general layout plan and elevation drawing of the buildings or structures at a workplace, including the date and scale of the drawing and the name of the person who verified the drawing;
- (b) the name, address and telephone number of the owner or owners of the buildings or structures where the workplace is located and a list of the tenants, if any;
- (c) the relative location of other buildings, structures or streets within 30 m of the boundaries of the workplace;
- (d) a statement of the maximum number of people who can safely occupy the workplace under normal conditions;
- (e) a drawing illustrating the arrangement of each level of the buildings or structures at the workplace that will clearly show
 - (i) the location of all exits, stairways, elevators, corridors, fire escapes and any other routes of exit,
 - (ii) the location, quantity and type of emergency and protection equipment,
 - (iii) the location of the main emergency shut-down switches for the lighting, heating, ventilation, air conditioning and elevator systems and other electrical equipment,

- (iv) the location, quantity and type of all communications equipment,
 - (v) the location, number, type, size and capacity of any support craft or other means of transport to be used to evacuate the workplace, and
 - (vi) the location of first aid areas and casualty clearing areas; and
- (f) the estimated amount of time required to complete the execution of the plan under normal conditions.

Instructions and training

298 (1) Every employee must be instructed and trained in

- (a) the procedures to be followed by the employee in the event of an emergency; and
 - (b) the location, use and operation of emergency and fire protection equipment.
- (2) A record of all training provided to an employee in accordance with subsection (1) must be kept by the employer for as long as the employee remains in the employer's employ.

Emergency drills

299 (1) A fire drill must be conducted at least once

- (a) every 2 weeks at each drilling rig, drilling unit and production facility; and
 - (b) every 12 months at every workplace other than a workplace referred to in clause (a).
- (2) An evacuation drill must be conducted at least once
- (a) every week at a drilling unit and an offshore production facility; and
 - (b) every 12 months at a workplace other than a workplace referred to in clause (a).
- (3) In addition to the drills referred to in subsections (1) and (2), a fire drill and an evacuation drill must be conducted
- (a) before workover, completion, recompletion or stimulation of a well; and
 - (b) after any significant change is made in the emergency procedures or emergency evacuation plan.
- (4) A blowout prevention drill must be conducted at least once each week that the blowout preventer is in use.

Standby craft

300 For every drilling operation and production operation, the employer must provide a standby craft capable of safely evacuating all employees from the workplace.

Condition of employees

301 An employee must not work when that employee's ability to function is impaired as a result of fatigue, illness, alcohol, drugs or any other condition that may be hazardous to the health or safety of any employee at the workplace.

Exception during emergency

302 Section 301 does not apply in the event of an emergency at the workplace that may be hazardous to the health or safety of employees.

Notices and records

- 303** (1) Notices must be posted at appropriate locations at a workplace setting out the emergency procedures to be followed and the escape routes to be used in the event of an emergency.
- (2) Every employer must keep a record of all emergency drills and evacuation drills carried out by the employer's employees for 1 year after the drill.
- (3) The record referred to in subsection (2) must contain
- (a) the date and time at which the drill was conducted; and
- (b) the length of time taken by the employees to complete the drill.
- (4) A copy of the emergency procedures and emergency evacuation plan prepared for the workplace must be kept readily available for examination by employees.
- (5) The employer must keep a daily record of each employee present at the workplace and of each person granted access to the workplace.
- (6) The record referred to in subsection (5) must contain
- (a) the date;
- (b) the name of the employee present at the workplace or the person granted access to the workplace; and
- (c) the name of the employer.
- (7) The record referred to in subsection (5) must be kept by the employer for 2 months after the date of the last daily entry made in it.

Schedule 1: Average Levels of Lighting

(Section 56)

Item	Column 1 Work Position or Area	Column 2 Average Level in Dalx
1	Office work: (a) Work positions at which cartography, drafting, plan reading or other tasks requiring high visual precision are performed (b) Work positions at which business machines are operated or continuous reading or writing visual tasks are performed (c) Other areas	80 50 5
2	Laboratories: (a) Work positions at which instruments are read or hazardous substances are handled and when errors in such reading or handling may be hazardous to the health or safety of an employee	80

	(b) Work positions at which close or prolonged attention is given to laboratory work	50
	(c) Other areas	5
3	Workshops and garages:	
	(a) Work positions at which fine or medium bench, machine or repair work is performed	50
	(b) Work positions at which rough bench, machine or repair work is performed	30
	(c) Other areas	5
4	Process areas:	
	(a) Work positions in major control rooms or rooms with dial displays at which tasks essential to the control of equipment or machinery hazardous to the safety of employees are performed	80
	(b) Work positions at which a hazardous substance is used, stored or handled	50
	(c) Work positions at which gauges and meters that are not self-illuminating are located	5
	(d) Other areas	2
5	Loading platforms and warehouses:	
	(a) Work positions at which packages or goods are checked or sorted	15
	(b) Work positions at which loading or unloading work is frequently performed	10
6	Storage areas:	
	(a) Areas in which there is a high level of activity	5
	(b) Other areas	2
7	Derricks, drill floors and moon pools:	
	(a) Work positions at which there is a high level of activity	5
	(b) Other areas	2
8	Entrances, exits, elevators, corridors, aisles and stairways:	
	(a) Areas in which there is a high level of activity or where there is a high frequency of traffic	10
	(b) Areas in which there is a moderate level of activity or where there is a moderate frequency of traffic	5
9	First aid room:	
	(a) Work positions at which first aid is rendered or examinations are conducted or at which tasks essential to the health or safety of an employee are performed	80
	(b) Other areas	20
10	Food preparation areas:	
	(a) Work positions at which prolonged cutting or preparation tasks are performed	80
	(b) Other areas	20

11	Dining areas and recreation spaces:	
	(a) Areas used for serving food, for eating or for recreational activities	20
	(b) Other areas	10
12	Personal service rooms	20
13	Boiler, engine, ballast control and generator rooms	20
14	Rooms in which principal heating, ventilation or air conditioning equipment is installed	7
15	Emergency shower facilities, emergency equipment locations and emergency evacuation areas	5

Schedule 2: Maximum Exposure to Levels of Sound at Workplace
(subsection 60(2))

Item	Column 1 Levels of Sound in dB	Column 2 Maximum Number of Hours of Exposure per Employee per 24-Hour Period
1.	85 or more but not more than 90	8
2.	more than 90 but not more than 92	6
3.	more than 92 but not more than 95	4
4.	more than 95 but not more than 97	3
5.	more than 97 but not more than 100	2
6.	more than 100 but not more than 102	1.5
7.	more than 102 but not more than 105	1
8.	more than 105 but not more than 110	0.5
9.	more than 110 but not more than 115	0.25
10.	more than 115	0

Schedule 3: Distances from Live Electrical Parts
(subsection 68(4))

Item	Column 1 Voltage Range of Part: Part to Ground (V)	Column 2 Distance in Metres (employee who is not qualified person)	Column 3 Distance in Metres (employee who is qualified person)
1.	Over 425 to 12 000	3	0.9
2.	Over 12 000 to 22 000	3	1.2
3.	Over 22 000 to 50 000	3	1.5
4.	Over 50 000 to 90 000	4.5	1.8
5.	Over 90 000 to 120 000	4.5	2.1
6.	Over 120 000 to 150 000	6	2.7
7.	Over 150 000 to 250 000	6	3.3
8.	Over 250 000 to 300 000	7.5	3.9
9.	Over 300 000 to 350 000	7.5	4.5
10.	Over 350 000 to 400 000	9	5.4

Schedule 4: Hazardous Occurrence Investigation Report

(subsection 266(3))

GRAPHIC IS NOT DISPLAYED. [sic]

Schedule 5: First Aid Attendants for Offshore Workplace

(subsection 274(1))

Item	Column 1 Total Number of Employees	Column 2 Number of First Aid Attendants Required	Column 3 Number Required of Holders of Mariners' First Aid Certificates Who Have Successfully Completed CPR Course	Column 4 Number of Medics Required
1	6 to 10	1 plus 1 for every 2 employees in excess of 6	—	—
2	11 to 30	3 plus 1 for every 2 employees in excess of 10	1	—
3	31 to 40	13 plus 1 for every 2 employees in excess of 30	1	—
4	41 to 60	17 plus 1 for every 2 employees in excess of 40	2 plus 1 for every 10 employees in excess of 40	—
5	more than 60	27 plus 1 for every 2 employees in excess of 60	4 plus 1 for every 10 employees in excess of 60	1

Schedule 6: First Aid Kits

(subsection 280(1))

Item	Column 1 Number of Employees	Column 2 Type of First Aid Kit Required
1.	1 detached from the main party	A
2.	2 to 5	B
3.	6 to 15	C
4.	16 to 60	D
5.	more than 60	E

Schedule 7: Contents of First Aid Kits
(subsection 280(2))

Item	Column 1 Supplies and Equipment	Columns 2 to 6 Quantities per Type of First Aid Kit				
		2 Type A	3 Type B	4 Type C	5 Type D	6 Type E
1	Antiseptic–wound solution, 60 mL or antiseptic swabs (10-pack)	1	1	2	3	6
2	Applicator–disposable (10-pack) (not needed if antiseptic swabs used)	—	1	2	4	8
3	Bag–disposable, waterproof, emesis	—	1	2	2	4
4	Bandage–adhesive strips	6	12	100	200	400
5	Bandage–gauze, 2.5 cm × 4.5 m (not needed if ties attached to dressings)	—	2	6	8	12
6	Bandage–triangular, 100 cm folded and 2 pins	1	2	4	6	8
7	Container–first aid kit	1	1	1	1	1
8	Dressing–compress, sterile, 7.5 cm × 12 cm approx.	—	2	4	8	12
9	Dressing–gauze, sterile, 7.5 cm × 7.5 cm approx.	2	4	8	12	18
10	Forceps–splinter	—	1	1	1	1
11	Manual–First Aid, English–current edition	—	1	1	1	1
12	Manual–First Aid, French–current edition	—	1	1	1	1
13	Pad with shield or tape for eye	1	1	1	2	4
14	Record–first aid (Section 285)	1	1	1	1	1
15	Scissors–10 cm	—	—	1	1	1
16	Tape–adhesive, surgical 1.2 cm × 4.6 m (not needed if ties attached to dressings)	—	1	1	2	3
17	Antipruritic lotion, 30 mL or swabs (10 packs)	—	1	1	1	2
18	Bandage–elastic, 7.5 cm × 5 m	—	—	—	1	2
19	Blanket–emergency, pocket size	1	—	—	—	—
20	Dressing–burn, sterile, 10 cm × 10 cm	—	1	1	1	2

21	Hand cleanser or cleansing towelettes, 1 pk.	—	1	1	1	1
22	Splint set with padding—assorted sizes	—	—	1	1	1

Schedule 8: First Aid Room Supplies and Equipment
(subclause 282(3)(f)(ii))

Item	Column 1 Supplies and Equipment	Column 2 Quantity
1	Tongue depressor (25-pack)	1
2	Alcohol—isopropyl (500 ml)	2
3	Antiseptic—wound solution (250 ml)	2
4	Bandage with applicator—tubular, finger size	1
5	Bandage—gauze, 10 cm × 4.5 m	12
6	Bandage—triangular, 100 cm folded and 2 pins	12
7	Brush—scrub, nail	1
8	Stretcher—folding	1
9	Blanket—bed size	2
10	Basin—wash	2
11	Bedding—disposable, 2 sheets and 2 pillow cases	5
12	Gloves—disposable (100-pack)	1
13	Dressing—burn, sterile, 10 cm × 10 cm	12
14	Dressing—compress with ties, sterile, 7.5 cm × 7.5 cm	12
15	Dressing—field, sterile	5
16	Dressing—gauze squares, sterile, 5 cm × 5 cm (2- pack)	50
17	Tray—instrument	1
18	Applicator, disposable (10-pack)	5
19	Waste receptacle—covered	1
20	Record—first aid (Section 285)	1
21	Tape—adhesive, surgical, 2.5 cm × 4.6 m	1
22	Bag—hot water or hot pack	1
23	Bag—ice or cold pack	1
24	Soap—liquid, with dispenser	1

25	Towels, package or roll of disposable, with dispenser	1
26	Bottle with solution—eye irrigation, 200 mL	2
27	Cups, box of disposable, with dispenser	1
28	Thermometer, clinical	1
29	First Aid Kit Type B (emergency use)	1
30	First Aid Kit Type E	1
31	Bed—hospital type	1
32	Cervical collar	1
33	Thermometer, low reading hypothermia	1
34	Flashlight appropriate for environment of workplace	1

N.S. Reg. 230/2014

Canada-Nova Scotia Offshore Area Diving Operations Safety Transitional Regulations

Schedule “C”

**Transitional Regulations Respecting Canada-Nova Scotia
Offshore Area Diving Operations Safety
made by the Governor in Council under Sections 202A and 202DV of
Chapter 3 of the Acts of 1987, the *Canada-Nova Scotia Offshore Petroleum
Resources Accord Implementation (Nova Scotia) Act***

Citation

- 1 These regulations may be cited as the *Canada-Nova Scotia Offshore Area Diving Operations Safety Transitional Regulations*.

Interpretation

- 2 The following definitions apply in these regulations:

“acceptable standard” means an applicable standard that is acceptable to the Chief Safety Officer;

“accident” means a fortuitous event that results in the death of or injury to any person involved in a diving operation;

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

“ADS” means an atmospheric diving system capable of withstanding external pressures greater than atmospheric pressure and in which the internal pressure remains at atmospheric pressure and includes a 1-person submarine and the 1-atmosphere compartment of a diving submersible;

“ADS dive” means a dive in which an ADS is used;

“ADS diving operation” means a diving operation in which an ADS dive is made;

“ADS supervisor” means a supervisor of a diving operation involving a pilot;

“ambient pressure” means the pressure at any given depth;

and pressure, for the diving plant and equipment used in the diving operation, for the work to be undertaken and for the conditions under which and the depth at which the diving operation is to be conducted; [sic]

“attendant” means a person who has been trained in diving procedures and who is acting under the direction of a supervisor;

“bottom time” means the period beginning when a person begins pressurization or descent for a dive and ending when the person begins decompression or ascent;

“breathing mixture” means a mixture of gases used for human respiration and includes pure oxygen and any therapeutic mixture;

“category I dive” means a dive to a depth of less than 50 m using surface-oriented diving techniques and a breathing mixture of air, but no other breathing mixture except in cases of decompression, treatment or emergency, and includes a dive in which a diving bell or diving submersible is used for an observation dive, but does not include a lock-out dive;

“category I diving operation” means a diving operation in which a category I dive is made;

“category II dive” means a lock-out dive to a depth of less than 50 m using a breathing mixture of air, or to a depth of 50 m or more using a breathing mixture of mixed gas other than air, but does not include a saturation dive;

“category II diving operation” means a diving operation in which a category II dive is made;

“category III dive” means a saturation dive and any dive other than an ADS dive, a category I dive or a category II dive;

“category III diving operation” means a diving operation in which a category III dive is made;

“certificate of fitness” means a certificate, in the form fixed by the Board, issued by a certifying authority in accordance with Section 4 of the *Nova Scotia Offshore Area Certificate of Fitness Regulations* made under the Act;

“certifying authority” has the same meaning as in Section 2 of the *Nova Scotia Offshore Area Certificate of Fitness Regulations* made under the Act;

“compression chamber” means a pressure vessel that is suitable for human occupancy at internal pressures greater than atmospheric pressure;

“contingency plan” means a contingency plan referred to in clause 4(4)(g);

“craft” means any vessel, vehicle, hovercraft, semi-submersible, submarine or diving submersible and includes a self-propelled, tethered, towed or bottom-contact apparatus, but does not include an installation;

“decompression” means the gradual reduction of the pressures of the inert components of a breathing mixture in the body;

“decompression sickness” means a condition caused by the reduction or other changes of pressure on or in the body;

“decompression sickness type I” means a decompression sickness that is characterized by 1 or both of the following symptoms:

- (i) pain that is located at or near the joints of the limbs but is not felt in other parts of the body, and
- (ii) cutaneous manifestations including a rash and cutaneous pruritus (intense itching);

“decompression sickness type II” means a decompression sickness that is characterized by 1 or more of the following symptoms:

- (i) neurological manifestations related to the central nervous system,
- (ii) interference with the respiratory or cardiovascular system,
- (iii) otologic disorders, and
- (iv) any symptoms not referred to in the definition of “decompression sickness type I”;

“decompression table” means a table or set of tables that

- (i) shows a schedule of rates for safe descent and ascent and the appropriate breathing mixture to be used by a diver during a dive, and
- (ii) has been approved in accordance with Section 5;

“diver” means a person who meets the requirements of Section 53, 55 or 57, who is involved in a diving operation that is part of a diving program and who may be subject to pressures greater than atmospheric pressure;

“dive site” means the place on a craft or installation from which a diving operation is conducted and from which a diver or pilot involved in the diving operation enters the water;

“dive time” means the period beginning when a person begins pressurization or descent for a dive and ending when the person completes decompression or ascent;

“diving bell” means a compression chamber that is intended to be submerged and that is designed to transport a person at atmospheric pressure or divers at pressures greater than atmospheric pressure from the surface to an underwater work site and back and includes the compression chamber of a diving submersible;

“diving contractor” means a person who employs a diver for a diving operation or who holds a contract to supply diving services for a diving operation, but does not include a self-employed diver;

“diving crew” means the persons who are designated by a diving contractor to be involved in a diving operation conducted by the diving contractor and who are under the supervision of a supervisor;

“diving doctor” means a medical doctor who is licensed and registered to practise in a province, who has completed a diving medical course acceptable to the Chief Safety Officer and who has been accepted in writing by the Chief Safety Officer to certify divers for the purposes of clause 53(b), but

who has not been accepted by the Chief Safety Officer to provide medical assistance under pressures greater than atmospheric pressure;

“diving operation” means any work or activity that is associated with a dive and that takes place during the total dive time and includes

- (i) those involving a diver or pilot,
- (ii) those of a person assisting a diver or pilot involved in the dive, and
- (iii) any use of an ADS in the dive;

“diving plant and equipment” means the plant and equipment that are used in, or in connection with, a diving operation and includes the plant and equipment that are essential to a diver or pilot;

“diving program” means any work or activity related to the exploration or drilling for, or the production, conservation, processing or transportation of, petroleum that involves a diving operation;

“diving safety specialist” means a person who meets the criteria set out in subsection 26(1);

“diving station” means the place from which a diving operation is controlled;

“diving submersible” means a self-propelled submarine that has at least

- (i) 1 1-atmosphere compartment from which the diving submersible is piloted and from which a dive can be supervised, and
- (ii) 1 compression chamber from which a dive can be conducted;

“diving supervisor” means a supervisor of a diving operation involving a diver;

“dressed-in” means fully equipped to dive and ready to enter the water, with the diver’s personal diving equipment tested and at hand, whether or not helmet, face plate or face mask is in place;

“emergency” means an exceptional situation resulting from an accident or incident;

“environmental conditions” means conditions that may affect a diving operation and includes

- (i) weather and sea conditions,
- (ii) speed of currents and tides,
- (iii) shipping activities,
- (iv) air and water temperatures,
- (v) icing conditions, and
- (vi) debris on the sea surface or sea bed;

“hyperbaric first-aid technician” means a person who has successfully completed an advanced hyperbaric first-aid course acceptable to the Chief Safety Officer;

“incident” means a fortuitous event that compromises or is likely to compromise the safety of, or endangers or is likely to endanger the health, well-being or life of, a person involved in a diving operation;

“installation” means any fixed offshore structure used in connection with the exploration or drilling for, or the production, conservation, processing or transportation of, petroleum, or any other marine installation or structure;

“lifeline” means a safety line attached to a diver that is suitable for recovering and lifting the diver and the diver’s personal diving equipment from the water;

“life-support system” means a system composed of the breathing mixture supply systems, decompression and recompression equipment, environmental control systems and equipment and supplies that may be required to provide safe accommodation for a person in the water, in a compression chamber, in a diving bell, in a diving submersible or in an ADS under all pressures and conditions that a person may be exposed to during a diving operation;

“life-support technician” means a person who has successfully completed a life-support technician’s course acceptable to the Chief Safety Officer and who has satisfied the Chief Safety Officer that the person has attained a level of competence in all aspects of all types of diving techniques, including emergency procedures, hyperbaric first aid and operation of life-support systems;

“lock-out dive” means a dive from a diving bell or a diving submersible;

“maximum working load” means the total weight of a load, weighed out of water, likely to be handled under normal operating conditions in a diving operation, including the weight of the umbilical;

“maximum working pressure” means the maximum pressure to which a compression chamber can safely be exposed under normal operating conditions in a diving operation and, if a compression chamber is interconnected with 1 or more other compression chambers, means, in respect of each of the interconnected chambers, the maximum pressure to which the interconnected chamber with the lowest maximum working pressure can safely be exposed under normal operating conditions;

“medical lock” means a lock through which objects may be passed into or out of a compression chamber while a person inside the compression chamber remains under pressure;

“operator” means a person who has been authorized, under clause 135(1)(b) of the Act, to carry on work or activity that is a diving program or that includes a diving program, or the operator referred to in Part IIIA of the Act;

“personal diving equipment” means the diving equipment carried by a diver on the diver’s person during a dive and includes a diving suit, a breathing apparatus, a bailout gas bottle and communications equipment;

“pilot” means a person who controls the movement of an ADS from within the ADS and who performs from within the ADS any other tasks necessary for the operation of the ADS;

“pressure vessel” means a closed container capable of withstanding internal or external pressures, or both, greater than 1 atmosphere;

“procedures manual” means the procedures manual referred to in clause 4(4)(a);

“recognized body” means an organization, a classification society, a certifying authority, a group of persons or an individual that is acceptable to the Chief Safety Officer as having the expertise and experience to set standards for, or to inspect and certify, diving plant and equipment or their parts;

“saturation dive” means a dive in which saturation diving techniques are used;

“saturation diving technique” means a diving procedure that essentially equilibrates the total pressure of inert gases in the body of a diver with the ambient pressure and allows extended periods of bottom time without additional decompression time required;

“SCUBA” means a self-contained open-circuit underwater breathing apparatus;

“skip” means a stage, cage, basket or wet bell in which a diver may be lowered to or raised from an underwater work site;

“specialized diving doctor” means a diving doctor who has completed an advanced diving medical course acceptable to the Chief Safety Officer and who has been accepted in writing by the Chief Safety Officer to provide medical assistance under pressures greater than atmospheric pressure;

“stand-by diver” means a diver who is dressed-in and trained to operate at the same depths and in the same circumstances as the diver for whom the stand-by diver is standing by, who is at the same dive site as the other diver and who is available without delay to assist the other diver;

“supervisor” means a person appointed in writing by a diving contractor, under subsection 9(3), as a diving supervisor or an ADS supervisor to supervise a diving operation;

“surface compression chamber” means a compression chamber that is not intended to be submerged;

“surface-oriented diving technique” means a diving procedure in which the use of a diving bell or diving submersible is not required;

“total dive time” means the period beginning when a person begins to prepare for a dive and ending when the person leaves the water, is not subject to pressures greater than atmospheric pressure and, in accordance with the relevant schedule in the appropriate decompression table, has normal inert gas pressure in their body;

“umbilical” means a composite hose or cable or number of separate hoses or cables capable of supplying a breathing mixture, power, heat, communications and other services, as required, for a diving operation.

Application of regulations

- 3 These regulations apply to any diving operation conducted in the Nova Scotia offshore area in connection with the exploration or drilling for, or the production, conservation, processing or transportation of, petroleum.

Part 1: Proposed Diving Programs

Authorization

- 4 (1) A person may apply for an authorization under clause 135(1)(b) of the Act in respect of a proposed diving program by forwarding to the Chief Safety Officer an application, completed in triplicate, in the form fixed by the Board.
- (2) The authorization is, in addition to any other requirements of these regulations, subject to the requirements that the operator and the diving contractor, if any, of the diving program must

- (a) maintain the level of performance of the diving crew, diving plant and equipment and any craft or installation used in the diving program at or above the level of performance indicated in the application referred to in subsection (1) and accepted by the Chief Safety Officer as the level of performance at which the diving program will be carried on;
 - (b) if the operator or the diving contractor, as the case may be, proposes to replace a supervisor or appoint an additional supervisor, provide the Chief Safety Officer with evidence that any replacement or additional supervisor meets the criteria set out in Section 27, 29, 31 or 33 to supervise the category of dive the supervisor will be supervising; and
 - (c) if, in any area in which the diving program is being carried on, the environmental conditions, during any period, become more severe than the environmental conditions indicated in the application as being the most severe environmental conditions under which the diving program would be carried on, cease to carry on the diving program in that area during that period.
- (3) No authorization is to be given in respect of a proposed diving program unless the applicant provides the Chief Safety Officer with evidence
- (a) that a diving safety specialist was consulted on all safety aspects of the diving program;
 - (b) that a diving safety specialist will be available on a 24-hour-a-day basis to advise any person involved in the diving program, including any person making decisions affecting the safety of divers involved in the diving program, on all safety aspects of the diving program;
 - (c) that any supervisor who will be involved in the diving program meets the criteria set out in Section 27, 29, 31 or 33 to supervise the category of dive the supervisor will be supervising;
 - (d) that the services of a specialized diving doctor who is familiar with the diving procedures to be used in the diving operation that will form part of the diving program and who is within a travelling distance of the diving operation that is acceptable to the Chief Safety Officer will be available on a 24-hour-a-day basis to any person involved in the diving program;
 - (e) of any certificates issued by the manufacturer or a recognized body in respect of the diving plant and equipment to be used in the diving program; and
 - (f) if a diving program is to be conducted by a diving contractor who is not also the operator of the diving program, that the diving contractor is able to meet any liability for loss, damage, costs or expenses that may be incurred by the diving contractor as a result of the diving program.
- (4) No authorization is to be issued in respect of a proposed diving program unless approval has been granted by the Chief Safety Officer for the following:
- (a) the procedures manual that contains the procedures to be followed in the diving program, including the procedures referred to in Schedule 1;
 - (b) schematic drawings showing the general arrangement of any diving plant and equipment to be used in the diving program and their location on board the craft or installation on which or from which they will be used;
 - (c) if a craft is to be used in the diving program and is to be maintained in position by a method referred to in subparagraph 12(2)(q)(iii), the method by which the craft is to be maintained in position;

- (d) any use in the diving program of a craft in the dynamically positioned mode and the dynamically positioned diving operational capacity graph in respect of the craft;
 - (e) if a diving submersible is to be used in the diving program and is to be secured in a manner referred to in subclause 18(b)(iii), the manner in which the diving submersible is to be secured;
 - (f) any experimental equipment or technique to be used in the diving program; and
 - (g) the contingency plan to be followed in the diving program, including the emergency procedures referred to in Schedule 2 and the particulars of any additional evacuation, rescue and treatment facilities and devices to be used in the diving program.
- (5) No authorization is to be issued in respect of a proposed diving program unless a valid certificate of fitness is in force in respect of the diving plant and equipment to be used in the diving program and the certificate of fitness remains valid and in force.

Chief Safety Officer may grant approval

- 5 (1) The Chief Safety Officer is authorized to grant, in accordance with subsection (2), any approval prescribed in these regulations and to make that approval subject to, in addition to the requirements prescribed in these regulations, any terms and conditions that the Chief Safety Officer determines.
- (2) The Chief Safety Officer must provide a person with evidence of any approval granted to the person under subsection (1).
- (3) If the terms and conditions subject to which an approval was granted are not complied with, the Chief Safety Officer is authorized to suspend or revoke the approval, in which case the Chief Safety Officer must give the person an opportunity to show cause why the approval should not have been suspended or revoked.

Part 2: Operators

Operator's duties

- 6 (1) The operator of a diving program must
- (a) engage the services of a diving safety specialist who will be available as described in clause 4(3)(b) for the purpose described in that clause;
 - (b) make available a suitable place from which any diving operation that is part of the diving program may be conducted;
 - (c) to the extent practicable, give advance notice of any diving operation that is part of the diving program to the person in charge of any craft or installation in the vicinity of the operation;
 - (d) make available adequate forecasts of environmental conditions to the supervisor on duty at a diving operation
 - (i) before the diving operation begins, and
 - (ii) during the diving operation, at intervals of not more than 24 hours and at any time when the supervisor requests those forecasts;
 - (e) inform the supervisor on duty at a diving operation of any matter within the operator's control that may affect the safety of the diving operation;

- (f) provide an adequate and effective system of communication between the supervisor who is on duty and any person, other than the divers and pilots, involved in, or in a position to assist in, a diving operation including a winch or crane operator and a person on the bridge, on the rig floor or in the main control room of a craft or installation used in the diving operation;
 - (g) while a diving operation that is part of the diving program is in progress, prominently display notices to that effect
 - (i) in the case of any craft or installation used in the diving operation, on the bridge and in the engine room, and
 - (ii) in the case of any diving plant and equipment used in the diving operation, on any controls the operation of which might endanger a diver or pilot and on any controls for impressed current cathodic protection;
 - (h) display in the control room of a craft that will be operated in the dynamically positioned mode in a diving operation that is part of the diving program a copy of the dynamically positioned diving operational capacity graph in respect of the craft;
 - (i) in the event that a member of a diving crew involved in the diving program meets with an accident, notify the Chief Safety Officer or a safety officer of the accident by the most rapid and practicable means and submit to the Chief Safety Officer or the safety officer a report of that accident in the form set out in Schedule 3;
 - (j) in the event of a serious illness affecting a member of a diving crew involved in the diving program or an incident in connection with the diving program, notify the Chief Safety Officer or a safety officer of the illness or incident as soon as possible, investigate the cause of the illness or incident and submit to the Chief Safety Officer or the safety officer a report of the illness or incident, including, in the case of an incident, a report in the form set out in Schedule 3;
 - (k) submit to the Chief Safety Officer a monthly report of all injuries to any member of a diving crew involved in a diving operation that is part of the diving program; and
 - (l) during the course of any diving operation that is part of the diving program, prominently display at the diving station for the diving operation a copy of the authorization given under clause 135(1)(b) of the Act for that diving program and evidence of any approval granted in relation to that authorization under Section 5.
- (2) The operator of a diving program must not
- (a) conduct any diving operation that is part of the diving program in the vicinity of any other activity that might pose a danger to any person involved in the diving operation;
 - (b) use, in a diving operation, any craft that has insufficient power or stability for the safe conduct of the diving operation; and
 - (c) prevent any diving contractor involved in the diving program from complying with any of the provisions of these regulations.

Changes in equipment and procedures

- 7 (1) Subject to subsection (2), the operator of a diving program must

- (a) immediately repair, replace or alter or arrange for the repair, replacement or alteration of any diving plant and equipment that are being used in the diving program and that are defective or become inadequate or unsafe;
 - (b) alter any procedure set out in the procedures manual for the diving program that becomes unsafe, inadequate or deficient; and
 - (c) when necessary, initiate a new procedure in respect of the diving program.
- (2) The operator of a diving program must obtain the approval of the Chief Safety Officer before doing any of the following under subsection (1) :
- (a) repair[ing], ~~replace~~ [replacing] or alter[ing] or ~~arrange~~ [arranging] for the repair, replacement or alteration of any diving plant and equipment referred to in clause (1)(a), other than a routine repair, replacement or alteration carried out by a competent person;
 - (b) alter[ing] a procedure set out in the procedures manual for the diving program; or
 - (c) ~~initiate~~ [initiating] a new procedure in respect of the diving program.

Authorization for non-compliant equipment, methods, measures or standards

- 8 (1) An operator may apply for an authorization under subsection 147(1) of the Act to use equipment, methods, measures or standards that do not comply with these regulations.
- (2) An application referred to in subsection (1) must set out the manner in which the equipment, methods, measures or standards that are the subject of the application provide a level of safety and protection of the environment and conservation at least equivalent to that which would be provided by compliance with these regulations.

Part 3: Diving Contractors

Diving contractor's duties

- 9 (1) Subject to subsection (2), a diving contractor must not conduct a diving operation unless the diving contractor has engaged the services of a diving safety specialist, other than the diving safety specialist engaged by the operator under clause 6(1)(a), who will be available as described in clause 4(3)(b) for the purpose described in that clause.
- (2) If the operator referred to in subsection 6(1) and the diving contractor referred to in subsection (1) are the same person, the diving safety specialist engaged under subsection (1) may be the same person as the diving safety specialist engaged under clause 6(1)(a).
- (3) A diving contractor must not conduct a diving operation that includes
- (a) a category I dive unless the diving contractor has appointed in writing a person who meets the criteria set out in Section 27, 29 or 31 to supervise the diving operation and such a supervisor is present at all times during the diving operation;
 - (b) a category II dive unless the diving contractor has appointed in writing a person who meets the criteria set out in Section 29 or 31 to supervise the diving operation and such a supervisor is present at all times during the diving operation;
 - (c) a category III dive unless the diving contractor has appointed in writing a person who meets the criteria set out in Section 31 to supervise the diving operation and such a supervisor is present at all times during the diving operation; and

- (d) the use of an ADS unless the diving contractor has appointed in writing a person who meets the criteria set out in Section 33 to supervise the diving operation and such a supervisor is present at all times during the diving operation.
- (4) A diving contractor must not, in a diving operation conducted by the diving contractor, employ a person
- (a) to make a category I dive unless the person meets the criteria set out in Section 53, 55 or 57;
 - (b) to make a category II dive unless the person meets the criteria set out in Section 55 or 57;
 - (c) to make a category III dive unless the person meets the criteria set out in Section 57; or
 - (d) to pilot an ADS unless the person meets the criteria set out in Section 64.
- (5) A diving contractor who conducts a diving operation that is part of a diving program must
- (a) ensure that every diving supervisor employed by the diving contractor in the diving program on a full-time basis has the opportunity to supervise each year a minimum of 12 dives appropriate to the category of dive for which the supervisor is certified;
 - (b) ensure that every ADS supervisor employed by the diving contractor in the diving program on a full-time basis has the opportunity to supervise each year a minimum of 6 ADS dives;
 - (c) ensure that every diver employed by the diving contractor in the diving program on a full-time basis has the opportunity to make each year a minimum of 24 dives, totalling a minimum of 20 hours of bottom time, appropriate to the category of dive for which the diver is certified;
 - (d) ensure that every pilot employed by the diving contractor in the diving program on a full-time basis has the opportunity to make each year at least 4 ADS dives totalling a minimum of 16 hours of bottom time;
 - (e) ensure that, except in the case of an emergency, each member of a diving crew involved in the diving operation, in every 24-hour period,
 - (i) has a rest period of not less than 8 consecutive hours, and
 - (ii) is required to work not more than 12 hours;
 - (f) follow the procedures set out in the procedures manual for the diving program and any altered or newly initiated procedures referred to in Section 7 for the diving program;
 - (g) maintain, at the craft or installation from which the diving operation is conducted, 2 copies of these regulations and a copy of the applicable procedures manual and make them available to any person involved or to be involved in the diving operation and, on request, to the Chief Safety Officer or a safety officer;
 - (h) provide or arrange for the provision of any diving plant and equipment necessary for the safe conduct of the diving operation, including
 - (i) adequate fire-fighting equipment, and
 - (ii) a 2-compartment compression chamber that

- (A) has been approved for the diving program, in accordance with Section 5, for use at a pressure that is not less than 6 atmospheres absolute or, where the maximum working pressure that may be encountered during any dive that is part of the diving operation is greater than 6 atmospheres absolute, for use at the maximum pressure plus 1 atmosphere,
 - (B) is suitable for the diving operation, and
 - (C) is located in a readily accessible place on board the craft or installation from which the diving operation is conducted or, if the diving operation is conducted at a depth of 10 m or less and the supervisor approves, within 1 hour's travelling time from the dive site;
- (i) use only diving plant and equipment that are of sound construction, adequate strength, free from patent defects and in good working order;
 - (j) provide for the protection of the diving plant and equipment used in the diving operation from malfunction in the environmental conditions under which the diving plant and equipment are to be used, including conditions of low or high temperatures;
 - (k) permit only the repair, replacement and alteration of diving plant and equipment used in the diving operation that have been approved under subsection 7(2) and ensure that routine repair, replacement or alteration is carried out by a competent person;
 - (l) provide adequate illumination of the dive site and the underwater work site of the diving operation
 - (i) during any period of darkness or low visibility, and
 - (ii) when the supervisor requests the illumination and when the nature of the diving operation so permits;
 - (m) provide a diving operations logbook that is permanently bound and has numbered pages;
 - (n) retain any diving operations logbook referred to in clause (m) that is delivered to the diving contractor by a supervisor under subsection 50(4), and any records or copies delivered to the diving contractor by a supervisor under subsection 52(3), for a period of not less than 2 years after the day on which the last entry is made in it; and
 - (o) produce, on request, any logbooks, records or copies referred to in clause (n) for inspection by the Chief Safety Officer or a safety officer.
- (6) If continuance of a diving operation would compromise or is likely to compromise the health, well-being or safety of any person involved in the diving operation, the diving contractor who conducts the diving operation must immediately interrupt or discontinue the diving operation.

Restrictions on exposure to pressure

10 (1) A diving contractor who conducts a diving operation must not permit any person involved in the diving operation to be exposed to a pressure greater than atmospheric pressure in a compression chamber used in connection with the diving operation unless

- (a) not more than 12 months before the day of the exposure, a diving doctor has certified that the person is fit to be exposed to the pressure; and

- (b) copies of the certificate referred to in clause (a) are in the possession of the diving contractor and the person.
- (2) Subsection (1) does not apply
- (a) to any person who requires therapeutic compression; or
 - (b) in the case of an emergency, to a person who can provide medical treatment, if no person certified under clause (1)(a) is available.

Examination and testing of diving plant and equipment

- 11 (1) A diving contractor who conducts a diving operation must use or permit to be used in the diving operation
- (a) only diving plant and equipment that have been examined and, when appropriate, subjected to a pressure leak test using an appropriate breathing mixture at a pressure that is not less than 6 atmospheres absolute or, when the maximum working pressure that may be encountered during any dive that is part of the diving operation is greater than 6 atmospheres absolute, at the maximum pressure plus 1 atmosphere
 - (i) not more than 3 months before the day on which they are to be used,
 - (ii) on mobilization and assembly, and
 - (iii) following any repair, replacement or alteration of the diving plant and equipment that might affect their safety;
 - (b) in the case of a compression chamber, only a compression chamber that
 - (i) not more than 2 years before the day on which it is to be used, has been subjected to a pressure leak test at the maximum working pressure of the chamber using an appropriate breathing mixture, and
 - (ii) not more than 5 years before the day on which it is to be used, has been subjected to an internal pressure test of at least 1.25 times the maximum working pressure of the chamber;
 - (c) in the case of a pressure vessel for compressed gases that is not intended to be immersed in water, including compressed air cylinders, only a pressure vessel that has been subjected to
 - (i) a thorough examination and internal pressure test not more than 5 years before the day on which it is to be used, and
 - (ii) an internal inspection for corrosion not more than 2 years before the day on which it is to be used, or within any longer period that the Board approves under subsection 135(4) of the Act;
 - (d) in the case of a pressure vessel for compressed gases that is intended to be immersed in water, only a pressure vessel that has been subjected to
 - (i) a thorough examination and internal pressure test not more than 2 years before the day on which it is to be used, and

- (ii) an internal inspection for corrosion not more than one year before the day on which it is to be used, or within such longer period as the Board approves pursuant to subsection 135(4) of the Act; and
- (e) in the case of lifting equipment for a launch and recovery system, only lifting equipment that has been tested
 - (i) on first installation and, subsequently, before operational use of the lifting equipment following a repair, replacement or alteration, other than a routine repair, replacement or alteration carried out by a competent person, by means of a functional test, and
 - (ii) every 6 months following a functional test carried out under subclause (i), by means of a test that tests the capability of the lifting equipment to operate safely under its maximum working load.
- (2) A diving contractor who conducts a diving operation must ensure that
 - (a) each examination and test required to be carried out for the purposes of subsection (1) is carried out by or under the supervision of a recognized body and in accordance with an acceptable standard; and
 - (b) when a pneumatic or hydrostatic pressure test is carried out for the purposes of subsection (1), adequate precautions are taken to ensure the safety of the personnel involved, the diving plant and equipment and the craft or installation used in the test.
- (3) A diving contractor who conducts a diving operation must keep a register in which are inserted or to which are attached certificates
 - (a) containing details and results of examinations and tests carried out under subsection (1); and
 - (b) signed by the person by whom or under whose supervision the examinations or tests were carried out.
- (4) A diving contractor must retain the register referred to in subsection (3)
 - (a) in the case of a register that contains certificates relating to pressure vessels, for at least 5 years after the day on which the last entry is made in it, and
 - (b) in any other case, for at least 2 years after the day on which the last entry is made in it.
- (5) A diving contractor who conducts a diving operation must not use or permit to be used in the diving operation any diving plant and equipment that are unsafe as determined by an examination or test carried out under subsection (1).

Diving plant and equipment

- 12 (1)** A diving contractor who conducts a diving operation must not use or permit to be used any diving plant and equipment in the diving operation unless their design is such that
- (a) it enables divers and pilots to safely enter and leave the water;
 - (b) divers can be safely compressed or decompressed in accordance with the relevant schedule in the appropriate decompression table;

- (c) if a hot-water system is used as the means of heating a diver, a hot-water reservoir is, where practicable, included in the system; and
 - (d) the body temperature of a diver or pilot can be maintained within safe limits during the diving operation.
- (2) A diving contractor who conducts a diving operation must ensure that
- (a) before the time a diver involved in the diving operation enters the water, the diver is provided with
 - (i) a diving harness complete with pelvic support and lifting ring,
 - (ii) a depth indicator that is, where practicable, a type that can be monitored from the surface, and
 - (iii) during any period of darkness or low visibility or when requested by the supervisor, a lamp or other suitable device that indicates the diver's location;
 - (b) the first-aid supplies listed in Part 1 of Schedule 4, or equivalent first-aid supplies approved in accordance with Section 5 for the diving program of which the diving operation is a part, are
 - (i) packed in such a manner that they fit through the medical lock of any surface compression chamber used in the diving operation, and
 - (ii) kept on the craft or installation from which the diving operation is conducted, except when it is impracticable in a category I diving operation or an ADS diving operation and when the supervisor approves, in which case the supplies may be kept readily available within a travelling distance of the diving operation that is acceptable to the supervisor;
 - (c) if a diving bell or diving submersible is used in the diving operation, the first-aid supplies listed in Part 2 of Schedule 4, or equivalent first-aid supplies approved in accordance with Section 5 for the diving program of which the diving operation is a part, are kept in the diving bell or the compression chamber of the diving submersible;
 - (d) any airtight container used to pack any of the first-aid supplies referred to in clauses (b) and (c) for use in the diving operation has a suitable means of equalizing pressure;
 - (e) when the safe use of the diving plant and equipment depends on the pressure or depth at which they are used, the diving plant and equipment are clearly marked with the maximum working pressure or the maximum depth at which they may be used;
 - (f) any lifeline used in the diving operation has a manufacturer's breaking strength rating in accordance with an acceptable standard;
 - (g) any gas bottle used in the diving operation is clearly marked with the name and chemical formula of its contents;
 - (h) any winch used in the diving operation to raise or lower a skip, diving bell, diving submersible or ADS
 - (i) is so constructed that

- (A) a brake or mechanical locking device is applied when the control lever, handle or switch is not held in the operating position,
 - (B) the brakes have the capability of stopping and holding 100% of the maximum working load with the outermost layer of wire on the drum,
 - (C) the brakes engage automatically on loss of power, and
 - (D) the lowering and raising of loads is controlled by power drives independent of the brake mechanism,
- (ii) is not fitted with a pawl and ratchet gear on which the pawl has to be disengaged before beginning a lowering or raising operation,
 - (iii) is so designed as to prevent the possibility of freeze-up when in operation,
 - (iv) is equipped with a lifting wire capable of withstanding a functional test in accordance with an acceptable standard, and
 - (v) complies with an acceptable standard of construction for winches;
- (i) any prime mover used in the diving operation to operate lifting equipment for a skip, diving bell, diving submersible or ADS is not used for any other purpose;
 - (j) except when alternative lifting equipment is provided for any skip, diving bell, diving submersible or ADS used in the diving operation, an auxiliary prime mover capable of lifting the maximum working load is provided;
 - (k) if, during the diving operation, a skip, diving bell, diving submersible or ADS is being held in position by a hydraulically operated winch that is not equipped with a mechanical locking device, the hydraulic pumps are kept running during the diving operation;
 - (l) any craft or installation used in the diving operation is equipped with
 - (i) a receiver system that is compatible with the relocation transponder system fitted to any diving bell, diving submersible or ADS that is used in the diving operation, and
 - (ii) a hand-held receiver that is suitable for use by a diver or pilot in achieving a final location and that is compatible with the receiver system on the craft or installation and the relocation transponder system on the diving bell, diving submersible or ADS;
 - (m) any skip, diving submersible or ADS used in the diving operation
 - (i) is equipped with a secondary lifting eye or similar device that is of at least the same strength as the primary lifting eye,
 - (ii) where practicable, is equipped with an additional cable in the form of a suitable tag rope so designed that, in the event the primary lifting cable breaks during a water-air interface transport, the tag rope will not permit the skip, diving submersible or ADS to descend to a depth greater than 25 m, and
 - (iii) has readily available, for use in an emergency, a secondary lifting cable that has at least the same strength as the primary lifting cable and that is compatible with the secondary lifting eye or similar device;

- (n) any skip used in the diving operation to transport divers through the water-air interface is
 - (i) large enough to carry, in uncramped conditions, at least 2 divers with their personal diving equipment,
 - (ii) secured against tipping or spinning,
 - (iii) not encumbered by any equipment that may interfere with an occupant's foothold or handhold,
 - (iv) equipped with handholds arranged in such a manner that crushed-hand injuries during launch or recovery are avoided,
 - (v) so constructed or equipped that its occupants are secure against falling out of the skip, and
 - (vi) in the case of a skip that is a wet bell, equipped with an additional band mask or full face mask;
- (o) any diving submersible or ADS used in the diving operation is equipped with
 - (i) a stroboscopic light that is automatically activated in the water and a pinger that operates at a frequency of 37.5 kHz, and
 - (ii) a relocation transponder system that operates at a frequency of 37.5 kHz, if approved by the Board under subsection 135(4) of the Act;
- (p) a secondary source of power that will operate in the event of a failure of the primary source of power is provided for the diving operation, can be brought on-line rapidly and has sufficient capacity to
 - (i) operate the handling system for any skip, diving bell, diving submersible or ADS used in the diving operation,
 - (ii) heat any compression chamber used in the diving operation and heat, for the period required to complete the diving operation, any diver who is involved in the diving operation and who is in the water,
 - (iii) sustain the life-support system of any compression chamber used in the diving operation and of any diver who makes a dive that is part of the diving operation,
 - (iv) illuminate the interior of any compression chamber used in the diving operation, and
 - (v) operate any communication system and monitoring system used in the diving operation; and
- (q) if any craft is used in the diving operation, there is a safe means of ensuring that the craft is, during the diving operation,
 - (i) at anchor,
 - (ii) made fast to the shore or to an installation,
 - (iii) maintained in position using its propulsion system in accordance with Section 25, or

- (iv) used in a manner that is approved by the Board under subsection 135(4) of the Act or that is approved in accordance with Section 5 for the diving program of which the diving operation is a part.

Communications systems

- 13 (1)** Subject to subsection (2), a diving contractor must not conduct a diving operation unless there is available for use in the diving operation
- (a) for communications between the supervisor and any diver or pilot involved in the diving operation
 - (i) a primary communication system that has
 - (A) sound reproduction adequate to enable breathing to be clearly heard and oral communications to be clearly heard and understandable, and
 - (B) a recording device that continuously records all oral communications while a dive is in progress, and
 - (ii) a secondary communication system that allows the supervisor and the divers or pilots to communicate orally in the event of a failure of the primary communication system; and
 - (b) for communications between the supervisor and any person involved in, or in a position to assist in, the diving operation, other than the divers and pilots referred to in clause (a), a communication system that meets the requirements of clause 6(1)(f).
- (2)** Subsection (1) does not apply to a diving operation in which SCUBA is used and when it is impracticable to use the communication systems referred to in that subsection, in which case a diving contractor must not conduct such a diving operation unless there is available for use in the diving operation an alternative method of communication that the supervisor considers suitable for the diving operation.

Pressure vessels

- 14** A diving contractor who conducts a diving operation must not use or permit to be used in the diving operation a pressure vessel intended for human occupancy unless the pressure vessel is equipped with
- (a) a breathing mask for each occupant of the pressure vessel;
 - (b) a means of maintaining the oxygen, carbon dioxide, temperature and humidity in the pressure vessel at levels and pressures that are safe for the occupants; and
 - (c) for use in an emergency, a back-up capability to maintain the levels and pressures referred to in clause (b) for a minimum of, in the case of a diving bell or the compression chamber of a diving submersible, 24 hours and, in any other case, 48 hours.

Compression chambers

- 15** A diving contractor who conducts a diving operation must not use or permit to be used a compression chamber in the diving operation unless the compression chamber
- (a) meets the requirements of Section 14;
 - (b) is designed and constructed in accordance with an acceptable standard;

- (c) provides a suitable environment for its occupants, including amenities appropriate to the type, depth and duration of the diving operation;
- (d) is equipped with doors that act as pressure seals and that can be opened from both the inside and the outside;
- (e) is designed to minimize the risk of fire and
 - (i) is constructed of only non-combustible or fire-resistant materials, and
 - (ii) is equipped with suitable fire-fighting capabilities;
- (f) is fitted with adequate equipment, including facilities for
 - (i) supplying to and maintaining for its occupants an appropriate breathing mixture,
 - (ii) lighting and heating the compression chamber, and
 - (iii) removing carbon dioxide;
- (g) is equipped with valves, gauges and other fittings necessary to indicate and control the internal pressures of each compartment from outside the compression chamber;
- (h) is fitted with piping that has at least 1 external shut-off valve, where practicable, immediately outside the point at which the piping enters the compression chamber and 1 internal shut-off valve immediately inside that point;
- (i) is fitted with hull integrity valves that clearly indicate whether the valves are in the open or closed position and that are clearly labelled by name and number;
- (j) other than a diving bell and the compression chamber of a diving submersible, is equipped with a built-in breathing system that permits outside dumping of exhaled gas;
- (k) when appropriate, is equipped with an emergency shut-off valve that automatically shuts off the flow of gas from the compression chamber if the velocity or volume of gas exceeds the preset limit;
- (l) is equipped with relief valves resistant to marine corrosion;
- (m) has all of its internal electrical wiring insulated and in conduit, except for the wiring for low-power devices such as telephones;
- (n) is cleaned and disinfected using only products that are
 - (i) recommended by the manufacturer for that type of use,
 - (ii) well proven for that purpose,
 - (iii) non-toxic at any pressure,
 - (iv) non-corrosive, and
 - (v) safe to use;

- (o) when used in a category II dive or a category III dive or, where practicable, in a category I dive, is provided with a coupling arrangement that is suitable for the safe transfer of persons under pressure and that is designed to prevent accidental release;
- (p) is provided with a clamping mechanism that
 - (i) is suitable for coupling a diving bell with the surface compression chamber,
 - (ii) clearly indicates when the clamping mechanism is fully engaged, and
 - (iii) cannot be disengaged while pressurized;
- (q) is supplied with breathing mixture through a gas control panel that
 - (i) has distinct indicators of the function of each valve and gauge, and
 - (ii) is designed so as to minimize the possibility of supplying an incorrect breathing mixture;
- (r) if manufactured after December 31, 1990,
 - (i) is fitted with a device to record continuously and to preserve at least the last recorded 4 hours of data respecting temperature, oxygen levels, depth, time and oral communications and, where practicable, carbon dioxide and humidity levels, and
 - (ii) where practicable, is provided with a means to permit video monitoring of its occupants; and
- (s) if manufactured on or before December 31, 1990, meets the requirements set out in clause (r) if the Board so determines under subsection 135(4) of the Act.

Surface compression chambers

16 A diving contractor who conducts a diving operation must not use or permit to be used a surface compression chamber in the diving operation unless the surface compression chamber

- (a) meets the requirements of Sections 14 and 15;
- (b) contains at least 2 independently sealable compartments;
- (c) contains sufficient space in at least 1 of its compartments to enable each occupant to lie down comfortably in the compartment;
- (d) if a person will be in the surface compression chamber for a period of 8 consecutive hours or less, has an internal vertical diameter of at least 1.5 m;
- (e) if a person will be in the surface compression chamber for a period of more than 8 consecutive hours, has an internal vertical diameter of at least 2 m;
- (f) is equipped with a medical lock;
- (g) if the surface compression chamber will be used for a period of more than 12 consecutive hours, has adequate sanitation facilities;
- (h) if manufactured after December 31, 1990, is fitted with a through-hull connector suitable for medical monitoring of its occupants; and

- (i) if manufactured on or before December 31, 1990, meets the requirements set out in clause (h) if the Board so determines under subsection 135(4) of the Act.

Diving bells

17 A diving contractor who conducts a diving operation must not use or permit to be used a diving bell in the diving operation unless the diving bell

- (a) meets the requirements of Sections 14 and 15;
- (b) is equipped to permit the safe transfer of persons under pressure to and from a surface compression chamber;
- (c) is of a design that
 - (i) provides for an internal space of at least 2 m³ for 2-person occupancy and 3 m³ for 3-person occupancy,
 - (ii) enables divers to enter and exit without difficulty, and
 - (iii) allows at least 2 divers dressed-in for a diving operation to be seated comfortably in the diving bell;
- (d) is equipped with valves, gauges and other fittings necessary to control the internal pressure and to indicate both inside the diving bell and at the diving station the internal and external pressures;
- (e) is so equipped that any valve used to pressurize the diving bell is spring-loaded so as to close when not held in the open position;
- (f) contains adequate equipment, including reserve facilities, for supplying the appropriate breathing mixture to persons occupying or working from the diving bell, which reserve facilities must be protected against inadvertent operation and be capable of being brought on-line from inside the diving bell without the assistance of any other person;
- (g) is equipped with a 2-way oral communication system by means of which a person inside the diving bell can communicate with the diving supervisor and, via the diving supervisor, with other persons;
- (h) contains equipment for lighting and heating the diving bell;
- (i) is equipped with suitable emergency life-support equipment and provisions for each occupant of the diving bell;
- (j) is equipped with a lifting device sufficient to enable an unconscious or injured diver to be hoisted into the diving bell by a person located in it;
- (k) is provided with lifting equipment that enables the diving bell to be lowered to the depth at which the diving operation is to be conducted, to be maintained in its position and to be raised, all without excessive lateral, vertical or rotational movement;
- (l) is provided with a means by which, in the event of the failure of the lifting equipment referred to in clause (k), the diving bell can be returned to the surface and, if that means involves the shedding of weights, the controls for that shedding can be operated from within the diving bell, and a means is incorporated to prevent the accidental shedding of those weights;

- (m) in addition to a primary lifting cable, is equipped with a suitable tag rope so designed that, in the event the primary cable breaks during a water-air interface transport, the tag rope will not permit the diving bell to descend to a depth greater than 25 m;
- (n) is equipped with a secondary lifting eye, or similar device that is of at least the same strength as the primary lifting eye, and is provided with a secondary lifting cable that is readily available and that has at least the same strength as the primary lifting cable and is compatible with the secondary lifting eye or similar device;
- (o) is fitted with equipment to enable occupants of the diving bell to monitor the temperature and the oxygen and carbon dioxide levels within the diving bell;
- (p) is equipped with a stroboscopic light that is automatically activated in the water and a pinger that operates at a frequency of 37.5 kHz;
- (q) if approved by the Board under subsection 135(4) of the Act, is fitted with a relocation transponder system that operates at a frequency of 37.5 kHz;
- (r) when appropriate, is fitted with hull integrity valves and non-return valves on all gas and, where practicable, hot-water circuits connected to the diving bell;
- (s) if manufactured after December 31, 1990,
 - (i) is so designed that, if necessary, a diver within the diving bell can
 - (A) disconnect or shear the primary lifting cable and the umbilical,
 - (B) disconnect or shear any other attachments that might prevent ascent,
 - (C) start, accelerate, decelerate or stop the ascent, and
 - (D) when practicable, start, accelerate, decelerate or stop the descent, and
 - (ii) is fitted with a device to record continuously and to preserve at least the last recorded 4 hours of data respecting temperature, oxygen levels, depth, time, oral communications, internal and external ambient pressure and the quantity of breathing mixture and electrical power available for use in an emergency and, where practicable, carbon dioxide and humidity levels; and
- (t) if manufactured on or before December 31, 1990, meets the requirements set out in paragraph (s) if the Board so determines under subsection 135(4) of the Act.

Diving submersibles

18 A diving contractor who conducts a diving operation must not use or permit to be used a diving submersible in the diving operation unless

- (a) the compression chamber of the diving submersible meets the requirements of Sections 14, 15 and 17, except clauses 17(k) to (n) and subclause 17(s)(i);
- (b) during any period in which the diving submersible is in use, it is
 - (i) resting on the bottom,
 - (ii) firmly secured at or near the work site where it is to be used, or

- (iii) secured in a manner that is approved by the Board under subsection 135(4) of the Act or that is approved in accordance with Section 5 for the diving program of which the diving operation is a part;
- (c) there is a means of maintaining at a safe level the body temperature of a person in the compression chamber of the diving submersible and a person in the water making a dive from the diving submersible; and
- (d) a diver is present in the compression chamber of the diving submersible at any time that a dive is in progress.

Oxygen supply systems

- 19 (1)** When an oxygen supply system is to be used in a diving operation, the diving contractor who conducts the diving operation must use or permit to be used only an oxygen supply system the design of which complies with the following requirements:
- (a) the use of hoses and piping is kept to a minimum;
 - (b) the materials used are compatible with oxygen at the pressures and temperatures for which the oxygen supply system is designed;
 - (c) the possibility of contamination of the oxygen by other gases, and vice versa, is minimized;
 - (d) high-velocity flows of oxygen are avoided;
 - (e) the differential pressure throughout the oxygen supply system is kept as low as is practicable; and
 - (f) quick-shut-off valves are not installed in the oxygen supply system except for 1/4-turn valves that are connected to lines with reduced oxygen pressure and that may be used in an emergency.
- (2)** A diving contractor who conducts a diving operation must ensure that
- (a) any oxygen storage area for the diving operation is
 - (i) adequately ventilated,
 - (ii) properly identified with warning signs,
 - (iii) equipped with a fire suppression system,
 - (iv) kept clear of and located as far as practicable away from combustible materials, and
 - (v) if located in an enclosed area, equipped with an oxygen detector and an alarm designed to give warning of oxygen levels in excess of the concentration of oxygen in the ambient air;
 - (b) any person responsible for handling or otherwise dealing with oxygen is specially trained in that work; and
 - (c) oxygen is transferred using only pumps, compressors or pressure differential systems that are
 - (i) recommended for that purpose by the manufacturer,

- (ii) operated in accordance with the manufacturer's instructions, and
- (iii) operated by a person authorized to do so by the supervisor.

Breathing mixture supply systems

20 A diving contractor who conducts a diving operation must use or permit to be used in the diving operation only a breathing mixture supply system that is so designed that

- (a) any interruption of the supply of breathing mixture to a person will not affect in any manner the supply of breathing mixture to any other person; and
- (b) any failure of the primary supply of breathing mixture to a person will not affect in any manner the supply of breathing mixture to the person from the person's bailout gas bottle or from the reserve referred to in subclause 22(1)(a)(ii).

Blender recovery system

21 A diving contractor who conducts a diving operation must not use or allow to be used in the diving operation an on-line gas blender or diver's gas recovery system unless, at all times that the blender or recovery system is in use,

- (a) there is a buffer tank in use downstream of the blender or recovery system, as the case may be;
- (b) the blended breathing mixture is constantly analyzed for its oxygen content; and
- (c) the quantity, referred to in paragraph 22(1)(a)(iii)(C), of appropriate breathing mixture bypassing, in an emergency, the blender or recovery system, as the case may be, is available for immediate use.

Quantity and quality of breathing mixture

22 (1) A diving contractor who conducts a diving operation must not conduct or permit the beginning or continuation of the diving operation unless

- (a) the total quantity of appropriate breathing mixture that is available at any time during the diving operation consists of
 - (i) an adequate quantity to complete the diving operation,
 - (ii) a reasonable quantity for a reserve supply, and
 - (iii) for use in an emergency, an additional supply that is
 - (A) in the case of a diving operation in which a diving bell is used, a sufficient quantity to meet the needs of the occupants of the diving bell for a minimum of 24 hours,
 - (B) in the case of a diving operation in which an ADS is used, a sufficient quantity to meet the needs of the occupants of the ADS for a minimum of 48 hours,
 - (C) in the case of a diving operation in which an on-line gas blender or diver's gas recovery system is used, a sufficient quantity to allow the divers to continue, interrupt or discontinue the diving operation safely, and
 - (D) in the case of a diving operation in which a surface compression chamber is used, a quantity that is twice the amount required to pressurize the surface compression

chamber to a pressure equivalent to the pressure at the greatest depth in respect of which the surface compression chamber will be used in the diving operation;

- (b) the purity of the breathing mixture is of an acceptable standard; and
 - (c) the quantities referred to in subclauses (a)(ii) and (iii) are available for immediate use at a flow rate, temperature and pressure that are safe for the user.
- (2) A diving contractor must not conduct a diving operation unless
- (a) any breathing mixture to be used in the diving operation is
 - (i) analyzed for the accuracy of its oxygen content and, where practicable, its other contents immediately before the beginning of the dive that is part of the diving operation, and
 - (ii) supplied at temperature and humidity levels that are safe; and
 - (b) the levels of oxygen and carbon dioxide in the breathing mixture to be used in the diving operation are maintained at levels that are suitable for the type, depth and duration of the diving operation.

Evacuation, rescue and treatment facilities

- 23** (1) A diving contractor who conducts a diving operation must provide for the availability of evacuation, rescue and treatment facilities and devices that
- (a) are suitable for the type, depth and duration of the diving operation and for the environmental conditions under which the diving operation is conducted; and
 - (b) have been approved in accordance with Section 5 for the diving program of which the diving operation is a part.
- (2) The evacuation, rescue and treatment facilities and devices referred to in subsection (1) must be available
- (a) for use by persons involved in the diving operation as quickly as possible and within the period for which the life-support system of the surface compression chamber, diving bell or ADS used in the diving operation is capable of maintaining the life of the occupants; and
 - (b) where practicable, on site.

Medical services

- 24** A diving contractor who conducts a diving operation must
- (a) ensure that at all times during the diving operation each diving crew involved in the diving operation includes a hyperbaric first-aid technician available on the craft or installation from which the diving operation is being conducted;
 - (b) arrange for the services, on a 24-hour-a-day basis, of a specialized diving doctor, referred to in clause 4(3)(d), who is familiar with the diving procedures to be used in the diving operation and who is within a travelling distance of the diving operation that is acceptable to the Chief Safety Officer, to provide medical assistance in the event of an emergency;
 - (c) ensure that an adequate means of communication exists on a 24-hour-a-day basis between the specialized diving doctor referred to in clause (b) and

- (i) the diving station, or
- (ii) the craft or installation from which the diving operation is being conducted; and
- (d) locate the nearest surface compression chamber that is compatible with the equipment used in the diving operation and that is suitable for the type, depth and duration of the diving operation being conducted and make arrangements for the use of that surface compression chamber in the event of an emergency.

Craft in dynamically positioned [positioned] mode

25 A diving contractor who conducts a diving operation must not use or permit to be used a craft in the dynamically positioned mode in the diving operation unless that use was specifically approved in accordance with Section 5 for the diving program of which the diving operation is a part and the following requirements are complied with:

- (a) the craft is so designed and constructed that
 - (i) more than 1 prime mover is available for each fore, aft and thwartship thruster,
 - (ii) in the event of the failure of any prime mover or manoeuvring unit of the craft, the position of the craft can be maintained during the period it would take for the safe recovery of divers,
 - (iii) the arrangement of the thrusters and their size and number enable, in the event of the loss of any thruster of the craft, the heading and the position of the craft to be maintained within the environmental and operational capacity limits of the craft for the time it takes to safely recover any skip, diving bell or ADS used in the diving operation,
 - (iv) for each manoeuvring unit necessary to maintain the craft in the dynamically positioned mode, other than the propellers and energy plant units, there is a reserve duplicate unit and an automatic and a manual system to switch from the on-line unit to the duplicate unit,
 - (v) the supervisor on duty at the diving station on the craft can, by means of an alarm system connecting the bridge of the craft to the diving station on the craft, be kept informed by the person who controls the dynamic positioning system of any station-keeping problems or any other problems that might affect the safety of the diving operation,
 - (vi) a computer system controls the dynamic positioning of the craft and another independent, duplicate computer system is available to take over control automatically in the event of failure of the on-line computer system, and
 - (vii) there are on line at least 2 reference systems independently linked into each computer system referred to in subclause (vi);
- (b) during any time that a person involved in the diving operation is in the water
 - (i) a person who is responsible for the navigation of the craft and a person who is responsible for the control of the dynamic positioning system are in the control room of the craft,
 - (ii) the machinery spaces of the craft, except those in the pontoons of a semi-submersible craft, are manned, and

- (iii) in any one manoeuvre, the craft is not moved more than 5 m or the heading of the craft is not changed more than 5°, whichever is the lesser movement in relation to the location of the site of the diving operation; and
- (c) any person who is responsible for the control of the dynamic positioning system of the craft has at least 6 months' experience using both the manual and the automatic modes of that particular system or, when that is impracticable, of a similar system, and at least 2 weeks' briefing by the designer or manufacturer of the system on the behaviour and hydrodynamics of that craft when operating in the dynamically positioned mode.

Part 4: Diving Safety Specialists

Diving safety specialist's duties

- 26 (1)** An operator, under clause 6(1)(a), or a diving contractor, under subsection 9(1), must not engage the services of a person as a diving safety specialist unless the person holds a diving supervisor's certificate that is issued under Section 69 and that is appropriate to the category of dive in respect of which the person will be giving advice and
- (a) has passed a test that is acceptable to the Chief Safety Officer as indicating that the person has an adequate knowledge of the safety, personnel, technical, operational, management, marketing and regulatory aspects of diving operations appropriate to the category of diving supervisor's certificate that the person holds; or
 - (b) has demonstrated to the Board that the person's knowledge is equivalent to the knowledge described in clause (a).
- (2)** A person who has been engaged as a diving safety specialist for a diving program by an operator, under clause 6(1)(a), must
- (a) advise the operator on all safety aspects of the diving program including
 - (i) any application for approval, under subsection 135(4) of the Act, for the diving program,
 - (ii) any application made by the operator for authorization under subsection 147(1) of the Act, and
 - (iii) any decision by the operator to interrupt or discontinue the diving program or any portion of the diving program for safety reasons; and
 - (b) be available on a 24-hour-a-day basis to advise any person involved in the diving program, including any person making decisions affecting the safety of divers involved in the diving program, on all safety aspects of the diving program.
- (3)** A person who has been engaged as a diving safety specialist for a diving operation by a diving contractor, under subsection 9(1), must
- (a) advise the diving contractor on all safety aspects of the diving operation; and
 - (b) be available on a 24-hour-a-day basis to advise any person involved in the diving operation, including any person making decisions affecting all safety of divers involved in the diving operation, on the safety aspects of the diving operation.

- (4) A diving safety specialist referred to in subsection (2) or (3) must, in advising any person under that subsection, take into account as a primary consideration the safety of any divers involved in the diving program or diving operation, as the case may be.

Part 5: Supervisors

Supervision of category I diving operation

27 A person must not supervise a category I diving operation unless the person

- (a) has been appointed in writing under clause 9(3)(a);
- (b) has been certified to be medically fit
 - (i) to dive, in accordance with clause 53(b), or
 - (ii) to supervise, by a medical doctor who has examined the person not more than 12 months before the day on which the diving operation is to be conducted and who has recorded the results of the examination on a medical examination record in the form set out in Schedule 5, or on another form acceptable to the Chief Safety Officer, and in a diving supervisor's medical certificate in that person's supervisor's logbook, referred to in Section 51;
- (c) holds a valid diving supervisor's certificate issued under Section 28, 30, 32 or 69, or a valid document that is
 - (i) issued on the basis of training and experience that are equivalent to the training and experience required of a person to obtain a certificate under Section 28, 30 or 32, and
 - (ii) acceptable to the Chief Safety Officer; and
- (d) has satisfied the diving contractor who conducts the diving operation that
 - (i) the person has sufficient diving and supervisory experience and adequate knowledge in the use of the diving plant and equipment to be used in the diving operation, or a similar type of diving plant and equipment, and the breathing mixture to be used in the diving operation and is familiar with the relevant provisions of the procedures manual referred to in clause 4(4)(a) and the contingency plan referred to in clause 4(4)(g) to be used in the diving operation, and
 - (ii) the person's involvement in the diving operation is in no way contrary to any restriction inserted in that person's diving supervisor's certificate or attached to that person's document referred to in clause (c) in accordance with Section 35.

Category I diving supervisor's certificate

28 (1) The Chief Safety Officer may, on application, issue a category I diving supervisor's certificate that is valid for 1 year to a person who

- (a) has
 - (i) been, for at least 3 years, the holder of a category I diving certificate issued under Section 54 or 69, or a document that is
 - (A) issued on the basis of training and experience that are equivalent to the training and experience required of a person to obtain a certificate under Section 54, and

- (B) acceptable to the Chief Safety Officer,
- (ii) been, during the 12 months before the application, an assistant diving supervisor for at least 16 category I dives and has supervised at least 2 real or mock incidents involving decompression sickness,
- (iii) submitted to the Chief Safety Officer a letter of recommendation in the form set out in Schedule 6 that is signed by a diving contractor or operator and by a diving supervisor, and
- (iv) passed a test acceptable to the Chief Safety Officer for a category I diving supervisor's certificate;
- (b) held a category I diving supervisor's certificate that was issued under this subsection but that is no longer valid because it was not renewed under subsection (2) and who meets the requirements of subparagraphs [subclauses] (a)(ii) and (iii); or
- (c) has demonstrated to the Board that their training and experience are equivalent to the training and experience required of a person to obtain a certificate under clause (a).
- (2) The Chief Safety Officer may, on application by the holder of a category I diving supervisor's certificate issued under subsection (1), renew the certificate for a period of 1 year if the holder of the certificate has supervised at least 12 category I dives and at least 2 real or mock incidents involving decompression sickness during the 12 months before the application.

Supervision of a category II diving operation

29 A person must not supervise a category II diving operation unless the person

- (a) has been appointed in writing under clause 9(3)(b);
- (b) meets the criteria set out in paragraphs [clauses] 27(b) and (d); and
- (c) holds a valid diving supervisor's certificate issued under Section 30, 32 or 69, or a valid document that is
 - (i) issued on the basis of training and experience that are equivalent to the training and experience required of a person to obtain a certificate under Section 30 or 32, and
 - (ii) acceptable to the Chief Safety Officer.

Category II diving supervisor's certificate

30 (1) The Chief Safety Officer may, on application, issue a category II diving supervisor's certificate that is valid for 1 year to a person who

- (a) has
 - (i) been, for at least 2 years, the holder of a category II diving certificate issued under Section 56 or 69, or a document that is
 - (A) issued on the basis of training and experience that are equivalent to the training and experience required of a person to obtain a certificate under Section 56, and
 - (B) acceptable to the Chief Safety Officer,

- (ii) been, during the 12 months before the application, an assistant diving supervisor for at least 6 category II dives and 10 category I dives and has supervised at least 2 real or mock incidents involving decompression sickness,
 - (iii) submitted to the Chief Safety Officer a letter of recommendation in the form set out in Schedule 6 that is signed by a diving contractor or operator and by a diving supervisor who holds a category II or III diving supervisor's certificate, and
 - (iv) passed a test acceptable to the Chief Safety Officer for a category II diving supervisor's certificate;
- (b) held a category II diving supervisor's certificate that was issued under this subsection but that is no longer valid because it was not renewed under subsection (2) and who meets the requirements of subparagraphs [subclauses] (a)(ii) and (iii); or
 - (c) has demonstrated to the Board that their training and experience are equivalent to the training and experience required of a person to obtain a certificate under clause (a).
- (2) The Chief Safety Officer may, on application by the holder of a category II diving supervisor's certificate issued under subsection (1), renew the certificate for a period of 1 year if the holder of the certificate has supervised at least 12 dives, of which at least 6 were category II dives, and at least 2 real or mock incidents involving decompression sickness during the 12 months before the application.

Supervision of a category III diving operation

31 A person must not supervise a category III diving operation unless the person

- (a) has been appointed in writing under clause 9(3)(c);
- (b) meets the criteria set out in paragraphs [clauses] 27(b) and (d); and
- (c) holds a valid category III diving supervisor's certificate issued under Section 32 or 69, or a valid document that is
 - (i) issued on the basis of training and experience that are equivalent to the training and experience required of a person to obtain a certificate under Section 32, and
 - (ii) acceptable to the Chief Safety Officer.

Category III diving supervisor's certificate

32 (1) The Chief Safety Officer may, on application, issue a category III diving supervisor's certificate that is valid for 1 year to a person who

- (a) has
 - (i) been, for at least 2 years, the holder of a category III diving certificate issued under Section 58 or 69, or a document that is
 - (A) issued on the basis of training and experience that are equivalent to the training and experience required of a person to obtain a certificate under Section 58, and
 - (B) acceptable to the Chief Safety Officer,

- (ii) been, during the 12 months before the application, an assistant diving supervisor for at least 16 dives, of which at least 2 were saturation dives and 6 were category II dives, and has supervised at least 2 real or mock incidents involving decompression sickness,
 - (iii) submitted to the Chief Safety Officer a letter of recommendation in the form set out in Schedule 6 that is signed by a diving contractor or operator and by 2 diving supervisors, each of whom holds a category III diving supervisor's certificate, and
 - (iv) passed a test acceptable to the Chief Safety Officer for a category III diving supervisor's certificate;
- (b) held a category III diving supervisor's certificate that was issued under this subsection but that is no longer valid because it was not renewed under subsection (2) and who meets the requirements of subparagraphs [subclauses] (a)(ii) and (iii); or
 - (c) has demonstrated to the Board that their training and experience are equivalent to the training and experience required of a person to obtain a certificate under clause (a).
- (2) The Chief Safety Officer may, on application by the holder of a category III diving supervisor's certificate issued under subsection (1), renew the certificate for a period of 1 year if the holder of the certificate has supervised at least 12 dives, of which at least 1 was a saturation dive and at least 6 were category II dives, and has supervised at least 2 real or mock incidents involving decompression sickness during the 12 months before the application.

Supervision of an ADS diving operation

33 A person must not supervise an ADS diving operation unless the person

- (a) has been appointed in writing under clause 9(3)(d);
- (b) meets the criteria set out in clause 27(b) and subclause 27(d)(ii);
- (c) has demonstrated to the diving contractor who conducts the diving operation that the person has sufficient pilot and ADS supervisory experience and adequate knowledge of the use of the type of ADS to be used in the diving operation and is familiar with the relevant provisions of the procedures manual referred to in clause 4(4)(a) and the contingency plan referred to in clause 4(4)(g) to be used in the diving operation; and
- (d) holds a valid ADS supervisor's certificate issued under Section 34 or 69, or a valid document that is
 - (i) issued on the basis of training and experience that are equivalent to the training and experience required of a person to obtain a certificate under Section 34, and
 - (ii) acceptable to the Chief Safety Officer.

ADS supervisor's certificate

34 (1) The Chief Safety Officer may, on application, issue an ADS supervisor's certificate that is valid for 1 year to a person who

- (a) has
 - (i) been, for at least 3 years, the holder of a pilot's certificate issued pursuant to Section 64 or 69, or a document that is

- (A) issued on the basis of training and experience that are equivalent to the training and experience required of a person to obtain a certificate under Section 64, and
 - (B) acceptable to the Chief Safety Officer,
- (ii) made at least 20 ADS dives with a total bottom time of at least 80 hours, and
 - (iii) submitted to the Chief Safety Officer a letter of recommendation that is signed by a diving contractor or operator and by an ADS supervisor and that is acceptable to the Chief Safety Officer;
- (b) held an ADS supervisor's certificate that was issued under this subsection but that is no longer valid because it was not renewed under subsection (2) and has supervised at least 10 ADS dives with a total bottom time of at least 25 hours during the 12 months before the application; or
 - (c) has demonstrated to the Board that their training and experience are equivalent to the training and experience required of a person to obtain a certificate under clause (a).
- (2) The Chief Safety Officer may, on application by the holder of an ADS supervisor's certificate issued under subsection (1), renew the certificate for a period of 1 year if the holder of the certificate has supervised at least 6 ADS dives with a total bottom time of at least 20 hours during the 12 months before the application.

Restrictions respecting supervisor's certificate and document

- 35 (1) The Chief Safety Officer may insert in a supervisor's certificate issued under Section 28, 30, 32, 34 or 69, or attach to a document referred to in subclause 28(1)(a)(i), 30(1)(a)(i), 32(1)(a)(i) or 34(1)(a)(i), restrictions with respect to the supervision of a diving operation by the holder of the certificate or the document if the Chief Safety Officer considers the restrictions necessary for safety reasons.
- (2) If the Chief Safety Officer inserts a restriction in a certificate or attaches a restriction to a document under subsection (1), the Chief Safety Officer must give the holder of the certificate or the document an opportunity to show cause why the restriction should not be inserted or attached.

Invalidation of supervisor's certificate

- 36 (1) The Chief Safety Officer may invalidate a supervisor's certificate issued under Section 28, 30, 32, 34 or 69 if, in the opinion of the Chief Safety Officer, the holder of the certificate has become incompetent or incapacitated.
- (2) If the Chief Safety Officer proposes to invalidate a supervisor's certificate pursuant to subsection (1), the Chief Safety Officer must give the holder of the certificate at least 30 days' notice in writing setting out the reasons for the proposed invalidation and must give the holder an opportunity to show cause why the certificate should not be invalidated.

Supervisor's duties

- 37 (1) A diving supervisor must not, in a diving operation supervised by the diving supervisor, permit a person to make
 - (a) a category I dive in the diving operation unless the person meets the criteria set out in Section 53, 55 or 57;
 - (b) a category II dive in the diving operation unless the person meets the criteria set out in Section 55 or 57; or

- (c) a category III dive in the diving operation unless the person meets the criteria set out in Section 57.
- (2) An ADS supervisor must not, in an ADS diving operation supervised by the ADS supervisor, permit a person to make an ADS dive in the diving operation unless the person meets the criteria set out in Section 63.
- (3) A supervisor must not, in a diving operation under their supervision, permit a person to be involved in the diving operation if the supervisor believes on reasonable grounds that the person is unfit to be involved in the diving operation or that the involvement of the person in the diving operation could compromise the safety of other persons involved in the diving operation.
- (4) A diving supervisor must plan dives in such a manner that the total bottom time of a diver supervised by the supervisor does not exceed, in any 24-hour period,
 - (a) in the case of a category I dive,
 - (i) 5 hours at depths of 20 m or less, or
 - (ii) 3 hours at depths of more than 20 m;
 - (b) in the case of a category II dive, 3 hours; and
 - (c) in the case of a category III dive, 8 hours.
- (5) A diving supervisor must plan a diving operation in such a manner that, when practicable, a diving bell is used in the diving operation for any dive to a depth of more than 30 m that requires surface decompression.
- (6) An ADS supervisor must ensure that a pilot supervised by the supervisor does not spend more than 8 hours underwater in any 24-hour period.
- (7) A supervisor must ensure that, following a dive under the supervisor's supervision, the diver or pilot who made the dive has an adequate rest period.

Supervisor to be at diving operation

- 38** (1) The supervisor must be present at the diving station from which the diving operation is controlled at all times during the diving operation or during the period in which the supervisor is on duty, as the case may be, and must
- (a) directly control the diving operation;
 - (b) use, during the total dive time of the diving operation, a sufficient number of trained persons to operate the diving plant and equipment used in that diving operation; and
 - (c) follow the relevant provisions of the applicable procedures manual for that diving operation.
- (2) Despite any other provision of these regulations, the supervisor may, in the case of an emergency, allow or direct the use of diving techniques, equipment and procedures not permitted by these regulations where that use provides the only available practicable means of ensuring or enhancing the safety of the persons involved in the diving operation.
- (3) The supervisor must interrupt or discontinue the diving operation if

- (a) continuation of the diving operation would or is likely to compromise the safety of any person involved in the diving operation;
 - (b) the water currents at the underwater work site of the diving operation are likely to compromise the safety of a diver or pilot involved in the diving operation; or
 - (c) combustible material is stored too close for safety to any diving plant and equipment used in the diving operation.
- (4) The supervisor that involves the use of a diving submersible must, where practicable, discontinue the diving operation if the unused stored electrical power of the diving submersible reaches 20% of the electrical power capacity of the diving submersible, excluding the back-up capability referred to in clause 14(c).
- (5) If the supervisor wishes to begin or continue the diving operation and the person in charge of the craft or installation from which the diving operation is being conducted considers that the beginning or continuation of the diving operation would compromise the safety of any person on the craft or installation or the safety of the craft or installation, the decision of the person in charge of the craft or installation respecting the beginning or continuation of the diving operation overrules the supervisor's decision.
- (6) In the event of an accident, the supervisor must
- (a) take any measures that are necessary to provide treatment to any person injured in the accident and to ensure the safety of the persons involved in the diving operation;
 - (b) interrupt the diving operation or any portion of the diving operation that may have caused or contributed to the accident until the diving operation or portion of the diving operation can be safely resumed;
 - (c) deliver the diving operations logbook referred to in clause 9(5)(m) to the operator responsible for the diving operation as soon as possible after the accident;
 - (d) keep the site of the accident undisturbed until a conservation officer has completed inspection of the site;
 - (e) prepare a written report that contains a description of the accident, a summary of the events that led to the accident and the measures taken following the accident; and
 - (f) deliver to the operator responsible for the diving operation the report referred to in clause (e).

Requirements for diving operation

39 (1) A supervisor must not conduct a diving operation unless

- (a) before the beginning of a dive that is part of the diving operation, the supervisor has consulted the person in charge of the craft or installation from which the diving operation will be conducted and any other person whose assistance the supervisor considers necessary for the dive;
- (b) the supervisor has taken into account, in any decision respecting the diving operation, the meteorological data available to the supervisor and the environmental conditions in the area of the proposed dive site;

- (c) protective headgear is available for any diver involved in the diving operation at any time that the diver is at or below the surface of the water and, where practicable, at any time the diver is transported in a skip;
 - (d) during any period of darkness or low visibility,
 - (i) any diver involved in the diving operation is provided with, and has attached to the diver's person, a lamp or other suitable device that indicates the diver's location, and
 - (ii) when the nature of the diving operation permits, the dive site and the underwater work site of the diving operation are adequately illuminated;
 - (e) any standby diver involved in the diving operation has an umbilical at least 3 m longer than the umbilical of the diver for whom the stand-by diver acts as stand-by;
 - (f) the divers and pilots involved in the diving operation are protected from any danger or hazards that could be caused by
 - (i) sonar,
 - (ii) devices emitting electromagnetic or ionizing radiation,
 - (iii) the propeller and the manoeuvring unit of any craft from which the diving operation is being conducted and the flows of water created by the propeller and the manoeuvring unit,
 - (iv) the normal movements of a craft referred to in subclause (iii) and any movements of the craft caused by unexpected loss of power or stability,
 - (v) any suction or water current encountered in or resulting from the diving operation, and
 - (vi) equipment on a craft or an installation from which the diving operation is being conducted; and
 - (g) plans have been made, in the event that a craft from which the diving operation is being conducted loses power, to protect and to recover a diver or pilot involved in the diving operation who is in the water.
- (2) A diving supervisor must not permit a diver supervised by the supervisor to enter the water unless
- (a) the diver
 - (i) is wearing a diving harness complete with a pelvic support and lifting ring and is equipped, where practicable, with a depth indicator capable of being monitored from the surface, and
 - (ii) has a bailout gas bottle that is independent of the primary supply of breathing mixture to the diver; and
 - (b) all impressed current cathodic protection devices situated within a radius of 5 m from the diver's underwater work site are deactivated and the notice referred to in subclause 6(1)(g)(ii) is prominently displayed on the controls of the devices, or other equally effective measures are taken to ensure the safety of any diver within a radius of 5 m of any active impressed current cathodic protection devices.

Restrictions respecting dive sites

- 40 (1)** A diving supervisor must not permit a diver supervised by the supervisor to make a dive that is part of a diving operation from
- (a) a place referred to in clause 6(1)(b) that is unsuitable;
 - (b) a craft that has insufficient power or stability for the safe conduct of the dive;
 - (c) a dive site located more than 2 m above the water unless a suitable skip, diving bell or diving submersible is used to transport the diver through the air-water interface;
 - (d) a dynamically positioned craft unless
 - (i) the craft has been operating in the dynamically positioned mode for at least 30 minutes before the diver enters the water,
 - (ii) the range of surge or sway movement of the water at the dive site is less than 80% of the maximum operational capacity limit of the craft,
 - (iii) a skip or a diving bell is positioned as close as possible to the diver's underwater work site,
 - (iv) all reasonable precautions are taken to prevent any umbilical used in the dive from coming into contact with any propeller or manoeuvring unit of the craft,
 - (v) any change of heading or positioning of the craft, at any time that a diver involved in the diving operation is in the water, is made only after the diving supervisor has granted permission for the change and the diver has been notified, and
 - (vi) the craft complies with the requirements of Section 25; and
 - (e) a craft that is underway, except in the case of an emergency.
- (2)** For the purposes of subsection (1), a craft that is operating in the dynamically positioned mode and that complies with the requirements of Section 25 is not considered to be underway.
- (3)** A supervisor must not conduct a diving operation unless the person in charge of the craft or installation from which the diving operation is to be conducted has been notified of the proposed diving operation.

Restricted use of SCUBA

- 41** A diving supervisor must not use or permit to be used SCUBA in a diving operation supervised by the supervisor unless
- (a) any other diving technique is impossible or more hazardous to use;
 - (b) the diving operation is conducted in water that is less than 20 m deep;
 - (c) the diving operation can be completed without the need for decompression;
 - (d) the diver using SCUBA is connected to a lifeline or, if the use of a lifeline is impossible,
 - (i) the diver is in contact, visually or orally, with another diver who is in the water, securely connected to a lifeline and assisted by an attendant at the dive site, or

- (ii) some other effective method of ensuring the diver's safety is provided;
- (e) there is a practical means of communication between the supervisor and the diver using SCUBA and there is a means of oral communication between the supervisor and other personnel involved in the diving operation;
- (f) the diving crew for the duration of the diving operation includes a minimum of 1 supervisor, 1 diver, 1 stand-by diver and as many attendants as the supervisor considers necessary to ensure the safety of the divers involved in the diving operation; and
- (g) all applicable provisions of these regulations are complied with.

Restrictions respecting category I diving operations

42 A diving supervisor must not conduct a category I diving operation, other than a diving operation in which SCUBA is used, unless

- (a) a suitable skip is used to transport the divers involved in the diving operation to an underwater work site that is 20 m or more in depth and, where practicable, to an underwater work site that is less than 20 m in depth;
- (b) an umbilical directly from the surface or via a skip is used to supply the appropriate breathing mixture to the divers involved in the dive that is part of the diving operation;
- (c) the supervisor is in oral communication with any divers, stand-by divers and attendants involved in the diving operation at all times during the diving operation;
- (d) the supervisor has a means of monitoring the depth of each diver involved in the diving operation and the pressure of the breathing mixture being supplied to each diver and stand-by diver involved in the dive;
- (e) each diver involved in the dive is securely connected to a lifeline; and
- (f) the diving crew, for the duration of the diving operation, includes 1 diving supervisor, 1 diver and a minimum of
 - (i) 1 stand-by diver equipped with an umbilical at least 3 m longer than the umbilical of the diver for whom the stand-by diver acts as stand-by,
 - (ii) 1 attendant at the dive site of the diving operation, and
 - (iii) as many additional attendants as the supervisor considers necessary to ensure the safety of the divers involved in the diving operation.

Restrictions respecting category II diving operations

43 A diving supervisor must not conduct a category II diving operation unless

- (a) the requirements referred to in clauses 42(c) to (e) are complied with;
- (b) a diving bell or diving submersible is used for any descent or ascent of a diver to or from the underwater work site of the diving operation;
- (c) the diving supervisor has a means of monitoring the internal pressure of any diving bell or surface compression chamber or the compression chamber of any diving submersible used in the diving operation; and

- (d) the diving crew, for the duration of the diving operation, includes 1 diving supervisor and a minimum of
 - (i) 2 divers who are in the diving bell or diving submersible used in the diving operation, 1 of whom is a stand-by diver equipped with an umbilical at least 3 m longer than the umbilical of the diver for whom the stand-by diver acts as stand-by,
 - (ii) 1 additional stand-by diver and 1 attendant at the dive site of the diving operation, and
 - (iii) as many additional attendants as the supervisor considers necessary to ensure the safety of the divers involved in the diving operation.

Restrictions respecting category III diving operations

- 44** (1) A diving supervisor must not, in a saturation dive supervised by the supervisor, permit the total dive time of any diver involved in the dive to exceed 31 days.
- (2) A diving supervisor must not conduct a category III diving operation unless the diving crew, for the duration of the dive, includes the persons referred to in clause 43(d) and as many additional specialists and life-support technicians as the diving supervisor considers necessary to ensure the safety of the divers involved in the dive.

Restriction respecting diving supervisors

- 45** A diving supervisor must not make a dive while supervising a diving operation, even in the case of an emergency.

Additional duties

- 46** (1) When a skip, diving bell, diving submersible or ADS used in a diving operation is being lowered into or raised from the water, the supervisor must ensure that the skip, diving bell, diving submersible or ADS, as the case may be, is continuously within the supervisor's vision, either directly or by any other means.
- (2) When, in a diving operation, a diving bell is coupled with a surface compression chamber by means of a clamping mechanism, the supervisor may permit only a person who is familiar with the operational procedures designed for the clamping mechanism to operate that clamping mechanism.
- (3) When, in a diving operation, a person is transferred to or from a diving bell, the supervisor must ensure that any surface compression chambers used in the diving operation but not used in the transfer are, during the transfer, isolated from the surface compression chambers used in the transfer.
- (4) If a diver involved in a diving operation exhibits any unusual psychological or physiological symptoms or any severe symptoms of decompression sickness, the diving supervisor must advise the specialized diving doctor referred to in clause 4(3)(d) and the operator responsible for the diving operation of the symptoms and must supervise any therapeutic recompression or decompression of the diver.
- (5) A diving supervisor must take all reasonable precautions to ensure that, except in the event of the evacuation of a diver during a diving operation supervised by the diving supervisor,
- (a) a diver involved in the diving operation who has completed a dive does not fly in an aircraft
 - (i) for 12 hours after a non-decompression dive,
 - (ii) for 24 hours after decompression, or

- (iii) for any longer period that the diving supervisor considers necessary to ensure that the diver does not suffer decompression sickness; and
 - (b) a diver involved in the diving operation who has completed a saturation dive remains under observation in the general area of the decompression chamber for at least 24 hours after decompression or any longer period that is sufficient in the opinion of the diving supervisor to ensure the well-being of the diver.
- (6) A diving supervisor must take all reasonable precautions to ensure that, in the evacuation of a person during a diving operation supervised by the supervisor, a person involved in the diving operation who has completed decompression within the preceding 24 hours does not fly in an aircraft at an altitude greater than is operationally necessary in the circumstances.

Diving plant and equipment

- 47 (1) A supervisor must not conduct a diving operation unless
- (a) the diving plant and equipment referred to in clause 9(5)(h) meet the relevant requirements of Sections 12 to 21, are available for use when required and, except for diving plant and equipment intended to be mobile during the diving operation, are, at all times during the diving operation, firmly secured to the craft or installation from which the diving operation is conducted; and
 - (b) any electrically operated diving plant and equipment that are used in the diving operation are suitable for the location in which they are to be used and are protected from hazards caused by water and environmental conditions.
- (2) A supervisor must not, in a diving operation supervised by the supervisor, use any diving plant and equipment in the diving operation unless
- (a) the appropriate examinations and tests referred to in subsection 11(1) have been carried out on the diving plant and equipment and the certificates related to those examinations and tests have been inserted into or attached to the register referred to in subsection 11(3); and
 - (b) the supervisor has, not more than 24 hours before the use,
 - (i) examined the diving plant and equipment in accordance with the relevant provisions of the applicable procedures manual and found them to be in good working order, and
 - (ii) when appropriate, in addition to the examination referred to in subclause (i), tested for leaks any pump, compressor, cylinder or pipeline used in the diving operation to convey breathing mixture and found it free from leaks.
- (3) A diving supervisor must not conduct a dive unless a 2-compartment compression chamber that is located in a readily accessible place on board the craft or installation from which the dive is conducted, except when the dive is conducted at a depth of 10 m or less, in which case the compression chamber may be located within 1 hour's travelling time from the dive site,
- (a) has been approved in accordance with Section 5 for the diving program of which the dive is a part, to be used at a pressure that is not less than 6 atmospheres absolute or, if the maximum working pressure that may be encountered during the dive is greater than 6 atmospheres absolute, at the maximum pressure plus 1 atmosphere; and
 - (b) is suitable for the dive.

Oxygen supply systems and breathing mixture supply systems

- 48 (1)** A supervisor must not conduct a diving operation in which
- (a) an oxygen supply system is used, unless the oxygen supply system meets the requirements set out in Section 19;
 - (b) a breathing mixture supply system is used, unless the breathing mixture supply system meets the requirements set out in Sections 20 and 21; and
 - (c) an analyzer is used to determine the relative levels of oxygen and carbon dioxide during any dive that is part of the diving operation, unless the analyzer is recalibrated in accordance with the manufacturer's instructions for the analyzer before the dive.
- (2)** When an analyzer is used continuously in a diving operation to determine the relative levels of oxygen and carbon dioxide during any dive that is part of the diving operation, the supervisor must ensure that the analyzer is recalibrated in accordance with the manufacturer's instructions for the analyzer, where practicable, every 2 hours.
- (3)** A diving supervisor must not, in a diving operation supervised by the supervisor, use or permit to be used an on-line gas blender or diver's gas recovery system unless, at all times that the blender or recovery system is in use, the requirements of Section 21 are complied with.

Breathing mixture

- 49 (1)** A supervisor must not begin or continue a diving operation unless
- (a) the total quantity of appropriate breathing mixture that is available at any time during the diving operation consists of the quantities set out in Section 22;
 - (b) the purity of the breathing mixture is of an acceptable standard; and
 - (c) the quantities of breathing mixture referred to in subclauses 22(1)(a)(ii) and (iii) are available for immediate use at a flow rate, temperature and pressure that are safe for the user.
- (2)** A supervisor must not permit a diver supervised by the supervisor to make a dive unless
- (a) the total quantity of appropriate breathing mixture, including the reserve supply,
 - (i) carried by the diver is sufficient to enable the diver to reach a skip, diving bell or diving submersible used in connection with the dive, a reserve supply referred to in subclause 22(1)(a)(ii) or the surface, and
 - (ii) available to the diver's stand-by diver for immediate use is sufficient to enable the stand-by diver to reach the diver and to enable the stand-by diver and the diver
 - (A) to carry out appropriate decompression procedures and return to the surface, or
 - (B) to return to the skip, diving bell or diving submersible used in connection with the dive and to carry out appropriate decompression procedures either in the skip, diving bell or diving submersible, as the case may be, or at the surface; and
 - (b) the supervisor has analyzed the breathing mixture for the accuracy of its oxygen content immediately before the dive.
- (3)** A supervisor must not, in a diving operation supervised by the supervisor, use or permit to be used

- (a) compressed air as a breathing mixture at water depths greater than 50 m or at pressures that are equivalent to the pressures of water depths greater than 50 m, except in the case of a category III dive; or
 - (b) pure oxygen as a breathing mixture, except for decompression or therapeutic purposes.
- (4) A supervisor must protect any breathing mixture to be used in a diving operation supervised by the supervisor from any likelihood of contamination.
- (5) If a diving supervisor becomes aware of any oil or other contaminant in waters in which a diving operation supervised by the supervisor is being conducted, the supervisor must take all necessary steps to avoid any contamination of any diver in the water and of the ambient atmosphere in any compression chamber used in the diving operation.

Diving operations logbooks

- 50 (1) A supervisor must enter in the diving operations logbook referred to in clause 9(5)(m), for each diving operation or portion of a diving operation supervised by the supervisor,
- (a) the date and the time the diving operation was begun and ended, including any time during which the diving operation was interrupted, or the date and the time the supervisor began the supervision and the time the supervision ended;
 - (b) the name of the diving contractor, if any, who conducted the diving operation;
 - (c) the name of the operator or the operator's representative responsible for the diving operation;
 - (d) the name or other designation and the location of the craft or installation from which, or other dive site at which, the diving operation was conducted;
 - (e) the identification number of any dive supervised during the diving operation or during the period of supervision referred to in clause (a);
 - (f) the name of the supervisor, the names of all other persons involved in the diving operation, including those who operated any diving plant and equipment used in the diving operation, the names of the persons consulted under clause 39(1)(a), the names of any other persons consulted in respect of the diving operation and the positions or titles of all the persons named;
 - (g) the procedures followed during the diving operation;
 - (h) the decompression table and the schedule in the decompression table that were used in the diving operation;
 - (i) the time at which any diver involved in the diving operation and any skip, diving bell, diving submersible or ADS used in the diving operation left the surface and returned to the surface;
 - (j) the maximum depth, bottom time, dive time and total dive time for each dive conducted during the period of supervision referred to in clause (a);
 - (k) the type of diving plant and equipment and the type of breathing mixture used in the diving operation;
 - (l) the type of discomfort, injury or illness, including decompression sickness, suffered by any person involved in the diving operation;

- (m) the particulars of any environmental conditions that affected or might have affected the diving operation; and
 - (n) any other factor relevant to the safety or health of any person involved in the diving operation.
- (2) A supervisor must, after completion of an entry in the diving operations logbook in accordance with subsection (1), immediately sign the entry and request the operator or the operator's representative responsible for the diving operation to countersign the entry as soon as possible.
- (3) A person must not make any alteration to an entry in a diving operations logbook referred to in subsection (1) unless the alteration is initialled by the supervisor who made the entry and by the person who countersigned the entry.
- (4) When there is no space for further entries in a diving operations logbook for a diving operation, or when the diving operation is completed, whichever occurs first, the supervisor who made the last entry in the logbook must deliver the logbook to the diving contractor who conducted the diving operation, but in the event of an accident in connection with the diving operation, the supervisor on duty at the time of the accident must deliver the logbook to the operator responsible for the diving operation as soon as possible after the accident.

Supervisor's logbooks

- 51 (1) A supervisor must keep a logbook that is permanently bound, has numbered pages and contains the name and signature of the supervisor and a photograph that is a likeness of the supervisor.
- (2) A supervisor must, as soon as possible after supervision of a dive or after supervision of a portion of a dive, enter in the logbook for each dive or portion of a dive supervised by the supervisor,
- (a) the date of the dive;
 - (b) the name of the diving contractor, if any, who conducted the dive;
 - (c) the name of the operator or the operator's representative responsible for the diving operation;
 - (d) the name or other designation and location of the craft or installation from which, or other dive site at which, the dive was conducted;
 - (e) the dive identification number referred to in clause 50(1)(e);
 - (f) the name of each diver or pilot supervised;
 - (g) the maximum depth, bottom time and dive time of the dive;
 - (h) the decompression table and the schedule in the decompression table that were used in the dive;
 - (i) details of any medical care or advice given and the type of therapeutic treatment used, if any;
 - (j) any emergency in connection with the dive; and
 - (k) any other factor relevant to the safety or health of any person involved in the dive.
- (3) A supervisor must, after completion of an entry in the supervisor's logbook in accordance with subsection (2), immediately sign the entry and request the operator or the operator's representative responsible for the dive to countersign the entry as soon as possible.

- (4) A person must not make any alteration to an entry in a supervisor's logbook unless the alteration is initialled by the supervisor and by the person who countersigned the entry.
- (5) A supervisor must produce, on request, the supervisor's logbook for inspection by the diving doctor who examines the supervisor for the purposes of these regulations, at the time of the examination.
- (6) A supervisor must keep in the supervisor's logbook referred to in subsection (1)
 - (a) the supervisor's diving supervisor's certificate or ADS supervisor's certificate;
 - (b) the supervisor's written appointment as a supervisor under subsection 9(3);
 - (c) any certificates or other evidence of qualification in addition to those referred to in clause (a); and
 - (d) any certificates or other evidence of medical examination received from a diving doctor.
- (7) A supervisor must retain the supervisor's logbook referred to in subsection (1) for a period of not less than 2 years after the day on which the last entry is made in it.

Keeping of records

- 52** (1) When a person involved in a diving operation is in a compression chamber, the supervisor must keep a record or ensure that a record is kept, at regular intervals of not more than 30 minutes, of the time and depth gauge readings and of the main components of the atmosphere in the compression chamber, including
- (a) the oxygen and carbon dioxide; and
 - (b) the temperature and humidity.
- (2) The supervisor must keep a copy of any certifications and inspections carried out on the diving plant and equipment used and must keep a record of
- (a) the results of any analyses of any breathing mixture used;
 - (b) any scheduled and unscheduled maintenance performed on any component of the diving plant and equipment used; and
 - (c) the results of any readings taken under subsection (1).
- (3) On completion of a diving operation, the supervisor must deliver the records and copies kept under subsection (2) to the diving contractor who conducted the diving operation.
- (4) The supervisor must make a tape recording of all communications between the divers or the pilots involved in a dive that is part of the diving operation and the supervisor during the pre-dive system check and during the dive and must retain the tape recording for a minimum of 48 hours after the completion of the diving operation.

Part 6: Divers

Category I dives

- 53** A person must not make a category I dive in a diving operation unless the person
- (a) is 18 years of age or older;

- (b) has been certified to be medically fit to dive by a diving doctor who has
 - (i) inspected the person's diver's logbook referred to in Section 62,
 - (ii) examined the person not more than 12 months before the period during which the diving operation is to be conducted, and
 - (iii) recorded the results of the examination including, in the case of a person 35 years of age or older, the results of a stress ECG performance test on a treadmill or a bicycle, on a medical examination record in the form set out in Schedule 7 or in another form acceptable to the Chief Safety Officer and on a diver's medical certificate in the person's diver's logbook;
- (c) has delivered a copy of the diver's medical certificate referred to in clause (b) to the diving contractor who conducts the diving operation;
- (d) holds
 - (i) a valid category I diving certificate issued under Section 54 or 69,
 - (ii) during the first year in which the person makes category I dives in a diving operation, a valid document that is
 - (A) issued on the basis of training and experience that are equivalent to the training and experience referred to in clause 54(1)(a), and
 - (B) acceptable to the Chief Safety Officer,
 - (iii) a valid category II diving certificate issued under Section 56 or 69 or a valid document referred to in clause 55(1)(b), or
 - (iv) a valid category III diving certificate issued under Section 58 or 69 or a valid document referred to in clause 57(1)(b); and
- (e) has demonstrated to the supervisor that
 - (i) the person is capable of using, and has sufficient experience in the use of, the type of diving plant and equipment and breathing mixture to be used in the diving operation and is familiar with the relevant provisions of the procedures manual referred to in clause 4(4)(a) and the contingency plan referred to in clause 4(4)(g) to be followed in the diving operation, and
 - (ii) the person's involvement in the diving operation is in no way contrary to any restriction inserted in the person's diving certificate or attached to the document referred to in clause (d) under Section 59.

Category I diving certificates

54 (1) The Chief Safety Officer may, on application, issue a category I diving certificate that is valid for 1 year to a person who has attained a standard of competence in category I diving that is acceptable to the Chief Safety Officer and who

- (a) holds a first-aid certificate acceptable to the Chief Safety Officer and has

- (i) successfully completed, at a school, institution or company acceptable to the Chief Safety Officer, training in the theoretical and practical aspects of diving appropriate to category I diving, including
 - (A) the use of air as a breathing mixture,
 - (B) surface-oriented diving techniques and operational procedures,
 - (C) diving techniques and operational procedures for use with SCUBA,
 - (D) the use and operation of any diving plant and equipment, including hand-held tools,
 - (E) the use of communications systems,
 - (F) the use of decompression tables,
 - (G) emergency procedures, including hyperbaric first-aid techniques and the operation of surface compression chambers, and
 - (H) a thorough study of these regulations, and
 - (ii) made at least 50 dives in various environmental conditions and locations and for various purposes with a bottom time totalling at least 50 hours, including
 - (A) at least 40 dives to depths of up to 20 m with a bottom time totalling at least 43 hours, of which at least 10 were dives to depths of between 15 m and 20 m with a bottom time totalling at least 7 hours, and
 - (B) at least 10 dives to depths of between 20 m and 50 m with a bottom time totalling at least 7 hours, of which at least 3 hours were at depths of between 40 m and 50 m and at least 1 hour was at a depth of at least 50 m;
 - (b) held a category I diving certificate that was issued under this subsection but that is no longer valid because it was not renewed under subsection (2) and who has made at least 28 dives with a bottom time totalling at least 24 hours during the 12 months before the application;
 - (c) has demonstrated to the Board that their training and experience are equivalent to the training and experience described in clause (a); or
 - (d) holds a valid document referred to in clause 53(d).
- (2) The Chief Safety Officer may, on application by the holder of a category I diving certificate issued under subsection (1), renew the certificate for a period of 1 year if the holder of the certificate has made at least 24 category I dives with a bottom time totalling at least 20 hours during the 12 months before the application.

Category II dives

- 55 (1) Subject to subsection (2), a person must not make a category II dive in a diving operation unless the person
- (a) meets the criteria set out in clauses 53(a) to (c) and (e); and
 - (b) holds

- (i) a valid category II diving certificate issued under Section 56 or 69,
 - (ii) during the first year in which the person makes a category II dive in a diving operation, a valid document that is
 - (A) issued on the basis of training and experience that are equivalent to the training and experience referred to in clause 56(1)(a), and
 - (B) acceptable to the Chief Safety Officer, or
 - (iii) a valid category III diving certificate issued under Section 58 or 69 or a valid document referred to in clause 57(1)(b).
- (2) A diver who holds a category I diving certificate may make a category II dive for training purposes in a diving operation if
- (a) the diver is employed in a diving program on a full-time basis to make category I dives;
 - (b) the dive is authorized as a training dive by the operator or the operator's representative responsible for the diving operation and the person in charge of the craft or installation from which the dive will be conducted; and
 - (c) the diver makes the dive under the close supervision of a diver who holds a category II or category III diving certificate.

Category II diving certificates

- 56 (1)** The Chief Safety Officer may, on application, issue a category II diving certificate that is valid for 1 year to a person who has attained a standard of competence in category II diving that is acceptable to the Chief Safety Officer and who
- (a) has
 - (i) successfully completed, at a school, institution or company acceptable to the Chief Safety Officer, training in the theoretical and practical aspects of diving appropriate to category II diving, including
 - (A) the use of mixed gas as a breathing mixture,
 - (B) mixed gas diving techniques and operational procedures,
 - (C) the use and operation of any diving plant and equipment,
 - (D) any type of underwater work generally done by a diver,
 - (E) the use of communications systems,
 - (F) emergency procedures, including hyperbaric first-aid techniques and the operation of compression chambers, and
 - (G) a thorough study of these regulations, and
 - (ii) been employed to make category I dives for at least the 12 months before the application and has made at least 60 dives in a diving bell or diving submersible with a bottom time totalling at least 20 hours, including at least 30 lock-out dives of which 4 were to a depth

of more than 50 m, 2 were to a depth of more than 80 m and 1 was to a depth of 100 m or more, with a bottom time totalling at least 30 minutes per dive;

- (b) held a category II diving certificate that was issued under this subsection but that is no longer valid because it was not renewed under subsection (2) and who has made at least 28 dives with a bottom time totalling at least 24 hours, including at least 10 category II dives with a bottom time totalling at least 10 hours, during the 12 months before the application;
 - (c) has demonstrated to the Board that their training and experience are equivalent to the training and experience described in clause (a); or
 - (d) holds a valid document referred to in clause 55(1)(b).
- (2) The Chief Safety Officer may, on application by the holder of a category II diving certificate issued under subsection (1), renew the certificate for a period of 1 year if the holder of the certificate has made at least 24 dives with a bottom time totalling at least 20 hours, including at least 8 category II dives with a bottom time totalling at least 8 hours, during the 12 months before the application.

Category III dives

- 57 (1) Subject to subsection (2), a person must not make a category III dive in a diving operation unless the person
- (a) meets the criteria set out in clauses 53(a) to (c) and (e); and
 - (b) holds a valid category III diving certificate issued under Section 58 or 69 or, during the first year in which the person makes a category III dive in a diving operation, a valid document that is
 - (i) issued on the basis of training and experience that are equivalent to the training and experience described in clause 58(1)(a), and
 - (ii) acceptable to the Chief Safety Officer.
- (2) A diver who holds a category II diving certificate may make a category III dive for training purposes in a diving operation if
- (a) the diver is employed in a diving program on a full-time basis to make category II dives;
 - (b) the dive is authorized as a training dive by the operator or the operator's representative responsible for the diving operation and the person in charge of the craft or installation from which the dive will be conducted; and
 - (c) the diver makes the dive under the close supervision of a diver who holds a category III diving certificate.

Category III diving certificates

- 58 (1) The Chief Safety Officer may, on application, issue a category III diving certificate that is valid for 1 year to a person who has attained a standard of competence in category III diving that is acceptable to the Chief Safety Officer and who
- (a) has

- (i) successfully completed, at a school, institution or company acceptable to the Chief Safety Officer, training in the theoretical and practical aspects of diving appropriate to category III diving, including
 - (A) at least 1 saturation dive to a depth of not less than 75 m and, during the course of the saturation dive, at least 2 lock-out dives with a bottom time totalling at least 30 minutes per lock-out dive,
 - (B) saturation diving techniques and operational procedures,
 - (C) the use and operation of any diving plant and equipment,
 - (D) any type of underwater work generally done by a diver,
 - (E) emergency procedures relevant to saturation diving, including hyperbaric first-aid techniques and the operation of compression chambers, and
 - (F) a thorough study of these regulations, and
 - (ii) been employed to make category II dives for at least the 2 years before the application and has made at least 24 category II dives;
- (b) held a category III diving certificate that was issued under this subsection but that is no longer valid because it was not renewed under subsection (2) and who has made at least 28 dives with a bottom time totalling at least 32 hours, including at least 10 category II dives with a bottom time totalling at least 10 hours and at least 1 saturation dive, during the 12 months before the application;
 - (c) has demonstrated to the Board that their training and experience are equivalent to the training and experience referred to in clause (a); or
 - (d) holds a valid document referred to in clause 57(1)(b).
- (2) The Chief Safety Officer may, on application by the holder of a category III diving certificate issued under subsection (1), renew the certificate for a period of 1 year if the holder of the certificate has made at least 24 dives with a bottom time totalling at least 24 hours, including at least 8 category II dives from a diving bell or diving submersible with a bottom time totalling at least 8 hours and at least 1 saturation dive, during the 12 months before the application.

Restrictions respecting diving certificates and equivalent documents

- 59** (1) The Chief Safety Officer may insert in a diving certificate issued under Section 54, 56, 58 or 69, or attach to a document referred to in clause 53(d), 55(1)(b) or 57(1)(b), restrictions on diving by the holder of the certificate or document if the Chief Safety Officer considers the restrictions necessary for safety reasons.
- (2) If the Chief Safety Officer inserts a restriction in a certificate or attaches a restriction to a document under subsection (1), the Chief Safety Officer must give the holder of the certificate or document an opportunity to show cause why the restriction should not be inserted or attached.

Invalidation of diving certificates

- 60** (1) The Chief Safety Officer may invalidate a diving certificate issued under Section 54, 56, 58 or 69 if, in the opinion of the Chief Safety Officer, the holder of the certificate has become incompetent or incapacitated.

- (2) If the Chief Safety Officer proposes to invalidate a diving certificate under subsection (1), the Chief Safety Officer must give the holder of the certificate at least 30 days' notice in writing setting out the reasons for the proposed invalidation and must give the holder an opportunity to show cause why the certificate should not be invalidated.

Diver's duties

- 61** (1) Subject to subsection (2), a diver must not make a dive in a diving operation unless
- (a) before the dive, the diver has
 - (i) checked the diver's personal diving equipment and is satisfied that the equipment is in good working order, and
 - (ii) reported to the supervisor any remedies, treatments, pharmaceuticals, intoxicants or drugs taken by the diver within the 48 hours before the dive, any injury or illness experienced by the diver since the diver's most recent dive and any restrictions imposed by a diving doctor as a result of the diving doctor's examination of the diver after an injury or illness;
 - (b) in the case of a diver who has experienced an injury or illness other than decompression sickness since the diver's most recent dive, the diver has received approval for further diving from a diving doctor or a hyperbaric first-aid technician who consulted with a diving doctor concerning the injury or illness;
 - (c) in the case of a diver who has experienced decompression sickness type I, at least 2 days have elapsed since the diver successfully completed recompression therapy;
 - (d) in the case of a diver who has experienced decompression sickness type II, at least 5 days have elapsed since the diver successfully completed recompression therapy and the diver has received approval for further diving from a diving doctor; and
 - (e) in the case of a diver who has experienced decompression sickness type I in 2 consecutive dives, the diver has received approval for further diving from a diving doctor.
- (2) A diver must not make a saturation dive unless
- (a) in the case of a diver whose most recent dive was a saturation dive of 14 days' duration or less, at least 14 days have elapsed since the diver completed decompression; and
 - (b) in the case of a diver whose most recent dive was a saturation dive of more than 14 days' duration, at least 28 days have elapsed since the diver completed decompression.
- (3) When a diver who is employed in a diving operation believes the diver is unfit or unable to dive at any time during that employment, the diver must so inform the supervisor and must give the reason for that belief.
- (4) If a diver becomes aware of any oil or other contaminant in waters in which a diving operation is being conducted, the diver must immediately inform the supervisor of the contaminant.

Diver's logbooks

- 62** (1) A diver must keep a logbook that is permanently bound, has numbered pages and contains the name and signature of the diver and a photograph that is a likeness of the diver.

- (2) A diver must, as soon as possible after making a dive, enter in the diver's logbook referred to in subsection (1), for each dive made by the diver,
- (a) the date of the dive;
 - (b) the name of the diving contractor, if any, who conducted the dive;
 - (c) the name of the operator or the operator's representative responsible for the dive;
 - (d) the name or other designation and the location of the craft or installation from which, or other dive site at which, the dive was conducted;
 - (e) the dive identification number referred to in clause 50(1)(e);
 - (f) the name of the supervisor of the dive;
 - (g) the maximum depth, the bottom time and the total dive time of the dive;
 - (h) the decompression table and the schedule in the decompression table that were used in the dive;
 - (i) the decompression procedures followed by the diver;
 - (j) the type of personal diving equipment used by the diver;
 - (k) any injury suffered by the diver during the dive;
 - (l) the work performed by the diver;
 - (m) a description of any discomfort or illness, including decompression sickness, suffered by the diver; and
 - (n) any other factor relevant to the safety or health of the diver.
- (3) A diver must, after completion of an entry in the diver's logbook in accordance with subsection (2), immediately sign the entry and request the supervisor to countersign the entry as soon as possible.
- (4) A person must not make any alteration to an entry in a diver's logbook referred to in subsection (1) unless the alteration is initialled by the diver and by the supervisor who countersigned the entry.
- (5) A diver must produce, on request, the diver's logbook referred to in subsection (1) for inspection by the diving doctor who examines the diver for the purposes of these regulations, at the time of the examination.
- (6) A diver must keep in the diver's logbook referred to in subsection (1)
- (a) the diver's diving certificate or equivalent document;
 - (b) any certificates or other evidence of qualification in addition to those referred to in clause (a); and
 - (c) any certificates or other evidence of medical examination received from a diving doctor.

- (7) A diver must retain the diver's logbook referred to in subsection (1) for a period of not less than 2 years after the day on which the last entry is made in it.

Part 7: ADS Pilots

ADS dives

63 A person must not pilot an ADS in a diving operation unless the person

- (a) is 18 years of age or older;
- (b) has been certified to be medically fit
 - (i) to dive, in accordance with clause 53(b), or
 - (ii) to pilot an ADS, by a medical doctor who has examined the person not more than 12 months before the day on which the diving operation is to be conducted and who has recorded the results of the examination on a medical examination record in the form set out in Schedule 5 or in another form acceptable to the Chief Safety Officer and on a pilot's medical certificate in that person's pilot's logbook referred to in Section 67;
- (c) has delivered a copy of the medical certificate referred to in clause 53(b), or the medical certificate referred to in subclause (b)(ii), to the diving contractor who conducts the diving operation;
- (d) holds a valid pilot's certificate issued under Section 64 or 69, or a valid document that is
 - (i) issued on the basis of training and experience that are equivalent to the training and experience referred to in clause 64(1)(a), and
 - (ii) acceptable to the Chief Safety Officer; and
- (e) has demonstrated to the supervisor that
 - (i) the person is capable of using, and has sufficient experience in the use of, the type of ADS and associated equipment to be used in the diving operation and is familiar with the relevant provisions of the procedures manual referred to in clause 4(4)(a) and the contingency plan referred to in clause 4(4)(g) to be followed in the diving operation, and
 - (ii) the person's involvement in the diving operation is in no way contrary to any restriction inserted in the person's pilot's certificate or attached to the person's document referred to in clause (d) under Section 65.

Pilot's certificates

64 (1) The Chief Safety Officer may, on application, issue a pilot's certificate that is valid for 1 year to a person who has attained a standard of competence in the operation of an ADS that is acceptable to the Chief Safety Officer and who

- (a) has successfully completed at least 40 hours of technical training in the design, construction, use and maintenance of an ADS at a school, institution or company acceptable to the Chief Safety Officer and who has made at least 25 ADS dives under various conditions with a bottom time totalling at least 40 hours;
- (b) held a pilot's certificate that was issued under this subsection but that is no longer valid because it was not renewed under subsection (2) and who has made at least 6 ADS dives with

- a bottom time totalling at least 20 hours to an average depth of at least 20 m during the 12 months before the application;
- (c) has demonstrated to the Board their person's training and experience are equivalent to the training and experience described in clause (a); or
- (d) holds a valid document referred to in clause 63(d).
- (2) The Chief Safety Officer may, on application by the holder of a pilot's certificate issued under subsection (1), renew the certificate for a period of 1 year if the holder of the certificate has made at least 4 ADS dives with a dive time totalling at least 16 hours during the 12 months before the application.

Restrictions respecting pilot's certificates and equivalent documents

- 65** (1) The Chief Safety Officer may insert in a pilot's certificate issued under Section 64 or 69, or attach to a document referred to in clause 63(d), restrictions on the piloting of an ADS by the holder of the certificate or document if the Chief Safety Officer considers the restrictions necessary for safety reasons.
- (2) If the Chief Safety Officer inserts a restriction in a certificate or attaches a restriction to a document under subsection (1), the Chief Safety Officer must give the holder of the certificate or document an opportunity to show cause why the restriction should not be so inserted or attached.

Invalidation of pilot's certificates

- 66** (1) The Chief Safety Officer may invalidate a pilot's certificate issued under Section 64 or 69 if, in the opinion of the Chief Safety Officer, the holder of the certificate has become incompetent or incapacitated.
- (2) If the Chief Safety Officer proposes to invalidate a pilot's certificate under subsection (1), the Chief Safety Officer must give the holder of the certificate at least 30 days' notice in writing setting out the reasons for the proposed invalidation and must give the holder an opportunity to show cause why the certificate should not be invalidated.

Pilot's logbooks

- 67** (1) A pilot must keep a logbook that is permanently bound, has numbered pages and contains the name and signature of the pilot and a photograph that is a likeness of the pilot.
- (2) A pilot must, as soon as possible after making a dive, enter in the pilot's logbook referred to in subsection (1), for each dive made by the pilot,
- (a) the date of the dive;
 - (b) the name of the diving contractor, if any, who conducted the dive;
 - (c) the name of the operator or the operator's representative responsible for the dive;
 - (d) the name or other designation and the location of the craft or installation from which, or other dive site at which, the dive was conducted;
 - (e) the dive identification number referred to in clause 50(1)(e);
 - (f) the name of the ADS supervisor who supervised the dive;
 - (g) the maximum depth, the bottom time and the total dive time of the dive;

- (h) the work performed by the pilot;
 - (i) a description of any discomfort, injury or illness suffered by the pilot; and
 - (j) any other factor relevant to the safety or health of the pilot.
- (3) A pilot must, after completion of an entry in the pilot's logbook in accordance with subsection (2), immediately sign the entry and request the ADS supervisor who supervised the dive to countersign the entry as soon as possible.
- (4) A person must not make any alteration to an entry in a pilot's logbook referred to in subsection (1) unless the alteration is initialled by the pilot and by the ADS supervisor who countersigned the entry.
- (5) A pilot must produce, on request, the pilot's logbook referred to in subsection (1) for inspection by the diving doctor or medical doctor who examines the pilot for the purposes of these regulations, at the time of the examination.
- (6) A pilot must keep in the pilot's logbook referred to in subsection (1)
- (a) the pilot's certificate or equivalent document;
 - (b) any certificates or other evidence of qualification in addition to those referred to in clause (a); and
 - (c) any certificates or other evidence of medical examination received from a diving doctor or medical doctor.
- (7) A pilot must retain the pilot's logbook referred to in subsection (1) for a period of not less than 2 years after the day on which the last entry is made in it.

Part 8: Additional Provisions

Persons who have first-aid or medical training

- 68** (1) A specialized diving doctor who is involved in a diving operation must not assume responsibility for any aspect of the diving operation other than the medical aspect.
- (2) A person who has first-aid or medical training and who is employed in a diving operation must report, without delay, to the supervisor any medical consultation that the person had involving a diver or pilot employed in the diving operation and any medical advice or treatment that the person provided to the diver or pilot.

Permanent certificates

- 69** (1) When a person holds a certificate issued by the Chief Safety Officer under Section 28, 30, 32, 34, 54, 56, 58 or 64 or a valid document that has been accepted by the Chief Safety Officer under clause 27(c), 29(c), 31(c), 33(d), 34(1)(a), 53(d), 55(1)(b), 57(1)(b) or 63(d) and has held the certificate or document for at least 5 years, the Chief Safety Officer may, on application, issue to the person a certificate for the same category as the certificate or document that is held, and that certificate is to be valid, subject to Section 36, 60 or 66, as applicable, for as long as the person is certified to be medically fit in accordance with clause 27(b), 53(b) or 63(b), as applicable.
- (2) If a person satisfies the Chief Safety Officer that, for at least the 5-year period before the date of making an application under this subsection, the person would have qualified for a certificate under these regulations if the person had applied for one, the Chief Safety Officer may, on application, issue to the person a certificate for the same category as the certificate that the person would have

qualified for, and that certificate is to be valid, subject to Section 36, 60 or 66, as applicable, for as long as the person is certified to be medically fit in accordance with clause 27(b), 53(b) or 63(b), as applicable.

Offences

70 Any contravention of any of Sections 6, 7, 9 to 27, 29, 31, 33, 37 to 53, 55, 57, 61 to 63, 67 and 68 is an offence under the Act.

Schedule 1 Procedures (clause 4(4)(a))

The procedures manual for a diving program must contain the standard operating procedures to be followed in any diving operation that will be part of the diving program and must include

- (a) the procedures for any consultations with the person in charge of any craft or installation from which the diving operation is conducted;
- (b) the procedures to be followed by each person involved in a dive that will be part of the diving program, including a diver, stand-by diver, pilot, attendant and supervisor;
- (c) for each depth and each type of dive, the procedures for
 - (i) conducting the dive, taking into account
 - (A) local meteorological and sea-state conditions, and
 - (B) hazards such as strong currents, man-made structures and activities, other than diving, being conducted in the vicinity,
 - (ii) the selection of the appropriate breathing mixture, decompression tables and treatment tables to be used in the dive,
 - (iii) the use, inspection and maintenance of the diving plant and equipment, including communications and signalling equipment, to be used in the dive,
 - (iv) the lowering and recovering of a diver and the launching and recovery of any skip, diving bell, diving submersible or ADS to be used in the dive,
 - (v) the completion of the diving operations logbook referred to in clause 9(5)(m) and subsection 50(1), including sample entries, and
 - (vi) the making of a decision to begin, continue, interrupt or end the dive, including any conditions to be taken into account in the determination; and
- (d) a sample of the pre-dive checklist to be followed.

Schedule 2
Emergency Procedures
(clause 4(4)(g))

- 1 The contingency plan for a diving program must contain the emergency procedures to be followed in circumstances that are likely to endanger a diver or a pilot and that make it impossible and unsafe to follow the procedures contained in the procedures manual for the diving program, including circumstances such as
 - (a) deteriorating environmental conditions;
 - (b) unexpected weather or sea-state conditions;
 - (c) the inability of a craft to maintain itself at the location of the dive site;
 - (d) the evacuation of a craft or installation;
 - (e) the evacuation of the divers under pressures greater than atmospheric pressure;
 - (f) in-water emergency transfers;
 - (g) the failure of any major component of any diving plant and equipment; and
 - (h) the fouling of equipment below the surface that impairs the ability of a diver or pilot to complete a dive.

- 2 The emergency procedures referred to in subsection (1) must include procedures for
 - (a) emergency signalling between divers involved in the diving program and between the divers and their attendants using umbilicals or other suitable methods;
 - (b) the provision of stand-by divers;
 - (c) the provision of crafts, stand-by boats and any other devices to be used for rescue;
 - (d) the provision of first-aid treatment and therapeutic decompression;
 - (e) the use of the evacuation, rescue and treatment facilities and devices referred to in Section 23 to be used in the diving program;
 - (f) contacting the evacuation, rescue and treatment facilities and devices referred to in Section 23 and the medical services referred to in clause 24(b) that will be used in the diving program;
 - (g) the operation of the emergency power supply;
 - (h) the evacuation of a craft or installation used in the diving program;
 - (i) the evacuation of divers under pressures greater than atmospheric pressure; and
 - (j) in-water emergency transfers.

Schedule 3
Diving Accident/Incident Report
(clauses 6(1)(i) and (j))

Name of craft or installation:

Operator:

Supervisor:

Diving contractor:

Persons involved:

Date:

Type of dive:

Purpose of dive:

Personal diving equipment used:

Diving plant and equipment used:

Dive profile:

Depth:

Bottom time:

Time left surface:

Tables used:

Ascent method:

Ascent rate & time:

Time returned to surface:

Name of specialized diving doctor or medical attendant who treated diver or pilot:

Treatment:

Name of diver or pilot treated:

Treatment table used:

Diver's or pilot's medical condition after treatment:

Number of dives made by diver or pilot in the 24 hours before accident/incident:

Gas mixture(s) used: (in dive) (in treatment)

Air temperature:

Wind speed:

Sea state:

Type of sea bed:

Visibility:

Condition of personal diving equipment after accident/incident:

Personal diving equipment examined:

at: (location and date)

by: (name of examiner)

Summary of accident/incident: (Use additional sheets as necessary.)

Signature of operator
or operator's representative

Signature of supervisor

Schedule 4
Part 1: First-Aid Supplies For Diving Operation
 (clause 12(2)(b))

Item	Column 1 Supplies	Column 2 Details	Column 3 Quantity
1	Tourniquets	—	2
2	Scissors	Mayo, 17.8 cm	1
3	Shell dressings	Large	2
4.	Surgical gloves	Pairs of sizes 8, 9 & 10	2 each
5.	Gauze bandage	Sterile, 5 cm and 7.5 cm, roll	1 each
6.	Gauze sponges	Sterile, 10 cm x 10 cm, pack of 100	1
7.	Adhesive plaster	Roll	1
8.	Scalpels	Disposable, No. 10 & 11 blades	1 each
9.	Scalpel blades	No. 10 & 11	2 each
10.	Laryngoscope	Large adult blade, with spare batteries and bulb	1
11.	Mouth gag	—	1
12	Mouth-to-mouth resuscitation tube	—	2
13.	Oropharyngeal airways	Sizes 3 & 4	1 each
14.	Suction apparatus	Non-electric (e.g., Ambu foot-operated)	1
15.	Minor surgical tray	Ribbon retractor	1
		Army-Navy retractor	2
		Rake retractor, sharp	1
		Rake retractor, blunt	1
		Lahey	2
		Mosquito hemostat	4
		Towel clips	6
		Pack, sterile, containing:	
		• Needle driver	2
		• Self-retaining retractor, blunt	1
		• Allis	2
		• Babcock	2
		• Sponge forceps	2
		• Scissors, straight Mayo	1
		• Scissors, curved Mayo	1
		• Scissors, curved Metz	1
		• Artery (hemostat)	6
		• Kockers	2
		• Russian forceps	2
		• Knife handle No. 3	1
		• Knife handle No. 4	1
		• Forceps, toothed	2
		• Suction	1
16.	Dressing tray	Sterile, containing:	
		• Small cup	1
		• Combine pad	1
		• Gauze 10 cm x 10 cm	6
		• Gauze 5 cm x 5 cm	10
		• Dressing towel	1
		• Artery forceps	2
		• Tissue forceps	1

17.	Intravenous-giving sets	e.g., Travenol 2C2027 blood administration set	4
18.	Intravenous cannulae	Gauges 14, 15 & 16	2 each
19.	Intravenous cannula	Gauge 16, 20 cm, for central venous placement	1
20.	Alcohol injection swabs	e.g., Webcol	24
21.	Trochar cannulae	e.g., Argyle, No. 10, 23 cm	2
22.	Heimlich chest drain valves	e.g., Bard Parker No. 3460	2
23.	Syringes	10 mL	6
24.	Syringes	20 mL	6
25.	Needles, hypodermic	Gauges 16, 21 & 23	6 each
26.	Foley bladder catheter	14 & 16 French gauges	1 each
27.	Urinary drainage bag	—	1
28.	Endotracheal tubes	Cuffed, 7 mm, 8 mm, 9 mm & 9.5 mm	1 each
29.	Wire introducer	For use with endotracheal tubes	1
30.	Suction catheters	—	2
31.	Blood tubes (not vacutainers)	Silicone coated, no additive	2
32.	Blood tubes (not vacutainers)	Non-silicone coated, EDTA	2
33.	Resuscitator bag	Laerdal, with 100% O ₂ fitting and fitting for connection to BIBS	1
34.	Xylocaine	1%, without epinephrine, 10 mL	4
35.	Xylocaine gel	Urethral, 2% tube	1
36.	Bridine solution	100 mL, for skin prep	1
37.	Dextran 70 (Macrodex) in saline	500 mL	2
38.	Dextrose 5% saline	1000 mL, bag of	4
39.	Saline 0.9%	1000 mL, bag of	4
40.	Heparin injection	500 µ/mL, 2 mL vial	1
41.	Diazepam injection	10 mg, 2 mL vial	6
42.	Benadryl injection	50 mg, 1 mL vial	6
43.	Furosemide injection	40 mg, 2 mL vial	6
44.	Dexamethasone injection	4 mg, 10 mL vial	2
45.	Aspirin tablets	324 mg	50
46.	Thermometer, electronic	Thermocouple or thermistor	1
47.	Stethoscope	—	1
48.	Auriscope	With spare batteries & bulb	1
49.	Reflex hammer	—	1
50.	Band-aids	Box	1
51.	Aneroid sphygmomanometer	—	1
52.	Flashlight	With spare batteries and bulb	1
53.	Sutures	Silk, 3/0 on curved cutting needle	6
54.	Sutures	Silk, 0/0 on heavy curved needle	6
55.	Sutures	Chromic catgut, 2/0 on curved taper needle	6
56.	Sutures	Chromic catgut, 0/0 on curved taper needle	6
57.	Ties	Silk, 0/0	6
58.	Ties	Silk, 2/0	6
59.	Ties	Silk, 3/0	6

**Part 2: First-Aid Supplies to be Kept in Diving Bell or
Compression Chamber of Diving Submersible**
(clause 12(2)(c))

Item	Column 1 Supplies	Column 2 Details	Column 3 Quantity
1.	Tourniquet	—	1
2.	Mouth-to-mouth resuscitation tube	—	1
3.	Mouth gag	—	1
4.	Oropharyngeal airways	—	2
5.	Adhesive plaster	Roll	1
6.	Band aids	Assorted sizes, flat, box	1
7.	Shell dressings	Large	2
8.	Shell dressings	Small	2
9.	Scissors	Mayo, 17.8 cm	1

Schedule 5
Supervisor's or ADS Pilot's Medical Examination Record
(subclauses 27(b)(ii) and 63(b)(ii))

Part 1: To be completed by physician

Record all abnormal findings on this medical examination record. Circle the correct answer as required.

Family name: First name(s): Birth date: Sex: M/F

Ht: cm Wt: kg Identifying features:

General appearance:

HEENT: Normal? Yes/No Normal colour vision? Yes/No

Audiometry: Rt. Normal? Yes/No Lt. Normal? Yes/No

Vision:	Distant	Distant with Glasses	Near	Near with Glasses	Normal Visual Fields?	Normal Fundi?
Right:					yes/no	yes/no
Left:					yes/no	yes/no
Both:					yes/no	yes/no

Skin: Rash? Yes/No Infection? Yes/No Parasites? Yes/No
Lymph glands normal? Yes/No Breasts normal? Yes/No

RESP: Any chest scars or deformity? Yes/No Chest auscultation normal? Yes/No
Any adventitious sounds? Yes/No Current chest X-ray normal? Yes/No/Not Done*

Cardiovascular: BP: / Pulse: / min. Peripheral pulses and circulation normal? Yes/No
 Normal apex beat? Yes/No Normal heart sounds? Yes/No Murmurs present? Yes/No
 ECG normal? Yes/No Exercise tolerance test (e.g., Ruffier test) normal? Yes/No

Abdomen: Organomegaly? Yes/No Masses present? Yes/No Herniae present? Yes/No
 Genitourinary system normal? Yes/No Rectal normal? Yes/No

Musculo-skeletal: Spine normal? Yes/No Limbs & joints normal? Yes/No

Central nervous system: Power & tone of limbs normal? Yes/No
 Normal sensation to pinprick? Yes/No Light touch? Yes/No Temperature? Yes/No
 Vibration? Yes/No Proprioception normal? Yes/No Cranial nerves normal? Yes/No

Reflexes: BJ TJ SJ KJ AJ Abdo. Plantar Clonus
 Right:
 Left:

Cerebellar function normal? Yes/No Vestibular function normal? Yes/No
 Rombergism present? Yes/No Nystagmus present? Yes/No

Lab. Investigations: Hb: g/dL HCT: *Sickle cell trait absent? Yes/No* (initial medical examination)

Blood group: BUN: * Creatinine: * Other

Urine PH: Urine presence of: albumin? Yes/No sugar? Yes/No protein? Yes/No blood? Yes/No

Comment on any abnormalities detected:

Is the candidate free from physical defect and disease?	Yes/No
Has the candidate the physique for prolonged exertion?	Yes/No
Is the candidate fit for work in all climates if inoculations are up-to-date?	Yes/No
Is the candidate permanently unfit to dive?	Yes/No
Is the candidate temporarily unfit to dive?	Yes/No Date for next examination:
Is the candidate fit to dive with restrictions?	Yes/No Specify:
Name and address of examining doctor:	

* At the discretion of the examining doctor

Signed: Date: Place:

Part 2: To be completed in ink by supervisor or ADS pilot, as the case may be

Circle the correct answer as required. If in doubt, ask the advice of the examining doctor

(a) Family name: First name(s): Birth date: S.I.N.:
 Provincial Health No.:

(b) Have you had an ADS pilot's medical examination before? Yes/No
 If yes, when? Where?

(c) Date and place of any X-ray examinations:

(d) Give details of vaccinations:

(e) Do you have, or have you ever had or been treated for, any of the following medical conditions?

1. Asthma	Yes/No	18. Dizziness, loss of balance	Yes/No
2. Hay fever or allergies	Yes/No	19. Head injury or concussion	Yes/No
3. Allergy to drugs/medications	Yes/No	20. Stroke or paralysis	Yes/No
4. Pneumonia or pleurisy	Yes/No	21. Severe headache or migraine	Yes/No
5. Bronchitis or other lung diseases	Yes/No	22. Nervous breakdown or mental illnesses	Yes/No
6. Tuberculosis	Yes/No	23. Eye disorders	Yes/No
7. Sinus trouble	Yes/No	24. Stomach/duodenal/peptic ulcer	Yes/No
8. Ear disease	Yes/No	25. Gall bladder disorder	Yes/No
9. High blood pressure	Yes/No	26. Diarrhea or bowel disease	Yes/No
10. Rheumatic fever	Yes/No	27. Jaundice or hepatitis	Yes/No
11. Heart disease or murmur	Yes/No	28. Kidney or bladder disease	Yes/No
12. Chest pain or palpitations	Yes/No	29. Bone/joint disease or injury	Yes/No
13. Bleeding tendency	Yes/No	30. Back injury or chronic back pain	Yes/No
14. Skin diseases	Yes/No	31. Other serious illness or injury	Yes/No
15. Diabetes	Yes/No	32. Motion sickness	Yes/No
16. Tropical diseases	Yes/No	33. Varicose veins	Yes/No
17. Fits, blackouts or epilepsy	Yes/No		

Give details of any positive answers, including dates:

(f) Give date and place of any hospital admissions or operations:

(g) Have you been under medical treatment during the past year? Yes/No
If yes, for what?

(h) Are you taking, or have you ever taken, any medicines or drugs? Yes/No
If yes, specify:

(i) If you smoke, how many cigarettes do you smoke? /day
If you drink alcohol, how many glasses of wine /week, of beer /week and of
spirits /week do you drink?
Have you ever suffered from any health problems related to mind-altering, "street" or addictive drugs?
Yes/No If yes, give details:

I (*name*), _____, of (*address*) _____, declare that all of the above information is true to the best of my knowledge and I give my permission for this information to be communicated to other doctors concerned with my health.

Signed :

Date:

Place:

Part 3: Physician’s Statement

Doctor’s remarks:

Candidate’s logbook inspected? Yes/No

If “no”, state reason:

Signed: M.D.

Date:

Schedule 6

Recommendation for Category—Diving Supervisor’s Certificate

(subclauses 28(1)(a)(iii), 30(1)(a)(iii) and 32(1)(a)(iii))

This is to certify that _____, born on _____, at _____, presently working for _____, as a category _____, is familiar with all the aspects of diving practice and supervision of that category _____, as specified under the *Canada-Nova Scotia Offshore Area Diving Operations Safety Transitional Regulations*. Therefore, we, the undersigned, have no hesitation in recommending this applicant as a category _____ diving supervisor and, to the best of our knowledge and belief, we state that we know the applicant sufficiently and that we are not aware of any reason why the applicant should not be granted the above-mentioned status.

1. Diving supervisor: _____ Category: _____ From: _____
 (please print name) (date)

Signature: _____ Date: _____

2. Diving supervisor: _____ Category: _____ From: _____
 (please print name) (date)

Signature: _____ Date: _____

3. Diving contractor or operator: _____
 (please print name)

Signature: _____ Date: _____

Schedule 7

Diver’s Medical Examination Record

(subclause 53(b)(iii))

Part 1: To be completed by physician

Record all abnormal findings on this medical examination record. Circle the correct answer as required.

Family name: _____ First name(s): _____ Birth date: _____ Sex: M/F

Ht: _____ cm Wt: _____ kg Identifying features: _____

General appearance:

HEENT: Normal? Yes/No URTI: Normal? Yes/No Teeth & gums normal? Yes/No
 Any dentures? Yes/No Neck normal? Yes/No

Sinuses normal? Yes/No Dental X-rays normal? Yes/No/Not done*
 Normal colour vision? Yes/No

	Nasal airway	EAM	Eardrums	Eustacian tube	Audiometry
Rt. normal?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
Lt. normal?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
Vision:	Distant	Distant with Glasses	Near	Near with Glasses	Normal Visual Fields?
Right:					yes/no
Left:					yes/no
Both:					yes/no
					Normal Fundi?

Skin: Rash? Yes/No Infection? Yes/No Parasites? Yes/No
 Lymph glands normal? Yes/No
 Skinfold thickness: Lt. biceps: mm Lt. triceps: mm
 Lt. subscapular: mm Lt. sacroiliac: mm Breasts normal? Yes/No

RESP: Any chest scars or deformity? Yes/No Chest auscultation normal? Yes/No
 Any adventitious sounds? Yes/No Current chest X-ray normal? Yes/No
 FVC: FEV /FVC%: %

Cardiovascular: BP: / Pulse: / min. Varicose veins? Yes/No Peripheral pulses and circulation normal?
 Yes/No Normal apex beat? Yes/No Normal heart sounds? Yes/No Murmurs present? Yes/No ECG normal?
 Yes/No Exercise tolerance test (e.g., Ruffier test) normal? Yes/No Stress ECG normal? Yes/No/Not done+

Abdomen: Organomegaly? Yes/No Masses present? Yes/No Herniae present? Yes/No Genitourinary system
 normal? Yes/No Rectal normal? Yes/No

* At the discretion of the examining doctor
 + Mandatory for divers over 35 years of age

Musculo-skeletal: Joint X-rays:*

	Shoulders	Hip	Knees	Spine normal? Yes/No
Rt. normal?	Yes/No	Yes/No	Yes/No	Limbs & joints normal? Yes/No
Lt. normal?	Yes/No	Yes/No	Yes/No	

Central nervous system: Power & tone of limbs normal? Yes/No
 Normal sensation to pinprick? Yes/No

Cranial nerves normal?

- | | |
|-----------|------------|
| 1. Yes/No | 7. Yes/No |
| 2. Yes/No | 8. Yes/No |
| 3. Yes/No | 9. Yes/No |
| 4. Yes/No | 10. Yes/No |

5. Yes/No 11. Yes/No
6. Yes/No 12. Yes/No

Reflexes: BJ TJ SJ KJ AJ Abdo. Plantar Clonus
Right:
Left:

Cerebellar function normal? Yes/No Vestibular function normal? Yes/No
Rombergism present? Yes/No Nystagmus present? Yes/No
EEG normal? Yes/No/Not Done*
Electronystagmograms normal? Yes/No/Not Done*

Lab. investigations: Hb: g/dL HCT: Sickle cell trait absent? Yes/No* (initial medical examination)

Blood group: BUN: * Creatinine: * Other
Urine PH: Urine presence of: albumin? Yes/No sugar? Yes/No protein? Yes/No blood? Yes/No

Comment on any abnormalities detected:

Is the candidate free from physical defect and disease? Yes/No
Has the candidate the physique for prolonged exertion? Yes/No
Is the candidate fit for work in all climates
 if inoculations are up-to-date? Yes/No
Is the candidate permanently unfit to dive? Yes/No
Is the candidate temporarily unfit to dive? Yes/No Date for next examination:
Is the candidate fit to dive with restrictions? Yes/No Specify:
Name and address of examining doctor:

* At the discretion of the examining doctor

Part 2: To be completed by diver in ink

Circle the correct answer as required. If in doubt, ask the advice of the examining doctor.

- (a) Family name: First name(s): Birth date: S.I.N.:
 Provincial Health No.:
- (b) Have you had a commercial diver's medical examination before? Yes/No
 If yes, when?
 Where? When did you first work under pressure?
- (c) Date and place of your last bone and joint X-ray examination:
 Other X-ray examinations:
 Give details of vaccinations:
- (d) Have you ever had any of the following medical problems?
 1. Skin bends? Yes/No 2. Limb bends? Yes/No
 3. Spinal or cerebral bends? Yes/No
 4. Pulmonary decompression sickness? Yes/No 5. Vestibular bends? Yes/No
 6. Pulmonary barotrauma (ruptured lung)? Yes/No
 7. Arterial gas embolism? Yes/No 8. Problems with compression? Yes/No
 9. Dysbaric osteonecrosis (bone necrosis)? Yes/No

Give details of any positive answers, including date and number of times the problem has occurred:

(e) Do you have, or have you ever had or been treated for, any of the following medical conditions?

1. Asthma	Yes/No
2. Hay fever or allergies	Yes/No
3. Allergy to drugs/medications	Yes/No
4. Pneumothorax (collapsed lung)	Yes/No
5. Pneumonia or pleurisy	Yes/No
6. Bronchitis or other lung diseases	Yes/No
7. Tuberculosis	Yes/No
8. Sinus trouble	Yes/No
9. Ear disease	Yes/No
10. Rheumatic fever	Yes/No
11. Heart disease or murmur	Yes/No
12. Chest pain or palpitations	Yes/No
13. Varicose veins	Yes/No
14. Bleeding tendency	Yes/No
15. Skin diseases	Yes/No
16. Diabetes	Yes/No
17. Tropical diseases	Yes/No
18. Fits, blackouts or epilepsy	Yes/No
19. Head injury or concussion	Yes/No
20. Stroke or paralysis	Yes/No
21. Severe headache or migraine	Yes/No
22. Nervous breakdown or mental illnesses	Yes/No
23. Eye disorders	Yes/No
24. Stomach/duodenal/peptic ulcer	Yes/No
25. Gall bladder disorder	Yes/No
26. Diarrhea or bowel disease	Yes/No
27. Jaundice or hepatitis	Yes/No
28. Sexually transmitted disease or sexually transmitted infection	Yes/No
29. Toothache, dental problems	Yes/No
30. Bone/joint disease or injury	Yes/No
31. Back injury or chronic back pain	Yes/No
32. Other serious illness or injury	Yes/No
33. Females: gynaecological disease or pregnancy	Yes/No
34. Motion sickness	Yes/No

Give details of any positive answers, including dates:

(f) Give date and place of any hospital admissions or operations:

(g) Have you been under medical treatment during the past year? Yes/No
If yes, for what?

(h) Are you taking, or have you ever taken, any medicines or drugs? Yes/No
If yes, specify:

(i) If you smoke, how many cigarettes do you smoke? /day If you drink alcohol, how many glasses of wine /week, of beer /week and of spirits /week do you drink? Have you ever suffered from any health problems related to mind-altering, "street" or addictive drugs? Yes/No If yes, give details:

I, (name) , of (address) , declare that all of the above information is true to the best of my knowledge and I give my permission for this information to be communicated to other doctors concerned with my health.

Signed:

Date:

Place:

Part 3: Physician's Statement

Doctor's remarks:

Diver's logbook inspected? Yes/No
If "no", state reason:

Signed:

M.D.

Date:

N.S. Reg. 231/2014

Made: December 18, 2014

Filed: December 23, 2014

Number of Councillors Order for the Town of Kentville

Order dated December 18, 2014
made by the Nova Scotia Utility and Review Board
pursuant to Section 369 of the *Municipal Government Act*

ORDER

M06509

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPLICATION by the **TOWN OF KENTVILLE** to confirm the number of councillors

Before: Murray E. Doehler, CA, P.Eng., Member

ORDER

An Application having been made by the Town of Kentville pursuant to s. 369 of the *Municipal Government Act* and the Board having issued its decision on December 17, 2014;

IT IS HEREBY ORDERED that the number of councillors for the Town of Kentville is confirmed at six, to be elected at large.

DATED at Halifax, Nova Scotia this 18th day of December, 2014.

Sgd: *Elaine Wagner*
Clerk of the Board

N.S. Reg. 232/2014

Made: December 18, 2014

Filed: December 23, 2014

Number of Councillors Order for the Town of Oxford

Order dated December 18, 2014
made by the Nova Scotia Utility and Review Board
pursuant to Section 369 of the *Municipal Government Act*

ORDER**M06435****IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT**

- and -

IN THE MATTER OF AN APPLICATION by the **TOWN OF OXFORD** to confirm the number of
councillors

Before: Murray E. Doehler, CA, P.Eng., Member

ORDER

An Application having been made by the Town of Oxford pursuant to s. 369 of the *Municipal Government Act* and the Board having issued its decision on December 18, 2014;

IT IS HEREBY ORDERED that the number of councillors for the Town of Oxford is confirmed at six,
to be elected at large.

DATED at Halifax, Nova Scotia this 18th day of December, 2014.

Sgd: *Elaine Wagner*
Clerk of the Board

N.S. Reg. 233/2014

Made: December 19, 2014

Filed: December 23, 2014

Summary Offence Tickets Regulations

Order dated December 19, 2014
amendment to regulations made by the Attorney General and Minister of Justice
pursuant to Section 8 of the *Summary Proceedings Act*

Order

**Made under Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

I, Lena Metlege Diab, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to
Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, hereby

- (a) amend the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate certain offences under the Region of Queens Municipality bylaws as summary offence ticket offences in the manner set forth in the attached Schedule “A”; and
- (b) order and direct 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. 281/2011, as set forth in the attached Schedule “A”, is the amount of the out of court settlement set out opposite the description for the offence, and 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 date it is made.

Dated and made December 19, 2014, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd: *Lena M. Diab*
Honourable Lena Metlege Diab
Attorney General and Minister of Justice

Schedule “A”

**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

Schedule M-14 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by Order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by striking out the heading “Solid Waste Collection By-law–No. 13” and items 1-14 under that heading and substituting the following:

Solid Waste Management By-law

1	Placing or causing to be placed out for collection blue bag recyclables not in regulation container required by by-law (specify)	11	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
2	Setting out for collection blue bag recyclables in bag not securely tied or exceeding 25 kg (specify)	12	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
3	Placing or causing to be placed out for collection paper/fibre recyclables not in regulation container required by by-law (specify)	13	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
4	Setting out for collection paper/fibre recyclables in bag not securely tied or exceeding 25 kg (specify)	14	
	first offence		\$233.95
	second offence		\$406.45

	third offence		\$693.95
5	Setting out for collection combined recyclables in bag not securely tied or exceeding 25 kg (specify)	16	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
6	Placing or causing to be placed out for collection corrugated cardboard other than in regulation container plastic bag or not bundled as required by by-law (specify)	17	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
7	Placing or causing to be placed out for collection residual waste not in regulation container required by by-law (specify)	18	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
8	Setting out for collection residual waste in bag not securely tied or exceeding 25 kg (specify)	19	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
9	Placing or causing to be placed out for collection organic materials not in green cart	20	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
10	Placing or causing to be placed out for collection green cart with all contents not entirely contained or lid not closed (specify)	21	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
11	Placing collectible waste out for collection not in location as required by by-law (specify)	23	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
12	Placing collectible waste from property on private road out for collection other than in approved storage bin or green cart and at location other than as required by by-law (specify)	24	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95

13	Placing or causing to be placed out for collection broken bottles, crockery, glassware, kitchenware or tools not wrapped and marked	25(a)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
14	Placing or causing to be placed out for collection improperly prepared empty paint can (specify)	25(b)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
15	Placing or causing to be placed out for collection ashes or soot not completely cooled	25(c)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
16	Placing or causing to be placed out for collection decorated artificial Christmas tree	25(d)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
17	Placing or causing to be placed out for collection unbagged artificial Christmas tree on other than special waste collection day	26	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
18	Placing or causing to be placed out for collection waste exceeding aggregate volume of 2 cubic metres	27	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
19	Using plastic retail/grocery bag as waste container	28	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
20	Placing or causing to be placed collectible waste out for collection before 12:00 noon of day before scheduled collection day	29	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
21	Placing or causing to be placed collectible waste out for collection after 8:00 am of scheduled collection day	30	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95

22	Permitting empty or rejected regulation container or rejected materials (specify) to remain at collection spot after 12:00 noon of day after scheduled collection	31	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
23	Placing or causing to be placed out for collection non-collectible waste	32	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
24	Placing or causing to be placed out for collection oil tank exceeding 200 gal. capacity or otherwise not as required by by-law (specify)	34(a)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
25	Placing or causing to be placed out for collection construction or demolition materials not as required by by-law (specify)	34(b)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
26	Placing or causing to be placed out for collection construction or demolition materials exceeding 70 kg or 2 m (specify)	34(b)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
27	Placing or causing to be placed out for collection more than 3 cubic metres of special waste	34(c)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
28	Placing or causing to be placed special waste out for collection before 12:00 noon of day before designated collection day	35	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
29	Placing special waste out for collection after 8:00 am of designated collection day	36	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
30	Permitting rejected or residual special waste to remain at collection spot after 12:00 noon of day after designated collection day	37	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95

31	Placing or causing to be placed out for collection natural Christmas tree packaged or decorated (specify)	39(a)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
32	Placing or causing to be placed out for collection natural Christmas tree with wires or nails attached	39(b)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
33	Placing or causing to be placed out for collection natural Christmas tree exceeding 3 m	39(c)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
34	Placing or causing to be placed natural Christmas tree out for collection before 12:00 noon of day before designated collection day	40	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
35	Placing or causing to be placed natural Christmas tree out for collection after 8:00 am of designated collection day	41	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
36	Permitting rejected natural Christmas tree to remain at collection spot after 12:00 noon of day after designated collection day	42	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
37	Owner or occupant using other than regulation container (specify) for storing or placing out for collection collectible waste (specify)	43(a)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
38	Owner or occupant failing to provide sufficient number of regulation containers to contain collectible waste	43(b)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
39	Owner or occupant failing to maintain regulation container in good repair and sanitary condition	43(c)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95

40	Owner or occupant failing to take reasonable measures to ensure regulation container is covered and secured	43(d)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
41	Owner or occupant failing to clean up solid waste spilled from container	43(e)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
42	Owner or occupant failing to store collectible waste outside in secured regulation containers inaccessible to pests and animals	43(f)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
43	Owner or occupant failing to ensure approved storage bin in neat and sanitary condition and good repair	43(g)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
44	Owner or occupant failing to store waste refrigerator or freezer inside enclosed and locked building or with doors removed (specify)	43(h)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
45	Owner or occupant failing to ensure proper preparation of collectible waste in accordance with by-law	43(i)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
46	Owner or occupant failing to ensure collectible waste or special waste (specify) placed out for collection as required by by-law	43(j)	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
47	Resident on private road failing to place organic waste into green cart	46	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
48	Resident on private road failing to ensure green cart placed at or near intersection at appropriate collection time	46	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95

49	Resident on private road failing to deposit collectible waste inside approved storage bin	47	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
50	Disposing or causing or permitting disposal of collectible waste, special waste or non-collectible waste at location or in manner contrary to by-law (specify)	50	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
51	Stockpiling, storing or disposing of construction or demolition materials on private property	50(d)	\$693.95
52	Non-resident of private road disposing of or causing or permitting disposal of solid waste in, at or near approved storage bin servicing private road	51	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
53	Disposing or causing or permitting disposal of solid waste outside approved storage bin	52	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
54	Disposing of or causing or permitting disposal of non-collectible or rejected solid waste at approved storage bin	53	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
55	Disposing of or causing or permitting disposal of construction or demolition materials other than at construction or demolition materials landfill site	54	\$693.95
56	Disposing of or causing or permitting disposal of household hazardous waste other than at depot approved to receive same	55	\$693.95
57	Disposing of collectible waste at solid waste facility other than as directed by authorized staff	56	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
58	Salvaging or scavenging at solid waste facility or landfill site	57	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
59	Transporting solid waste not well-secured	58	
	first offence		\$233.95
	second offence		\$406.45

	third offence		\$693.95
60	Disposing of or causing or permitting disposal of household hazardous waste in or adjacent to depot when depot closed	61(a)	\$693.95
61	Disposing of or causing or permitting disposal of household hazardous waste in or adjacent to depot after staff of depot refuse to accept	61(b)	\$693.95
62	Disposing of or causing or permitting disposal of solid waste in or adjacent to construction or demolition materials landfill site when site not open and operational	63(a)	\$693.95
63	Disposing of or causing or permitting disposal of solid waste in or adjacent to construction or demolition materials landfill site after staff at site refuse to accept	63(b)	\$693.95
64	Picking over, removing, collecting, disturbing or otherwise interfering with solid waste or regulation container placed out for collection (specify)	64	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
65	Picking over, removing, collecting, disturbing or otherwise interfering with solid waste or regulation container placed in approved storage bin (specify)	65	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
66	Disposing of solid waste by burning	68	
	first offence		\$233.95
	second offence		\$406.45
	third offence		\$693.95
67	Obstructing or hindering person in performance of their duties under by-law	72	\$693.95

N.S. Reg. 234/2014

Made: December 24, 2014

Filed: December 29, 2014

Petroleum Products Prices

Order dated December 24, 2014
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-14-53****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: Roberta J. Clarke, Q.C., 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 (“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 Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended December 24, 2014, are:

Grade 1 Regular gasoline	49.6¢ per litre
Ultra-low-sulfur diesel oil	60.9¢ per litre

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

Gasoline:

Grade 1	49.6¢ per litre
Grade 2	52.6¢ per litre
Grade 3	55.6¢ per litre
Ultra-low-sulfur diesel oil	60.9¢ 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 2.2¢ per litre
Ultra-low-sulfur diesel oil:	minus 1.7¢ per litre

And whereas a winter blending adjustment of plus 6.8¢ 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 25, 2014.

Dated at Halifax, Nova Scotia, this 24th day of December, 2014.

Sgd: *D. Pedlar*
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 26, 2014**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	54.5	10.0	15.5	80.0	97.5	99.6	97.5	999.9
Mid-Grade Unleaded	57.5	10.0	15.5	83.0	101.0	103.0	101.0	999.9
Premium Unleaded	60.5	10.0	15.5	86.0	104.4	106.5	104.4	999.9
Ultra-Low-Sulfur Diesel	73.2	4.0	15.4	92.6	112.0	114.1	112.0	999.9
Zone 2								
Regular Unleaded	55.0	10.0	15.5	80.5	98.1	100.2	98.1	999.9
Mid-Grade Unleaded	58.0	10.0	15.5	83.5	101.5	103.6	101.5	999.9
Premium Unleaded	61.0	10.0	15.5	86.5	105.0	107.1	105.0	999.9
Ultra-Low-Sulfur Diesel	73.7	4.0	15.4	93.1	112.6	114.7	112.6	999.9
Zone 3								
Regular Unleaded	55.4	10.0	15.5	80.9	98.6	100.6	98.6	999.9
Mid-Grade Unleaded	58.4	10.0	15.5	83.9	102.0	104.1	102.0	999.9
Premium Unleaded	61.4	10.0	15.5	86.9	105.5	107.5	105.5	999.9
Ultra-Low-Sulfur Diesel	74.1	4.0	15.4	93.5	113.0	115.1	113.0	999.9
Zone 4								
Regular Unleaded	55.5	10.0	15.5	81.0	98.7	100.7	98.7	999.9
Mid-Grade Unleaded	58.5	10.0	15.5	84.0	102.1	104.2	102.1	999.9
Premium Unleaded	61.5	10.0	15.5	87.0	105.6	107.6	105.6	999.9
Ultra-Low-Sulfur Diesel	74.2	4.0	15.4	93.6	113.2	115.2	113.2	999.9
Zone 5								
Regular Unleaded	55.5	10.0	15.5	81.0	98.7	100.7	98.7	999.9
Mid-Grade Unleaded	58.5	10.0	15.5	84.0	102.1	104.2	102.1	999.9
Premium Unleaded	61.5	10.0	15.5	87.0	105.6	107.6	105.6	999.9
Ultra-Low-Sulfur Diesel	74.2	4.0	15.4	93.6	113.2	115.2	113.2	999.9
Zone 6								
Regular Unleaded	56.2	10.0	15.5	81.7	99.5	101.5	99.5	999.9
Mid-Grade Unleaded	59.2	10.0	15.5	84.7	102.9	105.0	102.9	999.9
Premium Unleaded	62.2	10.0	15.5	87.7	106.4	108.4	106.4	999.9
Ultra-Low-Sulfur Diesel	74.9	4.0	15.4	94.3	114.0	116.0	114.0	999.9