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

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

N.S. Reg. 218/2005

Made: November 23, 2005

Filed: November 24, 2005

Elevators and Lifts General Regulations

Order in Council 2005-517 dated November 23, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 23 of the *Elevators and Lifts Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated November 4, 2005, and pursuant to Section 23 of Chapter 4 of the Acts of 2002, the *Elevators and Lifts Act*, is pleased to amend the *Elevators and Lifts General Regulations*, N.S. Reg. 46/2003, made by the Governor in Council by Order in Council 2003-81 dated February 28, 2003, to allow for 3-year terms for licences and certificates and to allow for rescues by trained emergency personnel in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Amendment to the *Elevators and Lifts General Regulations*
made by the Governor in Council pursuant to Section 23 of Chapter 4
of the Acts of 2002, the *Elevators and Lifts Act***

- 1 (1) Subsection 2(1) of the *Elevators and Lifts General Regulations*, N.S. Reg. 46/2003, made by the Governor in Council by Order in Council 2003-81 dated February 28, 2003, is amended by striking out "operator" in clause (d) and substituting "owner".
- (2) Subsection 2(1) of the regulations is further amended by adding the following clause immediately after clause (e):
 - (ea) "emergency personnel" means a person from an emergency services agency as defined in the *Emergency "911" Act*;
- 2 Section 2 of the regulations is further amended by adding the following subsection immediately after subsection (3):
 - (4) In subsection 6(3) of the Act, "directly supervised" means supervised by a person who is on site and available to assist and supervise the person requiring supervision.
- 3 Subsection 3(1) of the regulations is amended by
 - (a) striking out the period at the end of clause (i) and substituting a semi-colon; and
 - (b) adding the following clauses immediately after clause (i):
 - (j) ASME standard A17.2, "Guide for Inspection of Elevators, Escalators and Moving Walkways", as amended;
 - (k) ASME standard QEI-1-2004, "Standard for Qualification of Elevator Inspectors", as amended.
- 4 (1) Clause 6(1)(a) of the regulations is amended by striking out "an annual" and substituting "a" in paragraph (iv).

- (2) Subsection 6(3) of the regulations is repealed and the following subsection substituted:
- (3) A licence for an elevating device is valid until the expiry date on the licence, for a maximum term of 3 years, unless the licence is suspended sooner.
- 5 Section 8 of the regulations is amended by striking out “an annual condition report” and substituting “condition reports as required by the Chief Inspector” in clause (a).
- 6 Section 15 of the regulations is amended by striking out “4” and substituting “2” in subsection (2).
- 7 Section 17 of the regulations is repealed and the following Section substituted:
- 17** A certificate of competency is valid until the expiry date on the certificate, for a maximum term of 3 years, unless the certificate is suspended or cancelled sooner.
- 8 (1) Subsection 18(1) of the regulations is amended by striking out “for a 1 year period”.
- (2) Subsection 18(2) of the regulations is amended by striking out “for a 1 year period.”.
- 9 Clause 21(1)(c) of the regulations is amended by striking out “; and” at the end of subclause (ii) and substituting a period.
- 10 Subsection 22(2) of the regulations is repealed and the following subsection substituted:
- (2) A registration is valid until the expiry date on the registration, for a maximum term of 3 years, unless the registration is suspended or cancelled sooner.
- 11 (1) Subsection 27(3) of the regulations is repealed and the following subsection substituted:
- (3) The licence for an elevating device must designate the maximum capacity of the elevating device as 1 or more of the following:
- (a) the total number of persons;
- (b) the total weight in kilograms or pounds;
- (c) the number of persons per hour.
- (2) Section 27 of the regulations is further amended by adding the following subsection immediately after subsection (3):
- (4) The owner of an unlicensed elevating device, except a new installation during its construction phase, must ensure that
- (a) a seal is placed on the elevating device by an inspector to seal the elevating device out of service; and
- (b) the elevating device remains sealed at all times.
- 12 Section 29 of the regulations is amended by adding the following subsections immediately after subsection (2):

- (3) Despite subsection (1), emergency personnel may remove, displace, interfere with or damage any device installed in or about an elevating device or interfere with its safe operation, if it is for the sole purpose of permitting them to perform an emergency rescue.
- (4) A person must not break or remove an inspector's seal that is on a safety device or that is placed to seal an elevating device out of service unless an inspector has authorized them to do so.
- 14 (1) Subsection 30(2) of the regulations is repealed and the following subsection substituted:
- (2) The notice respecting maximum capacity must be mounted by means of a metal plate and be in the following form, in letters and numerals not less than 3/4 in. (19.05 mm) high:
- | | | |
|---------------------|---|--|
| MAXIMUM
CAPACITY | [numeral representing
number of persons, weight
in kilograms or pounds, or
number of persons per hour, as
applicable] | [“PERSONS”, “KG” or “LBS”, or
“PERSONS PER HOUR”, as
applicable] |
|---------------------|---|--|
- (2) Subsection 30(3) of the regulations is repealed and the following subsection substituted:
- (3) Despite subsection (2), if the maximum capacity of an elevating device is designated on the licence in more than one manner, the notice required by subsection (1) must include all expressions of the maximum capacity, in the following form:
- | | | | | | |
|---------------------|----------------------|----|--|----|-------------------------------|
| MAXIMUM
CAPACITY | [numeral]
PERSONS | OR | [numeral]
[“KG” or “LBS”, as
applicable] | OR | [numeral] PERSONS
PER HOUR |
|---------------------|----------------------|----|--|----|-------------------------------|
- 14 Section 37 of the regulations and the centered heading immediately before Section 37 are repealed.
- 15 The regulations are further amended by repealing Schedule A - Prescribed Fees and Schedule B - Form of Licence for Elevating Device and substituting Schedules A and B as attached.

Schedule A - Prescribed Fees
(Elevators and Lifts Act)

Item	Nature of fee or circumstance	Amount
1	Grant*, renewal or reinstatement of a licence (includes compliance audit), per year, for	
	(a) a passenger elevator	\$133.12
	(b) a freight elevator	\$133.12
	(c) an escalator	\$133.12
	(d) a dumb waiter	\$106.50
	(e) a manlift	\$133.12
	(f) a lift for persons with physical disabilities	\$ 79.88
	(g) a rope tow	\$159.75
	(h) a pony lift	\$159.75
	(i) a chair ski lift	\$426.00
	(j) a T-bar lift	\$372.75

Item	Nature of fee or circumstance	Amount
	(k) a gondola lift	\$426.00
	(l) a reversible ropeway	\$426.00
	(*For a licence for a new installation applied for after September 1 in any year, the fee for the first year is one-half the applicable amount listed.)	
2	Transfer of a licence	\$ 53.25
3	Issue or renewal of a certificate of competency, per year	\$ 53.25
4	Issue of an installation permit, for	
	(a) a passenger elevator	\$239.62
	(b) a freight elevator	\$239.62
	(c) an escalator	\$239.62
	(d) a dumb waiter	\$239.62
	(e) a manlift	\$239.62
	(f) a lift for persons with physical disabilities	\$106.50
	(g) a rope tow	\$133.13
	(h) a pony lift	\$133.13
	(i) a chair ski lift	\$426.00
	(j) a T-bar lift	\$319.50
	(k) a gondola lift	\$426.00
	(l) a reversible ropeway	\$426.00
5	Initial registration** of a contractor, for first year	\$213.00
	(**For the initial registration of a contractor applied for after September 1 in any year, the fee for the first year is one-half the applicable amount listed.)	
6	Registration or renewal of a registration of contractor after first year, per year	\$106.50
7	Any inspection, per hour, of	
	(a) a passenger elevator	\$106.50
	(b) a freight elevator	\$106.50
	(c) an escalator	\$106.50
	(d) a dumb waiter	\$106.50
	(e) a manlift	\$106.50
	(f) a lift for persons with physical disabilities	\$ 53.25
	(g) a rope tow	\$106.50
	(h) a pony lift	\$106.50
	(i) a chair ski lift	\$106.50
	(j) a T-bar lift	\$106.50
	(k) a gondola lift	\$106.50
	(l) a reversible ropeway	\$106.50
8	Fee for a duplicate of a lost, mislaid or damaged	
	(a) licence	\$ 53.25
	(b) certificate of competency	\$ 53.25
	(c) notice (metal plate-mounted or label)	\$ 53.25

Schedule B - Form of Licence for Elevating Device

Licence for Elevating Device
Elevators and Lifts Act

20__

This licence for an elevating device is granted under the *Elevators and Lifts Act* and regulations to _____
 _____ (owner) of _____ (address of owner)
 and authorizes the licensee to operate, or cause or permit to be operated, a _____
 _____ (type of elevating device) now installed at _____
 _____ (location of elevating device) designated as Installation No. _____.

The maximum capacity of the elevating device described above is designated as (select one or more, as applicable):

_____ lbs./kg, or _____ persons, or _____ persons per hour.

Granted at Halifax, in the Province of
 Nova Scotia, on
 _____, 20__.

This licence is valid from _____ (date)
 to _____ (date), unless sooner
 suspended.
 (Sticker)

 Chief Inspector

N.S. Reg. 219/2005

Made: April 23, 2005
 Approved: October 1, 2005
 Filed: November 24, 2005
 Lower Truro Marsh Body Land Use Regulations

Order dated October 1, 2005
 made by the Lower Truro Marsh Body and
 approved by the Agricultural Marshland Conservation Commission
 pursuant to clause 14(e) of the *Agricultural Marshland Conservation Act*

I certify that the Agricultural Marshland Conservation Commission, on a mail out ballot dated for October 1, 2005, carried a motion to adopt regulations respecting land use in the Lower Truro Marsh Body, made under clause 14(e) of the *Agricultural Marshland Conservation Act*, S.N.S. 2000, c. 22, in the form attached.

These regulations are effective on and after _____.

Signed at Truro, in Colchester County, Nova Scotia, on November 10, 2005.

Agricultural Marshland Conservation Commission

per: *Brad Crewe*
Brad Crewe
Secretary

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

- 1 These regulations may be cited as the *Lower Truro Marsh Body Land Use Regulations*.
- 2 (1) No person is permitted to construct works or use or develop lands within, on, or affecting the Lower Truro Marsh marshland sections in any way that is not conducive to and in conformity with sound agricultural purposes and practices.
- (2) For the purpose of subsection (1), uses and activities deemed to be conducive to and in conformity with sound agricultural purposes and practices include the following:
 - (a) the tilling of soil;
 - (b) the planting and harvesting of crops;
 - (c) the growing of grains and forage crops for livestock feed;
 - (d) the growing of grass and legume crops;
 - (e) the growing of food crops for human consumption;
 - (f) the spreading of manure;
 - (g) the spreading of commercial (chemical) and natural fertilizer;
 - (h) the spreading of limestone;
 - (i) pest and weed control;
 - (j) pre-existing, non-conforming uses, only where and as they presently exist, including, but not limited to, sewage treatment plants and lagoons, remote controlled airplane clubs, and light industrial parks.
- (3) For the purposes of subsection (1), works, uses or developments that are not permitted, include the following:
 - (a) land-fill sites or dumps of any kind;
 - (b) recreational activities of any kind;
 - (c) residential or commercial structures;
 - (d) drilled wells;
 - (e) sewage treatment plants or lagoons;
 - (f) industrial structures or uses;
 - (g) ponds for non-agricultural uses.

I certify that the NS 81 Lower Truro Marsh Body pursuant to clause 14(e) of Chapter 22 of the Acts of 2000, the *Agricultural Marshland Conservation Act*, at its meeting on April 23, 2005, carried a motion to make land use regulations in the form attached.

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

Signed at Lower Truro, in Colchester County, Nova Scotia, on Nov. 30, 2005.

NS 81 Lower Truro Marsh Body

per: *Michael Sanderson*
Mike Sandeson
Secretary

[Note: The Lower Truro Marsh Body's certificate was received separately by the Registry after the Lower Truro Marsh Body Land Use Regulations were filed.]

N.S. Reg. 220/2005 to 221/2005

Made: November 24, 2005

Filed: November 24, 2005

Seat Belt Regulations

Order in Council 2005-519 dated November 24, 2005

Dispensation from publication of N.S. Reg. 213/2005 and regulations made by the Governor in Council pursuant to subsection 4(3) of the *Regulations Act* and subsection 175(8) of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Public Works dated November 21, 2005, is pleased to

- (a) pursuant to subsection 4(3) of Chapter 393 of the Revised Statutes of Nova Scotia, 1989, the *Regulations Act*, dispense with publication in the Royal Gazette of Order in Council 2005-495 dated November 4, 2005 [**Note: O.I.C. 2005-495 was filed as N.S. Reg. 213/2005**]; and
- (b) pursuant to subsection 175(8) of Chapter 293 of the Revised Statutes of Nova Scotia, the *Motor Vehicle Act*,
 - (i) revoke Order in Council 2005-495 dated November 4, 2005, and
 - (ii) make new regulations respecting seat belts in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective until December 31, 2006, inclusive of that date, and
 - (iii) make new regulations respecting seat belts in the form set forth in Schedule "B" attached to and forming part of the report and recommendation, effective on and after January 1, 2007.

N.S. Reg. 220/2005

Seat Belt Regulations (effective until December 31, 2006)

Schedule "A"

**Regulations Respecting Seat Belts
made by the Governor in Council pursuant to subsection 175(8) of
Chapter 293 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

- 1 The following classes of passengers are prescribed for the purposes of clause 175(3)(a) of the Act:
 - (a) children weighing less than nine kilograms (20 pounds) are classified as infants;
 - (b) children weighing nine kilograms (20 pounds) or more but less than eighteen kilograms (40 pounds) are classified as toddlers;
 - (c) children weighing eighteen kilograms (40 pounds)] or more but less than twenty-three kilograms (50 pounds) are classified as pre-schoolers.
- 2 For the purposes of clause 175(3)(a) of the Act, an infant shall be secured in a rearward facing infant restraint system that conforms to the requirements of Canada Motor Vehicle Safety Standard 213.1 (CMVSS 213.1) and which is used in accordance with the manufacturer's instructions.
- 3 For the purposes of clause 175(3)(a) of the Act, a toddler shall be secured in a child restraint system that conforms to the requirements of CMVSS 213 and which is used in accordance with the manufacturer's instructions.
- 4 For the purposes of clause 175(3)(a) of the Act, a pre-schooler shall be secured by the pelvic restraint system of a seat belt assembly or a booster seat that conforms to CMVSS 213.2 and which is used in accordance with the manufacturer's instructions.
- 5
 - (1) Sections 2, 3 and 4 do not apply when a seating position with a seat belt is not available to the passenger.
 - (2) The requirement to use a restraint system as detailed in Sections 2 and 3 does not apply
 - (a) when the motor vehicle is registered in another province or jurisdiction which does not require the use of infant or child restraint systems;
 - (b) to the casual and occasional transportation of an infant, child or children in a vehicle driven by a person who is not the parent or guardian of the infant, child or children and the vehicle is not equipped with an infant or child restraint system(s).
- 6 For the casual and occasional transportation of toddlers, or for the transportation of toddlers in vehicles registered in a jurisdiction which does not require the use of child restraint systems, the toddler shall be secured in a lap belt if a seating position with a lap belt is available to that child.
- 7 For the purpose of clause 175(7)(b) of the Act, the person shall produce a letter signed by a qualified medical practitioner on a request made by a peace officer, and such letter shall be received in evidence in any proceedings in any court, without proof of the signature of the qualified medical practitioner.

- 8 The driver and passengers of a motor vehicle used for the purpose of transporting prisoners shall be exempt from the provisions of Section 175 of the Act while transporting prisoners.

N.S. Reg. 221/2005

Seat Belt Regulations (effective January 1, 2007)

Schedule “B”

**Regulations Respecting Seat Belts
made by the Governor in Council pursuant to subsection 175(8) of
Chapter 293 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

Citation

- 1 These regulations may be cited as the *Seat Belt Regulations*.

Definitions

- 2 In these regulations,

- (a) “Act” means the *Motor Vehicle Act*;
- (b) “booster seat” means a child’s car seat that is designed to seat an older child and is used, together with a seat belt, as a child restraint system for the child;
- (c) “Canada Motor Vehicle Safety Standard 213” means Schedule 3, CMVSS 213 - Child Restraint Systems to the *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada);
- (d) “Canada Motor Vehicle Safety Standard 213.1” means Schedule 4, CMVSS 213.1 - Infant Restraint Systems to the *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada);
- (e) “Canada Motor Vehicle Safety Standard 213.2” means Schedule 5, CMVSS 213.2 - Booster Cushions to the *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada);
- (f) “Canada Motor Vehicle Safety Standard 213.3” means Schedule 6, CMVSS 213.3 - Restraint Systems for Disabled Persons to the *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada);
- (g) “Canada Motor Vehicle Safety Standard 213.4” means section 213.4 of the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada);
- (h) “Canada Motor Vehicle Safety Standard 213.5” means Schedule 7, CMVSS 213.5 - Restraint Systems for Infants with Special Needs to the *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada);
- (i) “out-of-Province vehicle” means a motor vehicle that is registered or required to be registered in a jurisdiction other than the Province and operated in the Province, but that is not required to be registered under the Act.

Child Restraint Systems

Passengers less than 9 years old must be secured

3 Except as provided in subsection 4(2), a child who is less than 9 years old must be secured in a child restraint system when in a motor vehicle that is being operated on a highway.

Classification of passengers less than 9 years old

- 4 (1) A child who is less than 9 years old is classified into the following classes of passenger:
- (a) **infants:** all children who are less than 1 year of age and those children of any age who weigh less than 10 kg (22 lb.) are classified as infants;
 - (b) **young children:** all children who are at least 1 year of age and weigh at least 10 kg (22 lb.) and less than 18 kg (40 lb.) are classified as young children;
 - (c) **older children:** all children under 9 years of age who weigh at least 18 kg (40 lb.) and have a standing height of less than 145 cm (57 in.) are classified as older children.
- (2) A child who does not fit the criteria for the classes of passenger described in subsection (1) because the child weighs 18 kg (40 lb.) or more and has a standing height of 145 cm (57 in.) or more is not required to be secured in a child restraint system.

Standards for child restraint systems for infants

- 5 (1) An infant in a motor vehicle that is being operated on a highway must be secured in a rearward-facing child restraint system that
- (a) conforms to the requirements of Canada Motor Vehicle Safety Standard 213.1 or Canada Motor Vehicle Safety Standard 213.5; and
 - (b) is otherwise used in accordance with the manufacturer's instructions.
- (2) A rearward-facing child restraint system must not be used in a motor vehicle seat that is equipped with an active frontal air bag.

Standards for child restraint systems for young children

- 6 A young child in a motor vehicle that is being operated on a highway must be secured in a child restraint system that
- (a) conforms to the requirements of 1 of the following standards:
 - (i) Canada Motor Vehicle Safety Standard 213,
 - (ii) Canada Motor Vehicle Safety Standard 213.1,
 - (iii) Canada Motor Vehicle Safety Standard 213.3,
 - (iv) Canada Motor Vehicle Safety Standard 213.4,
 - (v) Canada Motor Vehicle Safety Standard 213.5; and
 - (b) is otherwise used in accordance with the manufacturer's instructions.

Standards for child restraint systems for older children

- 7 An older child in a motor vehicle that is being operated on a highway must be secured in a child restraint system that
- (a) conforms to Canada Motor Vehicle Safety Standard 213.2, if it is a booster seat child restraint system, or 1 of the standards listed in clause 6(a), if it is any other type of child restraint system; and
 - (b) is otherwise used in accordance with the manufacturer's instructions.

Out-of-Province motor vehicles

- 8 (1) Sections 2 to 7 do not apply to a child in an out-of-Province vehicle, if the driver and passengers in the motor vehicle comply with all requirements for child restraint systems in force in the jurisdiction in which the motor vehicle is registered or required to be registered.
- (2) Despite subsection (1), if the jurisdiction in which an out-of-Province vehicle is registered or required to be registered does not require a child who is less than 16 years old to be secured in a child restraint system, the child must wear a seat belt if a seating position with a seat belt is available to them.

Seat Belt Exemptions**Letter signed by qualified medical practitioner**

- 9 A person who is exempt from wearing a seat belt or child restraint system under clause 175(7)(b) of the Act must produce a letter signed by a qualified medical practitioner when requested by a peace officer and the letter must be received in evidence in any proceedings in any court without proof of the signature of the medical practitioner.

Motor vehicle used for transporting prisoners

- 10 The driver and passengers of a motor vehicle used for transporting prisoners are exempt from Section 175 of the Act while prisoners are being transported.