



Part II Regulations under the Regulations Act

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N.S. Reg. 12/2002

Made: February 1, 2002

Filed: February 4, 2002

Designation of Eligible Bodies Regulations

Order in Council 2002-32 made February 1, 2002
Regulations made by the Governor in Council
pursuant to Section 16
of the *Conservation Easements Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated January 10, 2002, and pursuant to Section 16 of Chapter 28 of the Acts of 2001, the *Conservation Easements Act*, is pleased to

- (a) repeal the regulations respecting conservation organizations and natural areas designations made by Order in Council 93-488 dated June 10, 1993; and
- (b) make regulations respecting the designation of eligible bodies, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation,

effective on and after January 18, 2002.

Schedule "A"

Regulations Respecting the Designation of Eligible Bodies made by the Governor in Council pursuant to Section 16 of Chapter 28 of the Acts of 2001, the *Conservation Easements Act*

Citation

- 1 These regulations may be cited as the *Designation of Eligible Bodies Regulations*.

Definitions

- 2 In these regulations
 - (a) "Act" means the *Conservation Easements Act*;
 - (b) "designated" means, with respect to an organization, designated as an eligible body in accordance with clause 16(1)(b) of the Act;
 - (c) "Minister" means the Minister of Natural Resources.

Application

- 3 (1) An organization may apply to the Minister to be designated.
- (2) An application made pursuant to subsection (1) must include
 - (a) proof that the organization has been legally incorporated without purpose of gain for its members under legislation that requires that any profits or other benefits to the organization be used solely to promote its objectives;

- (b) proof of current registration and good standing issued by the Registrar of Joint Stock Companies or equivalent authority in the jurisdiction in which the organization was incorporated or registered;
- (c) if the organization was incorporated outside the Province, the name and address of a person residing within the Province to whom any communications and notices may be sent;
- (d) a copy of the objects and by-laws of the organization confirming that
 - (i) the objects are
 - (A) directed to purposes that are beneficial to the public, and
 - (B) consistent with the purposes of a conservation easement as provided for in the Act, and
 - (ii) upon the dissolution, surrender or winding-up of the organization, or upon the revocation of its designation, the organization will make all reasonable efforts to have any easement or covenant acquired by the organization pursuant to the Act assigned to the Minister or another eligible body; and
- (e) a fee in the amount of \$25.00.

Recommendation for designation

- 4** If the Minister is satisfied that an organization that applies pursuant to Section 3 has complied with these regulations, the Minister may approve the application and recommend to the Governor in Council that the organization be designated and that its name be added to Schedule "A".

Revocation of designation

- 5** A designation may be revoked and the organization's name removed from Schedule "A" if the designated organization
- (a) fails to remain legally incorporated in accordance with the criteria set out in clause 3(2)(a);
 - (b) fails to maintain current registration and good standing in accordance with the criteria set out in clause 3(2)(b);
 - (c) amends its objects so that they are no longer directed to purposes that are beneficial to the public or are no longer consistent with the purposes of a conservation easement as provided for in the Act; or
 - (d) contravenes the Act or these regulations.

Schedule "A"

List of Organizations Designated as Eligible Bodies under the *Conservation Easements Act*

Nova Scotia Nature Trust (originally designated by Order in Council 95-160)

Nature Conservancy of Canada (originally designated by Order in Council 95-91)

Bras d'Or Preservation Foundation (originally designated by Order in Council 93-944)

Ducks Unlimited Canada (originally designated by Order in Council 94-998)

Federation of Nova Scotia Naturalists (originally designated by Order in Council 95-451)

Kingsburg Coastal Conservancy Association (originally designated by Order in Council 97-235)

Blomidon Naturalists Society (originally designated by Order in Council 97-235)

Shubenacadie Canal Commission (originally designated by Order in Council 2000-146)

N.S. Reg. 13/2002
 Made: February 1, 2002
 Filed: February 4, 2002
 Video Lottery Regulations

Order in Council 2002-39 made February 1, 2002
 Amendment to regulations made by the Governor in Council
 pursuant to Section 127
 of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for Aboriginal Affairs and the Minister of Environment and Labour dated October 3, 2001, and pursuant to Section 127 of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act*, is pleased to amend the *Video Lottery Regulations* made by the Governor in Council by Order in Council 95-261 dated April 4, 1995, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 1, 2002.

Schedule "A"

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

- 1 (1) Section 2 of the *Video Lottery Regulations* made by the Governor in Council by Order in Council 95-261 dated April 4, 1995, is renumbered as subsection (1) and further amended by
 - (a) repealing clause (d) and substituting the following clause:
 - (d) "approved premises" means premises that are age restricted in accordance with Section 10, and
 - (i) that are owned or operated by the holder of a valid license granted by the Alcohol and Gaming Authority under the *Liquor Control Act*, which may be a club license, beverage room license, lounge license, cabaret license, special premises license or a license issued to marine ferries, whether moored or in transit within Nova Scotia harbours, or
 - (ii) that are on a reserve and operating pursuant to written agreement with a band by the Province, the Alcohol and Gaming Authority, the Corporation or the Lottery Corporation;
 - (b) adding immediately after clause (d) the following clause:
 - (da) "band" means a band within the meaning of the *Indian Act* (Canada);
 - (c) repealing clause (j) and substituting the following clause:
 - (j) "licensee" means

- (i) a person who is the owner or operator of an approved premises and who has been granted, upon application in the form required by the Alcohol and Gaming Authority, a valid registration certificate under these regulations, or
 - (ii) a band operating a video lottery at an approved premises;
- (d) adding immediately after clause (k) the following clause:
- (ka) "reserve" means a reserve within the meaning of the *Indian Act* (Canada).
- (2) Section 2 of the regulations is further amended by adding the following subsection immediately after subsection (1):
- (2) For the purposes of these regulations a band is a person.
- 2 Subsection 12(3) of the regulations is repealed and the following subsection is substituted:
- (3) A licensee shall pay into the bank account of the licensee no later than the 5th day following receipt by an approved device or devices, as money received from a video lottery,
 - (a) 70% of all money received by the approved device or devices or such other percentage as may be determined by the Lottery Corporation after provision for payment of all vouchers or tickets; or
 - (b) if the approved device or devices is or are operated on a reserve, fees, costs or percentages of money received from the approved device or devices as may be established by written agreement with a band by the Province, the Corporation or the Lottery Corporation after provision for payment of all vouchers or tickets.

N.S. Reg. 14/2002
Made: February 1, 2002
Filed: February 4, 2002
Licensing of Insurers Regulations

Order in Council 2002-41 made February 1, 2002
Amendment to regulations made by the Governor in Council
pursuant to Section 5
of the *Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated November 29, 2001, and pursuant to Section 5 of Chapter 231 of the Revised Statutes of Nova Scotia, 1989, the *Insurance Act*, is pleased to amend the regulations respecting licensing of insurers made by the Governor in Council by Order in Council 90-629 dated May 22, 1990, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 1, 2002.

Schedule "A"

Amendments to the Regulations Respecting Licensing of Insurers made by the Governor in Council pursuant to Section 5 of Chapter 231 of the Revised Statutes of Nova Scotia, 1989, the *Insurance Act*

- 1 Section 1 of the regulations respecting licensing of insurers made by the Governor in Council by Order in Council 90-629 dated May 22, 1990, is renumbered as Section 1A and the following Section added immediately before Section 1A:
 - 1 These regulations may be cited as the *Licensing of Insurers Regulations*.
- 2 Subsection 1A(2) of the regulations is amended by
 - (a) striking out "and" in clause (g);
 - (b) striking out the period at the end of clause (h) and adding "; and"; and
 - (c) adding the following clause immediately after clause (h):
 - (i) loss of employment insurance.
- 3 Subsection 1A(3) of the regulations is repealed and the following subsection substituted:
 - (3) The Property and Casualty Insurance Compensation Corporation is designated as the compensation association for
 - (a) the classes of insurance prescribed in clauses (2)(a) to (f);
 - (b) the class of insurance prescribed in clause (2)(g), if carried on by an insurer that is also licensed to carry on a class of insurance other than a class prescribed in clause (2)(h) or (i); and
 - (c) the class of insurance prescribed in clause (2)(i), if carried on by an insurer

- (i) that is not also licensed to carry on a class of insurance prescribed in clause (2)(g) or (h), or
 - (ii) that is licensed to carry on a class of insurance other than a class prescribed in clause (2)(g) or (h).
- 4 Subsection 1A(4) of the regulations is repealed and the following subsection substituted:
 - (4) The Canadian Life and Health Insurance Compensation Corporation is designated as the compensation association for
 - (a) the class of insurance prescribed in clause (2)(h);
 - (b) the class of insurance prescribed in clause (2)(g), if carried on by an insurer that is
 - (i) licensed to carry on only that class of insurance, or
 - (ii) licensed to carry on that class of insurance and a class prescribed in clause (2)(h) or (i); and
 - (c) the class of insurance prescribed in clause (2)(i), if carried on by an insurer licensed to carry on a class of insurance prescribed in clause (2)(g) or (h).

N.S. Reg. 15/2002
 Made: February 1, 2002
 Filed: February 4, 2002
 Summary Offence Tickets Regulations

Order in Council 2002-43 made February 1, 2002
 Amendment to regulations made by the Governor in Council
 pursuant to Section 8
 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated December 12, 2001, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 1, 2002.

ORDER

I, Michael G. Baker, Q.C., Minister of Justice and Attorney General of Nova Scotia, do hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of any offence set out in the amendments to the Schedules to the *Summary Offence Ticket Regulations* set forth in Schedule "A", shall be the amount of the out of court settlement set out opposite the description of that offence, and the out of court settlement amount shall include the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

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

DATED AND MADE December 12, 2001, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd. *Michael Baker*
 Minister of Justice
 and Attorney General of Nova Scotia

Schedule "A"

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

- 1 Schedule 4 of the *Summary Offence Tickets Regulations* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is amended by
- (a) repealing items 116, 117 and 118 and substituting the following items:

- | | | | |
|------|--|---------|----------|
| 116. | Speeding in excess of posted limit by between 1 and 15 km/h, inclusive, for | 106A(a) | |
| | first offence | | \$157.50 |
| | second offence | | \$215.00 |
| | third or subsequent offence | | \$387.50 |
| 117. | Speeding in excess of posted limit by between 16 and 30 km/h, inclusive, for | 106A(b) | |
| | first offence | | \$215.00 |
| | second offence | | \$387.50 |
| | third or subsequent offence | | \$445.00 |
| 118. | Speeding in excess of posted limit by 31 km/h or more | 106A(c) | \$387.50 |

- (b) striking out "pedestrians" in the description of the offence in item 172 and substituting "pedestrian".
- 2 Schedule 4A of the regulations is amended by
- (a) adding the following line immediately under the heading "Regulations Respecting Weights and Loads (RRWL)":
- + **Refer to the excess weight penalties table at end of this Schedule**
- (b) adding the following heading and items immediately after item 30 under the Regulations Respecting Weights and Loads:

Weights and Dimensions of Vehicles Regulations

+ **Refer to [the] excess weight penalties table at the end of this Schedule**

- | | | | |
|----|--|---------|-----------|
| 1. | Operating or causing to be operated upon a highway a vehicle or combination of vehicles equipped with pneumatic tires, having a weight in excess of the weight represented upon the permit issued in respect of the vehicle or combination of vehicles by the jurisdiction | 5(1)(a) | \$157.50+ |
| 2. | Operating or causing to be operated upon a highway a vehicle or combination of vehicles equipped with pneumatic tires, having an axle weight in excess of the manufacturer's gross axle weight rating | 5(1)(b) | \$157.50+ |
| 3. | Operating or causing to be operated upon a highway a vehicle or combination of vehicles equipped with pneumatic tires, having an axle weight in excess of the lowest of the following weights (specify): | | |

- (a) the sum of the tire load ratings of all tires installed on the wheels of any axle 5(1)(c)(i) \$157.50+
- (b) for tires in excess of 150 mm in width, the sum of 10 kg/mm of tire width of all tires installed on the wheel of an axle 5(1)(c)(ii) \$157.50+
- (c) 9100 kg, in the case of an axle equipped with 4 tires 5(1)(c)(iii) \$157.50+
- (d) 9100 kg, in the case of an axle equipped with 2 tires that is a steering axle 5(1)(c)(iv) \$157.50+
- (e) 6000 kg, in the case of an axle equipped with 2 tires that is not a steering axle 5(1)(c)(v) \$157.50+
- 4. Operating or causing to be operated upon a highway a vehicle or combination of vehicles equipped with pneumatic tires, having a weight in excess of the maximum axle weight limits specified for an axle group in Schedule A to the regulations 5(1)(d) \$157.50+
- 5. Operating or causing to be operated upon a highway a vehicle or combination of vehicles equipped with pneumatic tires, having a weight on any axle or an axle group that is 1000 kg greater than or less than the weight of an adjacent axle in the same axle group 5(1)(e) \$157.50+
- 6. Operating or causing to be operated upon a highway a vehicle or combination of vehicles equipped with pneumatic tires, having a weight in excess of 4500 kg on any axle of an assembly of 2 or more consecutive axles that is not an axle group 5(1)(f) \$157.50+
- 7. Operating or causing to be operated upon a highway a vehicle or combination of vehicles equipped with pneumatic tires, having a gross vehicle weight in excess of the manufacturer's gross vehicle weight rating 5(1)(g) \$157.50+

- 8. Operating or causing to be operated upon a highway a vehicle or combination of vehicles equipped with pneumatic tires, with a gross vehicle weight in excess of the maximum gross vehicle weight limits specified for the vehicle configuration and the class of highway in Schedule A to the regulations 5(1)(h) \$157.50
- 9. Moving or causing to be moved over or upon a highway a vehicle or object on wheels, rollers or otherwise, other than a motor vehicle, having a weight in excess of 9100 kg 5(2) \$157.50+
- 10. Operating or causing to be operated upon a highway a vehicle equipped with solid rubber tires, having a weight in excess of the weight in kilograms represented upon the permit issued in respect of the vehicle or having an axle weight in excess of 75% of the vehicle weight that would otherwise apply to the vehicle 5(3) \$157.50+
- 11. Operating or causing to be operated upon a highway a vehicle having a wheel weight in excess of 55% of the weight prescribed for any axle upon which the wheel is mounted 5(4) \$157.50+
- 12. Operating vehicle registered out of Province with weight in excess of maximum axle and gross vehicle weights set out in Schedule A to the Regulations and permitted for a similar vehicle registered in Province 6(4) \$157.50+
- 13. Driving or moving or causing to be driven or moved over a bridge or section of highway a vehicle or combination of vehicles having a weight in excess of the maximum posted weight 9(3) \$157.50+
- 14. Operating or causing to be operated upon a highway a combination of vehicles, for which a permit has been issued for only one of the vehicles, that has a weight in excess of the weight on the permit 10(1) \$157.50+

15. Operating ~~of~~ [or] causing to be operated upon a highway a vehicle or combination of vehicles for which no permit has been issued that has a weight in excess of 1500 kg 10(2) \$157.50+

16. Operating or causing to be operated upon a highway a vehicle or combination of vehicles not conforming to the dimensions, weights, terms or conditions (specify) in the special permit issued for it 11(9) \$157.50+

(c) adding the following heading immediately after item 16 under the Weights and Dimensions Regulations:

Excess Weight Penalties Table

3 Schedule 12A of the regulations is amended by repealing the heading "Registration and Statistical Returns Regulations" and items 1 through 16 under that heading.

N.S. Reg. 16/2002
Made: January 4, 2002
Filed: February 5, 2002
Milk Pricing Regulations

Order dated January 4, 2002
made under clauses 14(c) and 15(g) of the
Dairy Industry Act

Dairy Farmers of Nova Scotia - Amendments to Milk Pricing Regulations

Dairy Farmers of Nova Scotia hereby orders that Section 2 of the DFNS Milk Pricing regulations is hereby revoked and cancelled, and the following substituted ~~therefor~~ [therefor], effective February 1, 2002.

Milk component prices

2 (1) The price of milk components paid by processors in Nova Scotia, effective February 1, 2002, shall be the following on an F.O.B. plant basis:

Component Prices - Per Kilogram for Classes 1, 2, 3, and 4

Class of Milk	\$ Per Kg Butterfat	\$ Per Kg Protein	\$ Per Kg Other Solids	\$ Per hl Solids-non-fat
1(a)	6.1240			46.22
1(b)	6.1240			34.49
1(c)	6.1240			47.14
2	6.1240	4.6985	4.6985	
3(a)	6.1240	10.7884	0.6764	
3(b)	6.1240	10.3341	0.6764	
4(a)	6.1240	4.1421	4.1421	
4(b)	6.1240	4.2507	4.2507	
4(c)	6.1240	4.1421	4.1421	
4(d)	6.1240	4.1421	4.1421	

(2) Component prices per kilogram for classes 5(a), 5(b), 5(c), 5(d), and 4(m) shall be those prices established from time to time by the Canadian Dairy Commission.

N.S. Reg. 17/2002
Made: February 8, 2002
Filed: February 11, 2002
Proclamation, S. 4, S.N.S. 2001, c. 45

Order in Council 2002-44 made February 8, 2002
Proclamation made by the Governor in Council
pursuant to Section 4
of the *An Act to Amend Chapter 494 of the Revised Statutes, 1989,*
the Vital Statistics Act

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated January 29, 2002, and pursuant to Section 4 of Chapter 45 of the Acts of 2001, *An Act to Amend Chapter 494 of the Revised Statutes, 1989, the Vital Statistics Act*, is pleased to order and declare by proclamation that Chapter 45 of the Acts of 2001, *An Act to Amend Chapter 494 of the Revised Statutes, 1989, the Vital Statistics Act*, come into force on and not before February 15, 2002.

PROVINCE OF NOVA SCOTIA Sgd: Myra A. Freeman

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

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

A PROCLAMATION

WHEREAS in and by Section 4 of Chapter 45 of the Acts of 2001, *An Act to Amend Chapter 494 of the Revised Statutes, 1989, the Vital Statistics Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 45 of the Acts of 2001, *An Act to Amend Chapter 494 of the Revised Statutes, 1989, the Vital Statistics Act*, come into force on and not before February 15, 2002;

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 45 of the Acts of 2001, *An Act to Amend Chapter 494 of the Revised Statutes, 1989, the Vital Statistics Act*, come into force on and not before February 15, 2002, of which all persons concerned are to take notice and govern themselves accordingly.

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

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

AT Our Government House in the Halifax Regional
Municipality, this 8th day of February, in the
year of Our Lord two thousand and two and in
the 51st year of Our Reign.

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