

Royal Gazette

Part II Regulations under the Regulations Act

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

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

N.S. Reg. 168/2005

Made: August 19, 2005

Filed: August 24, 2005

Sport and Recreation Activity Designation Regulations

Order in Council 2005-368 dated August 19, 2005
Regulations made by the Governor in Council
pursuant to Section 12A of the *Income Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated July 10, 2005, and pursuant to Section 12A of Chapter 217 of the Revised Statutes of Nova Scotia, 1989, the *Income Tax Act*, is pleased to make regulations designating sport or recreational activities in the form set forth in Schedule "A" attached to and forming part of the report and recommendation effective on and after August 19, 2005.

Schedule "A"

**Regulations Respecting the Sport and Recreation Activity Designation
made by the Governor in Council pursuant to
subsection 12A(4) of Chapter 217 of the Revised Statutes of Nova Scotia, 1989,
the *Income Tax Act***

Citation

1 These regulations may be cited as the *Sport and Recreation Activity Designation Regulations*.

Definition

2 In these regulations, "Act" means the *Income Tax Act*.

Designation

3 For the purposes of the deduction provided for in Section 12A of the Act, a designated sport or recreation activity means a sport, physical recreation or physical activity program or organization that is registered with the Nova Scotia Office of Health Promotion before December 31 of the applicable taxation year.

N.S. Reg. 169/2005

Made: August 26, 2005

Filed: August 29, 2005

Proclamation, S. 32(1), S.N.S. 2004, c. 6

Order in Council 2005-379 dated August 26, 2005
Proclamation made by the Governor in Council
pursuant to subsection 32(1)
of the *Justice Administration Amendment (2004) Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated August 4, 2005, pursuant to subsection (1) of Section 32 of Chapter 6 of the Acts of 2004, the *Justice Administration Amendment (2004) Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Section 14 of Chapter 6 of the Acts of 2004, the *Justice Administration Amendment (2004) Act*, come into force on and not before August 26, 2005.

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 subsection (1) of Section 32 of Chapter 6 of the Acts of 2004, the *Justice Administration Amendment (2004) Act*, it is enacted as follows:

- 32 (1)** This Act, except Sections 3, 4, 6 and 27 to 29, comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Section 14 of Chapter 6 of the Acts of 2004, the *Justice Administration Amendment (2004) Act*, come into force on and not before August 26, 2005;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Section 14 of Chapter 6 of the Acts of 2004, the *Justice Administration Amendment (2004) Act*, come into force on and not before August 26, 2005, 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 26th day of August, in the year
of Our Lord two thousand and five and in the
fifty-fourth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 170/2005

Made: August 26, 2005

Filed: August 29, 2005

Proclamation, S. 21(1), S.N.S. 2005, c. 8

Order in Council 2005-380 dated August 26, 2005
Proclamation made by the Governor in Council
pursuant to subsection 21(1)
of the *Justice Administration Amendment (2005) Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated August 4, 2005, pursuant to subsection (1) of Section 21 of Chapter 8 of the Acts of 2005, the *Justice Administration Amendment (2005) Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 3 to 6, 16, 19 and 20 of Chapter 8 of the Acts of 2005, the *Justice Administration Amendment (2005) Act*, come into force on and not before August 26, 2005.

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 subsection (1) of Section 21 of Chapter 8 of the Acts of 2005, the *Justice Administration Amendment (2005) Act*, it is enacted as follows:

- 21 (1)** This Act, except Sections 7 and 8, comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 3 to 6, 16, 19 and 20 of Chapter 8 of the Acts of 2005, the *Justice Administration Amendment (2005) Act*, come into force on and not before August 26, 2005;

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 Sections 3 to 6, 16, 19 and 20 of Chapter 8 of the Acts of 2005, the *Justice Administration Amendment (2005) Act*, come into force on and not before August 26, 2005, 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 26th day of August, in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 171/2005 to 172/2005

Made: August 26, 2005

Filed: August 29, 2005

General Labour Standards Regulations and Minimum Wage
Order (Construction and Property Maintenance)

Order in Council 2005-383 dated August 26, 2005
Amendments to regulations made by the Governor in Council
pursuant to subsection 4(2), and Sections 7, 50 and 52 of the *Labour Standards Code*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated July 13, 2005, is pleased, effective on and after August 26, 2005:

- (a) pursuant to Section 7 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code*, to amend the regulations respecting labour standards, N.S. Reg. 298/90, made by the Governor in Council by Order in Council 90-1321 dated November 13, 1990, to change the forms and update the service options, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) pursuant to subsection 4(2) and Sections 50 and 52 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code*, to amend the *Minimum Wage Order (Construction and Property Maintenance)*, N.S. Reg. 202/2003, made by the Governor in Council by Order in Council 2003-507 dated November 28, 2003, to provide for the consistent treatment of professionals, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation.

N.S. Reg. 171/2005

Labour Standards Regulations

Schedule "A"

**Amendments to the Regulations Respecting Labour Standards
made by the Governor in Council pursuant to Section 7
of Chapter 246 of the Revised Statutes of Nova Scotia, 1989,
the *Labour Standards Code***

- 1 The regulations respecting labour standards, N.S. Reg. 298/90, made by the Governor in Council by Order in Council 90-1321 dated November 13, 1990, are amended by repealing Section 3 and substituting the following Section:

- 3 (1) In addition to the methods set out in subsection 8(2) of the Code, a document may be served or delivered to the party's last known physical or computer address by any of the following methods:
- (a) delivering or mailing the document by priority post, registered mail or another similar special delivery mail;
 - (b) transmitting a copy of the document by facsimile;
 - (c) transmitting a copy of the document by e-mail or electronic document exchange.
- (2) If the Code, these regulations or the Tribunal's Rules of Procedure provide for a time limit running from the service of any document, and the service is by way of priority post, registered mail or another similar special delivery mail, the time limit is deemed to run from the time of the first attempt to serve the document, or notice that the document is being held, to the party's last known address.

2 Clause 4(1)(b) of the regulations is repealed and the following clause substituted:

- (b) if the document is mailed or transmitted and is properly addressed to the Director or to the Tribunal, as the case may be, at the time the document is mailed or transmitted.

3 Sections 5, 6 and 7 of the regulations are repealed and the following Sections substituted:

Complaint to Director

- 5 (1) A complaint to the Director referred to in subsection 21(1) of the Code may be in Form 1.
- (2) If the Director receives a complaint and is of the opinion that any of the following apply, the Director must notify the complainant to that effect:
- (a) the time limits in Section 21 or Section 81 of the Code have lapsed;
 - (b) the complainant has taken, or could have taken, other action as specified by Section 82 of the Code;
 - (c) there has been no failure to comply with the Code.
- (3) A notice under subsection (2) must include information about the complainant's right to make a complaint to the Tribunal in accordance with Section 23 of the Code and the time limits for making the complaint.

Complaint to Tribunal

- 6 (1) A complaint to the Tribunal in accordance with Section 23 of the Code must be in Form 2.
- (2) A complainant has 10 days from the date of service of a notice from the Director under Section 5 to make a complaint to the Tribunal in accordance with Section 23 of the Code.
- (3) A complainant who does not receive a notice under Section 5 or an order under subsection 21(3) of the Code within one month from the date their complaint was filed has 10 days from the end of that month to make a complaint to the Tribunal in accordance with Section 23 of the Code.

- (4) Despite subsections (2) and (3), but subject to Sections 21 and 81 of the Code, at any time before or after the time for making a complaint to the Tribunal has lapsed, the Tribunal may extend the time for making the complaint.
- (5) A complaint made in writing to the Director as required by subsection 23(2) of the Code to support a complaint to the Tribunal must be in Form 1.

Appeal of Director's order

- 7 (1) A copy of an order made by the Director under subsection 21(3) of the Code must
- (a) be served on the party against whom the order is made; and
- (b) provide information on appeals and the time limits for appeals to the Tribunal.
- (2) An appeal from an order of the Director made to the Tribunal under subsection 21(5) of the Code must be in Form 2.

- 4 The regulations are further amended by repealing Appendix "A"- Forms and substituting the attached Schedule A.

Schedule A

Form 1 - Complaint

(subsections 5(1) and 6(4) of the regulations under the *Labour Standards Code*)

Complaint Form

Form 1

**Complete and return to Labour Standards
within 6 months of incident occurring.**

Section A: Employee Information

Full name			
Address		Town/City, Province	Postal code
Home telephone no.	Work telephone no.	Fax no. (if available)	e-mail (if available)

Section B: Employer Information

Full name (person or legal business name)		Contact person and position	
Address		Town/City, Province	Postal code
Telephone no.	Fax no. (if available)	Type of business	

I am the employee employer

Section C: Employment Information

Employee's job/title/occupation	Employee's first day of work? _____ Last day of work? _____
---------------------------------	--

I certify that all information provided on this form is true and correct to the best of my knowledge. I understand that all information in my file can be shared with both myself and my employer/employee.

Signature

Date (dd/mm/yy)

Return to:
Labour Standards,
5151 Terminal Road, 7th Floor, P.O. Box 697, Halifax, NS B3J 2T8
or
fax to: 1-902-424-0648

For more information call:
424-4311 (in the Halifax area)
1-888-315-0110 (Toll free everywhere else in N.S.)

Form 2 - Appeal

(subsections 6(1) and 7(2) of the regulations under the *Labour Standards Code*)

Appeal Form

Form 2

**Complete and return to the
Labour Standards Tribunal within 10
days of receipt of Labour Standards**

Section A: Employee Information

Full name			
Address		Town/City	Postal code
Home telephone no.	Business telephone no.	Fax no. (if available)	e-mail (if available)

Section B: Employer Information

Business name/Employer's name		Contact name (if applicable) and position	
Address		Town/City	Postal code
Home telephone no.	Business telephone no.	Type of business	

I am the employee employer

Section C: Type of Appeal

I am appealing: (Please check the appropriate box.)	
1) <input type="checkbox"/> an Order of the Director of Labour Standards dismissing my complaint. Provide the following documents with this Form:	
<ol style="list-style-type: none"> 1. a copy of the Director's Order 2. your written complaint in Form 1 3. any other documents relating to your appeal/complaint. 	

N.S. Reg. 172/2005

Minimum Wage Order (Construction and Property Maintenance)

Schedule "B"

**Amendment to the *Minimum Wage Order*
(*Construction and Property Maintenance*)
made by the Governor in Council pursuant to subsection 4(2)
and Sections 50 and 52 of Chapter 246
of the Revised Statutes of Nova Scotia, 1989,
the *Labour Standards Code***

Subsection 2(2) of the *Minimum Wage Order (Construction and Property Maintenance)*, N.S. Reg. 202/2003, made by the Governor in Council by Order in Council 2003-507 dated November 28, 2003, is amended by

- (a) striking out "and" in clause (c);
- (b) striking out "and" in clause (d);
- (c) striking out the period at the end of clause (e) and substituting a semi-colon; and
- (d) adding the following clauses immediately after clause (e):
 - (f) employees who are duly qualified practitioners, students or professionals exempted under subsection 2(2), (2A) or (2C) of the regulations respecting labour standards; and
 - (g) employees who are supervisors or managers or who hold confidential positions exempted under subsection 2(2B) of the regulations respecting labour standards.

N.S. Reg. 173/2005

Made: August 26, 2005

Filed: August 31, 2005

College of Physicians and Surgeons Registration Regulations

Order in Council 2005-394 dated August 26, 2005
Amendment to regulations made by the Governor in Council
pursuant to subsection 6(3) of the *Medical Act*

The Governor in Council on the report and recommendation of the Minister of Health dated August 23, 2005, and pursuant to subsection 6(3) of Chapter 10 of the Acts of 1995-96, the *Medical Act*, is pleased to approve of amendments made by the Council of the College of Physicians and Surgeons of Nova Scotia to the *College of Physicians and Surgeons Registration Regulations*, N.S. Reg 141/96, made by the College of Physicians and Surgeons of Nova Scotia and approved by the Governor in Council by Order in Council 96-638 dated August 28, 1996, that amend the requirements for a defined licence in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 26, 2005.

Schedule "A"

I certify that the Council of the College of Physicians and Surgeons of Nova Scotia at its meeting on July 21, 2005, carried a motion to amend the *College of Physicians and Surgeons Registration Regulations*, N.S. Reg.

141/96, made by the College of Physicians and Surgeons on May 9, 1996, and approved by Governor in Council by Order in Council 96-638 dated August 28, 1996, with respect to the requirements for a defined licence, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by Governor in Council.

Signed at Halifax, Nova Scotia on July 21, 2005.

College of Physicians and Surgeons of Nova Scotia

Per: *C. Little*

Cameron D. Little, MD, LLB, FRCPC

Registrar and CEO

College of Physicians and Surgeons of Nova Scotia

**Amendment to the *College of Physicians and Surgeons Registration Regulations*
made by the College of Physicians and Surgeons of Nova Scotia
pursuant to subsection 6(3) of Chapter 10 of the Acts of 1995-96
the *Medical Act***

The *College of Physicians and Surgeons Registration Regulations*, N.S. Reg. 141/96, made by the College of Physicians and Surgeons of Nova Scotia and approved by the Governor in Council by Order in Council 96-638 dated August 28, 1996, are amended by repealing Sections 14 and 15 and substituting the following Sections:

- 14** An applicant for registration in the Defined Register under Section 25 of the Act who is not eligible for full registration, registration in the Temporary Register or registration in the Medical Education Register must
- (a) be a graduate in medicine from a university or school of medicine approved by the Council;
 - (b) have post graduate training appropriate for the practice and approved by the Council;
 - (c) have a sponsor who is approved in writing by the Council;
 - (d) for the initial year as a registrant on the Defined Register, have a mentor who is approved in writing by the Council;
 - (e) pass examinations acceptable to the Council;
 - (f) have appropriate malpractice insurance or membership in a protective association and provide proof of this as required by the Registrar; and
 - (g) comply with any requirements considered necessary by Council.
- 14A** Following the initial year as a registrant on the Defined Register, the Council may require the registrant to have a mentor approved in writing by the Council for a further period of time as determined by the Registrar.
- 15** A sponsor of a registrant in the Defined Register must
- (a) have full registration with the College;
 - (b) reside in the Province;

- (c) be nominated by the district health authority in which the registrant will be practising and approved by the Council;
- (d) arrange for and approve in writing the registrant's mentor required by clause 14(d) and, if applicable, by Section 14A;
- (e) report in writing on a yearly basis, or as considered necessary by the Council, on the performance of the registrant;
- (f) notify the Council promptly if they have concerns about the practice of the registrant; and
- (g) comply with any requirements considered necessary by the Council.

15A A mentor for a registrant in the Defined Register must

- (a) have full registration with the College;
- (b) reside in the Province;
- (c) be engaged in a scope of practice comparable to the registrant;
- (d) practise medicine in the same district health authority as the registrant's sponsor and the registrant;
- (e) be approved in writing as a mentor by the registrant's sponsor and the Council;
- (f) report regularly to the registrant's sponsor on the performance of the registrant and report to the Council as required by the Council on the performance of the registrant;
- (g) notify the Council promptly if they are concerned about the practice of the registrant; and
- (h) comply with any requirements considered necessary by the Council.