



Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia	Vol. 26, No. 12	June 14, 2002	
	Contents		
Act	Reg. No.	Page	
Agriculture and Marketing Act, An Act to Amend Chapter 6 of the Revised Statutes, 1989			
Proclamation, S. 7, S.N.S. 2001, c. 39	71/2002	220	
Civil Service Act			
Car Kilometrage Rates and Monthly Allowances Regulations	63/2002	197	
Gas Distribution Act			
Gas Distribution Regulations (Nova Scotia) - Amendment	72/2002	222	
Health Authorities Act			
Replacement of Medical Staff By-laws (Capital District Health Authority) Regulations	64/2002	201	
Health Services and Insurance Act			
Insured Optometric Services Tariff Regulations	68/2002	210	
Motor Vehicle Act			
Extension of Expiry Date for Registration of Commercial Vehicles Weighing 5001 kg or More	65/2002	202	
Municipal Grants Act			
Standard Expenditure Per Dwelling Unit (2002-2003) Regulations	66/2002	203	
Pipeline Act			
Pipeline Regulations (Nova Scotia) - Amendment	67/2002	204	
Psychologists Act			
Proclamation, S. 54, S.N.S. 2000, c. 32	69/2002	213	
Psychologists Regulations	70/2002	215	

Trade Union Act

Trade Union Act Definition Regulations - Amendment 73/2002 227

NOW AVAILABLE

The second issue of the 2002 subscription year of the Folio®-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, is now available from the Office of the Registrar of Regulations. For information or subscriptions please call (902) 424-6723 or visit our website at <www.gov.ns.ca/just/regulations/cd>.

N.S. Reg. 63/2002
 Made: May 24, 2002
 Filed: May 27, 2002
 Car Kilometrage Rates and Monthly Allowances Regulations

Order in Council 2002-243 made May 24, 2002
 Regulations approved by the Governor in Council pursuant to Section 45 of the *Civil Service Act*

The Governor in Council on the report and recommendation of the Minister of the Public Service Commission dated May 16, 2002, and pursuant to Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, is pleased to approve

- (a) the repeal by the Public Service Commission of the *Car Kilometrage Rates and Monthly Allowance[s] Regulations* approved by Order in Council 1998-611 dated December 1, 1998; and
- (b) the making by the Public Service Commission of new regulations respecting car kilometrage rates and monthly allowances in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Regulations Respecting Car Kilometrage Rates and Monthly Allowances made pursuant to Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*

Citation

1 These regulations may be cited as the *Car Kilometrage Rates and Monthly Allowances Regulations*.

Prior rates

2 Car kilometrage rates and allowances authorized by Order in Council 1998-611 dated December 1, 1998, shall not be paid after March 31, 2000.

Kilometrage rates

3 After the date prescribed in Section 2, the following kilometrage allowance will be payable for all kilometres driven in connection with employment:

	April 1, 2000
0 - 16 000 km	34 cents/km
16 000.1 - 24 000 km	30 cents/km
24 000.1 km +	23 cents/km

Monthly allowances

4 (1) Effective April 1, 2000, an employee who has been designated by the Commission as belonging to a class of employment wherein availability of a motor vehicle is deemed to be a condition of employment may opt to receive a monthly car allowance of \$264.31 and an additional allowance of 19.5 cents per kilometre driven in connection with employment.

- (2) Effective April 1, 2000, a monthly car allowance of \$710.75 shall be paid to an employee of the Department of Transportation and Public Works holding the position of Engineering Survey Technician or Project Engineer.
- (3) Scale house operators (Motor Vehicle Registry), road transport inspectors in the Department of Transportation and Public Works, and motor carrier inspectors in the Public Passenger Division, Nova Scotia Utility and Review Board, shall be paid a monthly car allowance for travelling to and from scale houses if the return distance is
 - (a) over 8 km, but less than 24 km \$53.00
 - (b) 24 to 48.3 km \$80.76
 - (c) in excess of 48.3 km \$136.29

Request for change

5 If an employee who has the option of receiving a monthly allowance pursuant to subsection 4(1) wishes to change from the monthly allowance to kilometrage or from kilometrage to the monthly allowance the employee must notify the Public Service Commission in writing not later than April 30th of each year or within 30 days of eligibility.

Guidelines

6 The guidelines to be used by the Public Service Commission for designating employees as belonging to a class of employment wherein availability of a motor vehicle is deemed to be a condition of employment are set out in Appendix "A".

Monthly allowance not reduced

- 7 Employees who are required to have a motor vehicle, and who have exercised the option of the monthly allowance pursuant to these regulations, and employees entitled to payments under subsection 4(2) or (3), will not have their allowance reduced on account of
 - (a) vacation;
 - (b) special leave with pay for a period of 30 days or less;
 - (c) sick leave for a period of 30 days or less;
 - (d) special leave without pay, provided, however, that the monthly allowance will be reduced in proportion to the number of compensation days in the month for which the special leave was granted.

Travel outside regular district

8 If the Minister or a departmental official delegated by the Minister directs that an employee shall travel outside of the regular district and receive standard kilometrage allowance, the employee's monthly allowance paid under subsection 4(2) or (3) shall be reduced in proportion to the number of compensation days in the month that the employee is assigned out of the regular district, and such employee shall then receive standard kilometrage allowance for the kilometrage travelled outside the regular district.

Government cars not assigned

9 An employee who is receiving a monthly car allowance pursuant to these regulations cannot be assigned a government car.

Personal use of government-owned vehicles

- 10 (1)** Proper authorization must be obtained before using government-owned vehicles for personal use.
- (2)** Personal use means kilometrage used on other than government business and this kilometrage shall be repaid to the Province at the rate of 21.3 cents/km.

Approval required for other payments

- 11 (1)** If specific requirements by departments, boards, agencies and commissions cannot be accommodated under Section 3 or 4, the Minister in charge of the administration of the *Civil Service Act* may approve payment for the use of privately owned motor vehicles on a basis other than as prescribed by Section 3 or 4 to address specific operating requirements.
- (2)** Payments approved by the Minister pursuant to subsection (1) shall also require the approval of the Executive Council.

Application

- 12** The kilometrage allowances and travel allowances in these regulations shall apply to all employees of the Province of Nova Scotia and to the members of the Legislature, subject to such alternate direction as may be given by the Legislature's Internal Economy Board.

Appendix "A" - Guidelines

The following list contains factors to be used by the Public Service Commission in determining when an employee is to be designated as requiring, as a condition of employment, ownership of a motor vehicle and, therefore, has the privilege of opting for a monthly allowance plus kilometrage allowance.

1. Kilometrage allowances will not be authorized if travel can be made more economically by other means of transportation without substantial impairment of the efficiency of service.
2. If the number of kilometres is 3218.6 km or less per year, the option will normally not be granted.
3. If the number of kilometres is 16 000 km or more per year, the option will normally be granted on the recommendation of the Deputy Minister.
4. Recommendations for designation should take into consideration the nature of the function performed, the requirements for transportation which may be met by use of personal vehicle, rental vehicle, public transportation, etc.
5. Designation of employees required to travel more than 3218.6 km per year but less than 16 000 km per year will be based on the criteria that the department determines and recommends that the provision and use of a privately-owned motor vehicle is the most efficient manner of providing transportation in fulfilling the job function particularly as it relates to the provision of services to the public.

6. Where employees do not have control over the demand for transportation which can and does occur at any time, for example, in areas of personal service, protection, etc., this will be considered as a relevant factor.
7. The necessity to have transportation available when required, as well as how often such transportation is necessary, will also be considered.

N.S. Reg. 64/2002

Made: May 24, 2002

Filed: May 27, 2002

Replacement of Medical Staff By-laws (Capitol
District Health Authority) Regulations

Order in Council 2002-245 made May 24, 2002
Regulations made by the Governor in Council
pursuant to Section 84
of the *Health Authorities Act*

The Governor in Council on the report and recommendation of the Minister of Health dated May 14, 2002, and pursuant to Section 84 of Chapter 6 of the Acts of 2000, the *Health Authorities Act*, is pleased to revoke the medical staff by-laws adopted by the Queen Elizabeth II Health Sciences Centre and the Nova Scotia Hospital and replace them with the medical staff by-laws of the Capitol District Health Authority made pursuant to Sections 23 and 24 of the Act, effective May 23, 2002.

N.S. Reg. 65/2002

Made: May 24, 2002

Filed: May 27, 2002

Extension of Expiry Date for Registration of Commercial
Vehicles Weighing 5001 kg or More

Order in Council 2002-246 made May 24, 2002
Regulations made by the Governor in Council
pursuant to subsection 22(1)
of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated May 9, 2002, and pursuant to subsection 22(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to declare that the registration of commercial vehicles weighing 5001 kg or more that would have expired on May 31, 2002, shall not expire until June 30, 2002.

N.S. Reg. 66/2002
Made: May 28, 2002
Filed: May 28, 2002

Standard Expenditure Per Dwelling Unit (2002-2003) Regulations

Order dated May 28, 2002
made under Section 11 of the
Municipal Grants Act

**Regulation made by the Minister of Service Nova Scotia and
Municipal Relations pursuant to Section 11 of Chapter 302 of
the Revised Statutes of Nova Scotia, 1989, the *Municipal Grants Act***

STANDARD EXPENDITURE PER DWELLING UNIT

- 1. The standard expenditure per dwelling unit for the purpose of calculating the grant referred to in Section 11 of the *Municipal Grants Act*, for the 2002-2003 fiscal year, shall be as follows:

CLASS	I	II
Standard Expenditure	1018	361

Sgd: *Angus MacIsaac*
Honourable Angus MacIsaac
Minister of Service Nova Scotia and Municipal Relations

Halifax, Nova Scotia
May 28, 2002

N.S. Reg. 67/2002
Made: May 31, 2002
Filed: June 3, 2002
Pipeline Regulations (Nova Scotia)

Order in Council 2002-254 made May 31, 2002
Amendment to regulations made by the Governor in Council
pursuant to Section 44
of the *Pipeline Act*

The Governor in Council on the report and recommendation of the Minister responsible for the Petroleum Directorate dated February 14, 2002, and pursuant to Section 44 of Chapter 345 of the Revised Statutes of Nova Scotia, 1989, the *Pipeline Act*, is pleased to amend the *Pipeline Regulations (Nova Scotia)* made by the Governor in Council by Order in Council 1998-452 dated September 16, 1998, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after May 31, 2002.

Schedule “A”

**Amendments to the *Pipeline Regulations (Nova Scotia)*
made by the Governor in Council pursuant
to Section 44 of Chapter 345
of the Revised Statutes of Nova Scotia, 1989,
the *Pipeline Act***

- 1 The *Pipeline Regulations (Nova Scotia)* made by the Governor in Council by Order in Council 1998-452 dated September 16, 1998, are amended by striking out “Energy Board” wherever it appears and substituting “Board”.
- 2 Subsection 2(2) of the regulations is amended by
 - (a) relettering clause (c) as clause (cb) and adding the following clauses immediately before clause (cb):
 - (c) “Administrator” means a person designated by the Minister pursuant to Section 3 and includes an acting Administrator;
 - (ca) “Board” means the Nova Scotia Utility and Review Board;
 - (b) adding “or, where the pipeline is not located within a pipeline right of way, immediately adjacent to each edge of the pipeline,” immediately after “pipeline right of way” in clause (i);
 - (c) adding the following clause immediately after clause (p):
 - (pa) “Directorate” means the Nova Scotia Petroleum Directorate;
 - (d) repealing clause (s);
 - (e) adding the following clause immediately after clause (t):
 - (ta) “gas delivery system” means a gas delivery system as defined in the *Gas Distribution Act*;

- (f) adding the following clause immediately after clause (ax):
- (axa) “storage facility” means a facility that is integral to a transmission line or distribution line and is constructed for the storage of oil and gas, and includes land and other works connected with the facility;
- 3 Section 3 of the regulations is renumbered as subsection 3(1) and amended by striking out “[*date of promulgation*]” and substituting “September 16, 1998”.
- 4 Section 3 of the regulations is further amended by adding the following subsections immediately after subsection (1):
- (2) Subject to subsection (3), the construction requirements outlined in these regulations do not apply in respect of a pipeline or any part of a pipeline
- (a) that existed on September 16, 1998; or
- (b) for which an authorization to construct was issued on or before September 16, 1998.
- (3) These regulations apply to any new construction, ongoing maintenance or ongoing repairs undertaken in respect of a pipeline or any part of a pipeline described in subsection (2).
- 5 The regulations are further amended by adding the following Section immediately after Section 3:
- 3A** (1) The Minister shall designate an Administrator to administer these regulations.
- (2) The Administrator shall be responsible for preparing
- (a) interpretations of these regulations;
- (b) amendments to these regulations; and
- (c) policies, standards and guidelines under these regulations.
- 6 Subsection 4(3) of the regulations is amended by striking out “[*date of promulgation*]” and substituting “September 16, 1998”.
- 7 Section 6 of the regulations is amended by striking out “, the environment, the safety of the public or the permit or licence holder’s employees warrant” and substituting “or public safety warrants”.
- 8 Section 7 of the regulations is repealed and the following Section substituted:

Fees and costs

- 7 (1) The Board may set fees and may order that the fees be paid as the Board considers appropriate.

- (2) The Minister may recover costs for services rendered under the Act or these regulations by the Minister, the Directorate, or the Administrator.
- (3) If circumstances require, a person who is billed under subsections (1) or (2) may ask the Board or the Minister, as the case may be, for documentation to support the bill.
- 9 Section 10 of the regulations is amended by striking out “safety, environmental,” and substituting “public safety”.
- 10 Subsections 12(1) and (2) of the regulations are amended by striking out “for approval” wherever it appears.
- 11 Section 14 of the regulations is amended by
- (a) striking out the semi-colon at the end of clause (b) and substituting a period; and
- (b) repealing clauses (c) and (d).
- 12 Section 15 of the regulations is repealed.
- 13 Section 16 of the regulations is amended by
- (a) adding “or storage facility” immediately after “bulk plant”, wherever it appears;
- (b) striking out the semi-colon at the end of clause (b) and substituting a period; and
- (c) repealing clause (c).
- 14 Subsection 17(1) of the regulations is amended by striking out “for approval”.
- 15 Section 19 of the regulations is repealed.
- 16 Section 20 of the regulations is amended by
- (a) striking out “for approval” in subsection (1);
- (b) adding “, where applicable,” after “adopts” in clause (2)(a); and
- (c) adding the following subsection immediately after subsection (3):
- (4) When a company conducts joining on a pipeline, the company shall, where applicable, examine the entire circumference of each joint by radiographic or ultrasonic methods.
- 17 Section 23 of the regulations is repealed.
- 18 Section 25 of the regulations is amended by striking out “across” and substituting “within”.
- 19 Subsection 26(1) of the regulations is amended by striking out “for approval”.

- 20 Subsection 28(3) of the regulations is amended by striking out “in CSA Z662” and substituting “in the pressure testing program required by Section 26”.
- 21 (1) Subsection 30(1) of the regulations is amended by
- (a) striking out “for approval”; and
 - (b) striking out “safety, environmental protection,” and substituting “public safety”.
- (2) Subsection 30(2) of the regulations is amended by
- (a) striking out “and the surrounding environment” in clause (m); and
 - (b) repealing clause (n).
- 22 Clause 33(a) of the regulations is amended by striking out “or the environment”.
- 23 Subsection 34(1) of the regulations is amended by striking out “for approval”.
- 24 Section 42 of the regulations is amended by striking out “, the public, and the environment” and substituting “and the public”.
- 25 Subsection 44(2) of the regulations is amended by striking out “for approval”.
- 26 Subsection 45 of the regulations is amended by striking out “for approval”.
- 27 (1) Subsection 47(1) of the regulations is repealed and the following subsection substituted:
- (1) Where a company proposes to deactivate a pipeline or section thereof for 12 months or more, the company shall submit to the Board, 3 months in advance, a notification of the deactivation.
- (2) Subsection 47(2) of the regulations is amended by striking out “application” and substituting “notification”.
- (3) Section 47 of the regulations is further amended by adding the following subsections immediately after subsection (2):
- (3) Where a company has maintained a pipeline in a deactivated mode for 12 months without filing a notification under subsection (1), it shall immediately at the end of the 12-month period submit a notification of the deactivation to the Board.
 - (4) The notification referred to in subsection (3) shall include the rationale for the deactivation and the measures to be employed to continue the deactivation.
 - (5) In addition to the notification referred to in subsection (1) or (3), the Board may require that the company make an application to and be issued an approval by the Board before commencing or continuing with the deactivation.

- 28 (1) Subsection 48(1) of the regulations is amended by striking out “for approval an application for” and substituting “, 3 months in advance, a notification of”.
- (2) Subsection 48(2) of the regulations is amended by striking out “application” and substituting “notification”.
- (3) Section 48 of the regulations is further amended by adding the following subsection immediately after subsection (2):
- (3) In addition to the notification referred to in subsection (1), the Board may require that the company make an application to and be issued an approval by the Board before commencing the reactivation.
- 29 Section 50 of the regulations is repealed.
- 30 Section 51 of the regulations is repealed and the following Section substituted:
- 51** (1) Where a company proposes to suspend, remove, discontinue or abandon a pipeline or a section thereof, the company shall submit to the Board, 3 months in advance, a notification of the suspension, removal, discontinuance or abandonment.
- (2) The notification referred to in subsection (1) shall include the rationale for and the measures to be employed for the suspension, removal, discontinuance or abandonment.
- (3) In addition to the notification referred to in subsection (1), the Board may require that the company make an application to and be issued an approval by the Board before commencing the suspension, removal, discontinuance or abandonment.
- 31 Subsection 56(1) of the regulations is repealed and the following subsection substituted:
- (1) A company shall, on a regular basis, audit its pipeline control system required by Section 40.
- 32 Section 58 of the regulations is renumbered as subsection 58(1) and the following subsection is added immediately after subsection (1):
- (2) A company that owns or operates a pipeline that is interfered with or disturbed in violation of subsection (1) is authorized to stop any activity that is causing the interference or disturbance, and shall immediately notify the Board of the circumstances resulting in the stoppage.
- 33 (1) Section 59 of the regulations is amended by adding the following subsection immediately after subsection (1):
- (1A) Despite subsection (1), a person proposing to undertake a ground disturbance within the controlled area of a gas delivery system shall, before commencing any work, operation or activity
 - (a) take all precautions reasonably necessary to ascertain the location of any pipelines that may be interfered with;

- (b) determine the identity of the holder of the permit or licence for the pipeline; and
 - (c) notify the holder of the permit or licence referred to in clause (b) of the nature of the proposed ground disturbance and the proposed schedule for the undertaking of that ground disturbance.
- (2) Subsection 59(2) of the regulations is amended by adding “or within the controlled area of a gas delivery system as referred to in subsection (1A), as the case may be,” after “subclause (1)(a)(i)”.

N.S. Reg. 68/2002

Made: May 31, 2002

Filed: June 3, 2002

Insured Optometric Services Tariff Regulations

Order in Council 2002-255 made May 31, 2002
 Regulations made by the Minister of Health
 and the Governor in Council
 pursuant to clause 13(1)(c) and subsection 17(2)
 of the *Health Services and Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Health dated April 23, 2002, and pursuant to Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, is pleased,

- (a) pursuant to subsection 17(2) of the Act,
 - (i) to repeal the *Insured Optometric Services Tariff Regulations* approved by the Governor in Council by Order in Council 1999-44 dated February 17, 1999, and
 - (ii) to make new regulations respecting insured optometric services in the form set forth in Schedule “A” attached to and forming part of the report and recommendation; and
- (b) in accordance with clause 13(1)(c) of the Act, to approve the authorization by the Minister of Health of payments in respect of the new tariff for insured optometric services established by the Minister of Health as set forth in Section 3 of the regulations attached as Schedule “A” to the report and recommendation,

effective on and after April 1, 2001.

In the matter of the *Insured Optometric Services Tariff Regulations* made pursuant to Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*

-and-

In the matter of a tariff of fees established by the Minister of Health pursuant to clause 13(1)(c) of the *Health Services and Insurance Act* with respect to insured optometric services

ORDER

I, Jamie Muir, Minister of Health for the Province of Nova Scotia, pursuant to clause 13(1)(c) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act* do hereby

- (a) repeal the tariff of fees established by the *Insured Optometric Services Tariff Regulations* approved by the Governor in Council by Order in Council 1999-44 dated February 17, 1999; and

- (b) establish that the tariff of fees to be paid for insured optometric services is as set out in Section 3 of the regulations respecting insured optometric services set forth in Schedule "A", and authorize payments in respect of the tariff.

This Order shall be effective on and after the making by the Governor in Council of the regulations respecting insured optometric services set forth in Schedule "A".

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, April 23, 2002.

Sgd. *Jamie Muir*
Honourable Jamie Muir
Minister of Health

Schedule "A"

**Regulations Respecting an Insured Optometric Services Tariff
made by the Minister of Health and the Governor in Council pursuant to
Sections 13 and 17 of Chapter 197 of the Revised Statutes of Nova Scotia, 1989,
the *Health Services and Insurance Act***

Citation

- 1 These regulations may be cited as the *Insured Optometric Services Tariff Regulations*.

Insured optometric services

- 2 The insured optometric services are as set out in the following table:

Health Service Code	Description	Conditions for Coverage	Insured Ages	Frequency	Medical Service Units
09.02C	Full exam - routine		0-9 years and 65 years and over	1 per every 2-year period	20.48
09.02C	Full exam - non routine	Medical necessity	Any age	1 per year	20.48
3.03	Continuing care	Medical necessity	Any age	1 per year	11
3.03	Continuing care - specific diagnosis	Where eye pathology has been identified or suspected In conjunction with a noted differential diagnosis or prescribed medication only and not an over-the-	Any age	6 per year	11

Health Service Code	Description	Conditions for Coverage	Insured Ages	Frequency	Medical Service Units
		counter product Must be submitted with supporting text, details of which are found in the Department of Health's Optometric Services Manual			
22.69A	Punctual occlusion	Where eye pathology has been identified or suspected and where other therapies have been tried Only for insertion of permanent plugs and not for materials Not for contact lens-related dry eye	Any age	1 per eye per lifetime	22 for 1 eye, and 33 for both eyes
21.31	Dilation of lacrimal punctum	Where eye pathology has been identified or suspected and where other therapies have been tried True epiphora Positive Jones Test Patient must not have ectropion	Any age	1 per eye per lifetime	30 for 1 eye, and 45 for both eyes

Tariff of fees

- 3 (1) The tariff of fees for insured optometric services is as follows:
- (a) effective April 1, 2001, the Medical Service Unit (MSU) is \$1.97;
 - (b) effective April 1, 2002, an increase in the MSU to \$2.05; and
 - (c) effective April 1, 2003, an increase in the MSU to \$2.13.
- (2) The tariff of fees for insured optometric services is in effect from April 1, 2001, to March 31, 2004.

N.S. Reg. 69/2002
Made: May 31, 2002
Filed: June 3, 2002
Proclamation, S. 54, S.N.S. 2000, c. 32

Order in Council 2002-256 made May 31, 2002
Proclamation made by the Governor in Council
pursuant to Section 54 of the *Psychologists Act*

The Governor in Council on the report and recommendation of the Minister of Health dated May 1, 2002, and pursuant to Section 54 of Chapter 32 of the Acts of 2000, the *Psychologists Act*, is pleased to order and declare by proclamation that Chapter 32 of the Acts of 2000, the *Psychologists Act*, come into force on and not before June 3, 2002.

PROVINCE OF NOVA SCOTIA Sgd: *Constance R. Glube*

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 54 of Chapter 32 of the Acts of 2000, the *Psychologists Act*, it is enacted as follows:

54 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 32 of the Acts of 2000, the *Psychologists Act*, come into force on and not before June 3, 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 32 of the Acts of 2000, the *Psychologists Act*, come into force on and not before June 3, 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 Constance R. Glube, Administrator of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 31st day of May, 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

N.S. Reg. 70/2002

Made: May 31, 2002

Filed: June 3, 2002

Psychologists Regulations

Order in Council 2002-257 made May 31, 2002
Regulations approved by the Governor in Council
pursuant to Section 9
of the *Psychologists Act*

The Governor in Council on the report and recommendation of the Minister of Health dated May 1, 2002, and pursuant to Section 9 of Chapter 32 of the Acts of 2000, the *Psychologists Act*, is pleased to

- (a) approve the repeal by the Nova Scotia Board of Examiners in Psychology of regulations respecting psychologists approved by the Governor in Council by Order in Council 88-192 dated February 23, 1988; and
- (b) approve the making by the Nova Scotia Board of Examiners in Psychology of new regulations respecting psychologists in the form set forth in Schedule "A" attached to and forming part of the report and recommendation,

effective on and after June 3, 2002.

Schedule "A"

**Regulations Respecting Psychologists
approved by the Governor in Council pursuant to Section 9
of Chapter 32 of the Acts of 2000, the *Psychologists Act***

Citation

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

Definitions

2 In these regulations,

- (a) "Act" means the *Psychologists Act*;
- (b) "Board Regulations" means the regulations made by the Board pursuant to Section 8 of the Act;
- (c) "expiry date" means the date prescribed by the Board pursuant to clause 17(1)(b) of the Act for payment of the annual registration fee;
- (d) "fee" means a fee prescribed in the Board Regulations;
- (e) "registrant" means a person registered on either the Register of Psychologists or the Register of Candidates;
- (f) "registration" means inclusion of the name of a person on the Register of Psychologists or the Register of Candidates in accordance with the Act.

Registration

- 3 (1) An application for registration shall be in the form prescribed in the Board Regulations and shall be provided to applicants by the Registrar upon request.
- (2) In addition to an application form, the Registrar shall provide the following to an applicant:
- (a) a copy of the Act and these regulations; and
 - (b) a copy of the code of ethics prescribed in the Board Regulations, and the standards of professional conduct and standards for providers of psychological services prescribed by the Board.
- (3) Subject to subsection (4), an applicant for registration shall
- (a) submit a completed application form to the Registrar together with payment of the applicable fees;
 - (b) make arrangements for the educational institutions from which the applicant's relevant degrees were obtained to send transcripts to the Registrar;
 - (c) where the applicant is seeking registration on the Register of Psychologists, provide proof to the satisfaction of the Board that the applicant has fulfilled the requirements of subsection 15(1) or 15(2) of the Act; and
 - (d) where the applicant is seeking registration on the Register of Candidates, provide proof to the satisfaction of the Board that the applicant has made arrangements for a supervisor to provide supervision.
- (4) Clauses (3)(b) and (c) do not apply to an applicant for whom the Board has waived requirements in accordance with subsection 15(5) of the Act.
- (5) An applicant shall request referees and supervisors to send documentation directly to the Registrar.
- (6) The Board may request any further information it may consider necessary for proper evaluation of the application.

Application not accepted

4 If an applicant is not accepted for registration in accordance with subsection 15(4) or 16(3) of the Act, the Registrar shall provide the applicant with a statement in writing of the reasons for non-acceptance.

Certificate issued

- 5 (1) A registrant on the Register of Psychologists shall be issued a certificate of registration as a registered psychologist.
- (2) A registrant on the Register of Candidates may be issued a certificate of registration as a psychologist (Candidate Register).

Renewal

- 6** (1) The Board shall notify each registrant 2 months prior to the expiry date of the requirement for annual renewal of their registration.
- (2) A registrant may renew their certificate of registration by completing the annual renewal form prescribed in the Board Regulations and submitting it to the Registrar before the expiry date together with the annual registration fee.

Suspension of registration

- 7** (1) In addition to the provision for suspension of registration for non-payment of the annual registration fee in subsection 17(2) of the Act, the registration of a registrant who fails to submit a completed annual renewal form in accordance with subsection 7(2) shall be suspended effective on the expiry date.
- (2) The Registrar shall immediately give notice in writing to a registrant whose registration has been suspended pursuant to subsection (1) for failure to submit a completed annual renewal form.
- (3) Notice given by the Registrar pursuant to subsection 17(3) of the Act or subsection (2) shall be by registered mail to the registrant, with a copy to their employer, if any, and shall include a statement that
- the person's registration was suspended effective on the expiry date because of the failure of the person to pay the annual registration fee or submit a completed annual renewal form, as the case may be;
 - the person is not permitted to practise psychology after the expiry date until the requirements of Section 18 of the Act and these regulations have been complied with and the Registrar has re-registered the person; and
 - practising while suspended is an offence under subsection 23(2) of the Act.

Leave of absence

- 8** (1) A registrant who wishes to take a leave of absence from the practice of psychology may apply to the Registrar for temporary removal of their name from a register for any period exceeding 2 consecutive months and not exceeding 2 consecutive years.
- (2) The Registrar shall remove the name of a registrant who has applied pursuant to subsection (1) from the appropriate register for the duration of the leave period specified in the application.
- (3) Upon a registrant's return from a leave of absence, the Register shall re-enter the registrant's name on the appropriate register upon payment of the applicable fee.
- (4) For the purposes of subsection 23(1) of the Act, a registrant who practises psychology while their name is temporarily removed from a register pursuant to this Section is deemed to be in violation of a condition or limitation relating to their registration.

Re-application after 2 years

- 9** A person who re-applies for registration more than 2 years after the suspension of their previous registration shall be treated as a new applicant and, in addition to fulfilling the requirements of Section 18 of the Act, the person shall submit a new application pursuant to Section 3.

Temporary registration

- 10** (1) A person who is practising psychology and is registered or licensed in another jurisdiction and who applies to practise psychology in Nova Scotia for a limited time or for a specific purpose may be registered temporarily on the Temporary Register established by the Registrar for this purpose, upon providing documentation to the satisfaction of the Board of current status in good standing in the other jurisdiction.
- (2) A registrant on the Temporary Register shall be issued a certificate of registration as either a registered psychologist or a psychologist (Candidate Register), and the certificate shall include the expiry date of the temporary registration and a notation that the temporary registration is not renewable.

Designation of professional status

- 11** (1) A registrant on the Register of Psychologists may use the title "Psychologist", or "Registered Psychologist", and may abbreviate the title after their name to "R.Psych."
- (2) A registrant on the Register of Candidates may use the title "Psychologist (Candidate Register)", and may abbreviate the title after their name to "Psych. (Cand. Reg.)", but shall not use a title or abbreviation permitted under subsection (1) for a registrant on the Register of Psychologists.
- (3) A registrant who is retired and not practising psychology may use a title that clearly indicates their retired status.
- (4) A person who is registered in another jurisdiction and applies to be registered in Nova Scotia may continue to use the title applicable in the other jurisdiction while the application is being processed, or may, if registered on the Temporary Register, assume the title appropriate to like registrants in Nova Scotia.

Insurance

- 12** A registrant shall carry adequate professional liability insurance.

Continuing competency

- 14*** The Board may, at its discretion, require any registrant to meet with the Board, or a sub-committee of the Board, for the purpose of determining whether the registrant's experience, education, and other professional qualifications meet a generally accepted level of competence for the provision of psychological services.

[* Note: numbering as in original.]

Continuing education

- 15** The Board may develop specific guidelines for continuing education requirements to which registrants must adhere.

Notice

- 16** Any written notice required to be given by the Registrar to a registrant or former registrant under these regulations shall be to the most recent address for the registrant or former registrant in the Registrar's records.

N.S. Reg. 71/2002

Made: May 31, 2002

Filed: June 3, 2002

Proclamation, S. 7, S.N.S. 2001, c. 39

Order in Council 2002-265 made May 31, 2002
 Proclamation made by the Governor in Council
 pursuant to Section 7
 of *An Act to Amend Chapter 6 of the Revised Statutes, 1989,*
the Agriculture and Marketing Act

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated May 24, 2002, and pursuant to Section 7 of Chapter 39 of the Acts of 2001, *An Act to Amend Chapter 6 of the Revised Statutes, 1989, the Agriculture and Marketing Act*, is pleased to order and declare by proclamation that Chapter 39 of the Acts of 2001, *An Act to Amend Chapter 6 of the Revised Statutes, 1989, the Agriculture and Marketing Act*, come into force on and not before June 1, 2002.

PROVINCE OF NOVA SCOTIA

Sgd: *Constance R. Glube*

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 7 of Chapter 39 of the Acts of 2001, *An Act to Amend Chapter 6 of the Revised Statutes, 1989, the Agriculture and Marketing Act*, it is enacted as follows:

- 7** 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 39 of the Acts of 2001, *An Act to Amend Chapter 6 of the Revised Statutes, 1989, the Agriculture and Marketing Act*, come into force on and not before June 1, 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 39 of the Acts of 2001, *An Act to Amend Chapter 6 of the Revised Statutes, 1989, the Agriculture and Marketing Act*, come into force on and not before June 1, 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 Constance R. Glube,
Administrator of the Government of the
Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional
Municipality, this 31st day of May, 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

N.S. Reg. 72/2002

Made: May 31, 2002

Filed: June 3, 2002

Gas Distribution Regulations (Nova Scotia)

Order in Council 2002-266 made May 31, 2002
Amendment to regulations made by the Governor in Council
pursuant to Section 42 of the *Gas Distribution Act*

The Governor in Council on the report and recommendation of the Minister responsible for the Petroleum Directorate dated March 26, 2002, and pursuant to Section 42 of Chapter 4 of the Acts of 1997, the *Gas Distribution Act*, is pleased to amend the *Gas Distribution Regulations (Nova Scotia)* made by the Governor in Council by Order in Council 1998-576 dated November 10, 1998, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after May 31, 2002.

Schedule "A"

Amendments to the *Gas Distribution Regulations (Nova Scotia)* made by the Governor in Council pursuant to Section 42 of Chapter 4 of the Acts of 1997, the *Gas Distribution Act*

- 1 Clause 2(1)(c) of the *Gas Distribution Regulations (Nova Scotia)* made by the Governor in Council by Order in Council 1998-576 dated November 10, 1998, is amended by striking out "and the reduction of the geographical area of a franchise".
- 2 Subsection 2(2) of the regulations is amended by
 - (a) adding the following clause immediately after clause (d):
 - (da) "bundled service provider" means a franchise holder who provides both transportation and commodity services;
 - (b) repealing clause (g);
 - (c) repealing clause (h);
 - (d) adding the following clause immediately after clause (i):
 - (ia) "franchise area" means the geographic area that is planned to be served within 10 years by the franchise holder;
 - (e) repealing clause (l) and substituting the following clause:
 - (l) "gas" means
 - (i) odourized sales gas, or
 - (ii) any substance declared by the Board to be gas;

- (f) repealing subclause (m)(i) and substituting the following subclause:
- (m) “gas delivery system” means
- (i) any pipes, equipment, apparatus, mechanism, machinery, instrument or ancillary facility used to deliver gas for ultimate consumption,
- (g) adding “compressed natural gas or” immediately after “delivery of” in clause (m);
- (h) repealing clause (n) and substituting the following clause:
- (n) “gas marketer” means a person who, through a gas delivery system,
- (i) sells or offers to sell gas to a customer,
- (ii) acts as the agent or broker for a seller of gas to a customer, or
- (iii) acts or offers to act as the agent or broker of a customer in purchasing gas,
- and “gas marketing” has a corresponding meaning;
- (i) repealing clause (p);
- (j) repealing clause (v);
- (k) repealing clause (w) and substituting the following clause:
- (w) “single end user class franchise” means a franchise granted to a company where the gas is consumed solely by the franchise holder, a company that is wholly owned by the franchise holder or a company that wholly owns the franchise holder.
- 3 Section 5 of the regulations is amended by
- (a) striking out “area” in clause (a) and substituting “proposed franchise area”;
- (b) repealing clause (b);
- (c) adding “gas” immediately after “agents,” in clause (e);
- (d) repealing subclauses (e)(i) and (ii) and substituting the following subclauses:
- (i) in a code of conduct filed with the Board, the steps the applicant proposes to take to eliminate any undue competitive advantage as a result of its being a bundled service provider,

- (ii) the availability to all gas marketers of detailed market information including names, addresses and telephone numbers of customers and potential customers in the proposed franchise area, and
- (iii) information relating to the existing distribution system and such other information, including anticipated construction and build-out plans, as may be determined by the Board;
- (e) adding the following clause immediately after clause (e):
- (ea) where the applicant is a public utility as defined in the *Public Utilities Act*, the applicant can demonstrate to the Board how it shall promote competition with respect to the energy products it distributes; and
- 4 Section 6 of the regulations is amended by
- (a) striking out “and benefits plan” and substituting “, a benefits plan, or both”;
- (b) repealing clause (c) and substituting the following clause:
- (c) the application is made pursuant to Section 10 of the Act; or
- 5 Clause 7(1)(b) of the regulations is amended by striking out “contractor” and substituting “contractors”.
- 6 Section 10 of the regulations is repealed and the following Section substituted:
- 10** The Board may exempt a single end user class franchise or a producer class franchise from the requirements of clauses 5(c) and (d) and Sections 6, 7, 8 and 9.
- 7 Section 12 of the regulations is repealed and the following Section is substituted:
- 12** A company applying for a franchise pursuant to Section 14 of the Act shall provide information concerning the public interest served by severing an existing franchise territory including information as to
- (a) the anticipated user or users of the gas;
- (b) the market to be served; and
- (c) the quantities of gas to be shipped and the type of service required.
- 8 Subsection 13(1) of the regulations is amended by
- (a) repealing clause (g) and substituting the following clause:
- (g) the franchise holder shall make available to all gas marketers, on such terms as the Board may specify,

- (i) marketing information consisting of customer names, customer addresses, customer telephone numbers and such other customer information as the Board may require to be made available, and
 - (ii) information relating to the existing distribution system and such other information, including anticipated timing and extent of construction and build-out plans, as may be determined by the Board;
- (b) repealing clause (j) and substituting the following clause:
- (j) subject to subsection 18(d), a bundled service provider shall be permitted to sell gas and transportation services upon terms and conditions as are determined by the Board;
- (c) striking out “seller” wherever it appears in subsection (5) and substituting “marketer”.
- 9 Section 15 of the regulations is amended by
- (a) striking out “shall” in subsection (1) and substituting “may”;
 - (b) striking out “Section 15(1)” in subsection (2) and substituting “subsection (1)”; and
 - (c) striking out “, which criteria shall include but shall not be limited to the provision of required access and the implementation of the benefits plan” in subsection (2).
- 10 Section 16 of the regulations is repealed and the following Section substituted:
- 16 (1)** The Board shall create a single, franchise-wide rate, toll or charge for gas transportation services to each customer class of a franchise holder.
- (2)** In subsection (1), “customer class” means a group of customers with similar or like requirements for gas transportation services, as determined by the Board.
- 11 Section 17 of the regulations is repealed.
- 12 Section 18 of the regulations is amended by
- (a) striking out “may” after “foregoing,”;
 - (b) repealing clause (b) and substituting the following clause:
 - (b) alter the boundaries of the franchise area;
 - (c) striking out the period at the end of clause (c) and substituting a semi-colon, and adding the following clause immediately after clause (c):

- (d) where the franchise holder is a bundled service provider, conduct a hearing after 7 years from the award of the franchise to determine whether the development and operation of the marketplace is being unduly restricted because the franchise holder is a bundled service provider and, if so determined, amend the franchise by restricting the terms and conditions under which the franchise holder may engage in gas marketing.
- 13 Section 21 of the regulations is amended by
- (a) striking out “a fixed period or by granting a right of first refusal to the existing holder” in subsection (1) and substituting “25 years”;
 - (b) repealing subsection (2); and
 - (c) striking out “Where no applicant is awarded the franchise that expires at the end of the primary term, the existing” in subsection (3) and substituting “If the existing franchise holder does not apply to renew its franchise at the end of the primary term, the existing franchise”.
- 14 Section 23 of the regulations is repealed.
- 15 Section 34 of the regulations is amended by
- (a) adding the following clause immediately after clause (a):
 - (aa) where a franchise holder is a bundled service provider, that separate books and accounts respecting the sale of commodity and the transportation toll or charge be maintained, and that separate disclosure of the commodity charge and the transportation toll or charge be made on a bill to a customer;
 - (b) striking out “traffic” in subsection (2) and substituting “volumes”.
- 16 Subsection 36(1) of the regulations is amended by striking out “The costs” and substituting “Pursuant to Section 31 of the Act, party and party costs and solicitor-client costs”.
- 17 Section 37 of the regulations is repealed and the following Section substituted:
- 37 (1)** The Board may set fees and may order that fees be paid as the Board considers appropriate.
- (2)** A person who is billed under subsection (1) may ask the Board for documentation supporting the fee charged and the Board shall provide the information in a timely manner.
- 18 Schedule “A” of the regulations is repealed.
- 19 Schedule “B” of the regulations is repealed.

N.S. Reg. 73/2002

Made: May 31, 2002

Filed: June 3, 2002

Trade Union Act Definition Regulations

Order in Council 2002-267 made May 31, 2002
Amendment to regulations made by the Governor in Council
pursuant to Section 10 of the *Trade Union Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated May 29, 2002, and pursuant to Section 10 of Chapter 475 of the Revised Statutes of Nova Scotia, 1989, the *Trade Union Act*, is pleased to amend the *Trade Union Act Definition Regulations* made by the Governor in Council by Order in Council 2001-432 dated August 30, 2001, by striking out “9” in Section 3 and substituting “16”, effective on and after May 31, 2002.