

Royal Gazette

Part II Regulations under the Regulations Act

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Contents

Act	Reg. No.	Page
Amusement Devices Safety Act		
Amusement Devices General Regulations	139/2005	370
Proclamation of amendments to Act, S. 5, S.N.S. 2004, c. 34	138/2005	369
Camp Hill Foundation Act and Victoria General Hospital Foundation Act		
Proclamation of repeal of Acts, S. 3, S.N.S. 2005, c. 14	136/2005	362
Energy Resources Conservation Act		
Gas Plant Facility Regulations – amendment	137/2005	363
Halifax-Dartmouth Bridge Commission Act		
Proclamation, S. 29, S.N.S. 2005, c. 7	133/2005	356
Justice Administration Amendment (2005) Act		
Proclamation, S. 21(2), S.N.S. 2005, c. 8 – S. 7-8	140/2005	375
Pipeline Act		
Gas Plant Facility Regulations – amendment	137/2005	363
Prescription Monitoring Act		
Prescription Monitoring Regulations	132/2005	348
Proclamation, S. 28, S.N.S. 2004, c. 32	131/2005	347
Victoria General Hospital Foundation Act and Camp Hill Foundation Act		
Proclamation of repeal of Acts, S. 3, S.N.S. 2005, c. 14	136/2005	362
Wildlife Act		
Fur Harvesting Regulations – amendment	134/2005	357

Youth Criminal Justice Act (Canada)

Designation of Persons Who May Access Records	135/2005	359
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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. 131/2005

Made: June 30, 2005

Filed: July 4, 2005

Proclamation, S. 28, S.N.S. 2004, c. 32

Order in Council 2005-274 dated June 30, 2005
Proclamation made by the Governor in Council
pursuant to Section 28
of the *Prescription Monitoring Act*

The Governor in Council on the report and recommendation of the Minister of Health dated June 14, 2005, pursuant to Section 28 of Chapter 32 of the Acts of 2004, the *Prescription Monitoring Act*, is pleased to order and declare by proclamation that Chapter 32 of the Acts of 2004, the *Prescription Monitoring Act*, come into force on and not before July 4, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: *M.A. Freeman*

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 28 of Chapter 32 of the Acts of 2004, the *Prescription Monitoring Act*, it is enacted as follows:

- 28** 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 2004, the *Prescription Monitoring Act*, come into force on and not before July 4, 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 Chapter 32 of the Acts of 2004, the *Prescription Monitoring Act*, come into force on and not before July 4, 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 30th day of June, in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 132/2005

Made: June 30, 2005

Filed: July 4, 2005

Prescription Monitoring Regulations

Order in Council 2005-275 dated June 30, 2005
Regulations made by the Governor in Council
pursuant to Section 27 of the *Prescription Monitoring Act*

The Governor in Council on the report and recommendation of the Minister of Health dated June 14, 2005, and pursuant to Section 27 of Chapter 32 of the Acts of 2004, the *Prescription Monitoring Act*, is pleased to make regulations respecting prescription monitoring in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after July 4, 2005.

Schedule “A”

**Regulations Respecting Prescription Monitoring made by
the Governor in Council pursuant to Section 27 of Chapter 32
of the Acts of 2004, the *Prescription Monitoring Act***

Interpretation

Citation

1 These regulations may be cited as the *Prescription Monitoring Regulations*.

Definitions

2 (1) In these regulations,

- (a) “Act” means the *Prescription Monitoring Act*;
- (b) “compound” means a compound as defined in the *Practice of Pharmacy Regulations* made under the *Pharmacy Act*;
- (c) “pharmacy” means a pharmacy as defined in the *Pharmacy Act* and includes a hospital pharmacy as defined in the *Pharmacy Act*;
- (d) “prescription” means an authorization from a prescriber to dispense a monitored drug;

- (e) “prescription form” means a form issued by the Administrator under Section 15 that is used to write a prescription;
 - (f) “Program identification number” means a unique number of identification assigned to a prescriber under Section 9;
 - (g) “Program prescription number” means a unique number of identification assigned to a prescription form;
 - (h) “registrant” means a prescriber, pharmacist or pharmacy who is registered with the Program.
- (2) In the Act and these regulations,
- (a) “pharmacist” is further defined to include certified dispensers as defined under the *Pharmacy Act*;
 - (b) “prescriber” is further defined as not including a veterinarian as defined under the *Veterinary Medical Act*;
 - (c) “resident” is further defined as including a person who is a visitor to Nova Scotia and has a prescription, which may be written by a physician, dentist or optometrist from outside the Province, for a monitored drug.

Monitored Drugs

Designation of monitored drugs

- 3 Any drug that is a controlled drug under the *Controlled Drugs and Substances Act* (Canada) and is listed in the Schedules to the *Controlled Drugs and Substances Act* (Canada) or any successor legislation is designated as being subject to the Program, except the following:
- (a) testosterone, when dispensed as a compound for topical application for local effect;
 - (b) drugs listed in Parts 1 and 2 of Schedule 1 to the *Benzodiazepines and Other Targeted Substances Regulations* made under the *Controlled Drugs and Substances Act* (Canada).

Release of information on monitored drugs

- 4 Information on a monitored drug may be released by the Administrator to a registrant in the manner determined by the Board.

Registration

Who must register with Program

- 5 (1) A prescriber who prescribes monitored drugs to residents must register with the Program.
- (2) A pharmacist or a pharmacy who dispenses monitored drugs to residents must register with the Program.

Registration application form

- 6 (1) An application for registration may be made in either electronic or paper form, as determined by the Board.

- (2) An application for registration must be provided by the Administrator to a prescriber, pharmacist or pharmacy on request.

Copy of Act and regulations provided to applicant

- 7 The Administrator must provide an applicant for registration with a copy of the Act and the regulations made under the Act.

Information to be provided with application for registration

- 8 (1) A prescriber must provide the Administrator with any information about the prescriber requested on a prescriber registration form when applying for registration with the Program, including the following:
- (a) complete given name and surname;
 - (b) date of birth;
 - (c) country of birth;
 - (d) gender;
 - (e) year of graduation from medical school or dental school with first medical or dental degree;
 - (f) name of medical school or dental school from which first medical or dental degree was obtained;
 - (g) country where medical school or dental school from which first medical or dental degree was obtained is located;
 - (h) Nova Scotia professional license number issued by the prescriber's licensing authority, if applicable;
 - (i) Medical Identification Number of Canada, if applicable;
 - (j) medical or dental specialty, if applicable;
 - (k) office mailing address;
 - (l) office street address;
 - (m) office e-mail address;
 - (n) office telephone number;
 - (o) office facsimile number;
 - (p) confirmation that the prescriber is in good standing with their licensing authority;
 - (q) sample of signature.
- (2) A pharmacist must provide the Administrator with any information about the pharmacist requested on a pharmacist registration form when applying for registration with the Program, including the following:

- (a) complete given name and surname;
 - (b) date of birth;
 - (c) country of birth;
 - (d) gender;
 - (e) year of graduation from pharmacy school with first pharmacy degree;
 - (f) name of pharmacy school from which first pharmacy degree was obtained;
 - (g) country where pharmacy school from which first pharmacy degree was obtained is located;
 - (h) Nova Scotia professional license number issued by the College of Pharmacists;
 - (i) office mailing address;
 - (j) office street address;
 - (k) office e-mail address;
 - (l) office telephone number;
 - (m) office facsimile number;
 - (n) confirmation that they are in good standing with their licensing authority;
 - (o) sample of signature.
- (3)** A pharmacy must provide the Administrator with at least the following information about the pharmacy on a pharmacy registration form when applying for registration with the Program:
- (a) operating name;
 - (b) store number issued to the pharmacy by the College of Pharmacists;
 - (c) mailing address;
 - (d) street address;
 - (d) e-mail address;
 - (e) telephone number;
 - (f) facsimile number;
 - (g) date the pharmacy began operating;
 - (h) confirmation that they are in good standing with their licensing authority.

Program identification number

9 When a prescriber is registered with the Program, the Administrator must assign a Program identification number to the prescriber.

Notifying Administrator of changes to registrant's information

- 10 (1) The licensing authority of a prescriber, pharmacist or pharmacy who has lost the privilege of prescribing or dispensing monitored drugs must notify the Administrator of the loss of privilege in writing within 1 business day of the date that the prescriber, pharmacist or pharmacy lost the privilege.
- (2) A registrant must notify the Administrator in writing of a change in their street or mailing address no later than 10 business days before the change of address comes into effect.
- (3) A pharmacy that closes must notify the Administrator in writing no later than 10 business days before the date of closure.
- (4) A pharmacy that changes ownership must notify the Administrator in writing no later than 10 business days before the date the change of ownership takes effect and must reapply for registration with the Program.

Registrant's forms and records required under Program

11 The Administrator must inform a registrant about what forms and records they are required to keep under the Program.

Pharmacist or prescriber in good standing with licensing authority

12 A prescriber, pharmacist or pharmacy that is registered with the Program must be in good standing with their licensing authority.

Prescribing Monitored Drugs**Form and manner of prescribing monitored drugs**

- 13 (1) Except as provided in subsection (2), a prescriber must only prescribe a monitored drug in the manner approved by the Board and by using a prescription form.
- (2) A prescription does not have to meet the requirements of subsection (1) if the prescription is for one of the following:
- (a) a person in a nursing home, as defined in the *Homes for Special Care Act*;
 - (b) a person in a home for the aged that is subject to the *Homes for Special Care Act*;
 - (c) a person who is prescribed a monitored drug while an in-patient, as defined in the *Hospital Insurance Regulations* made under the *Health Services and Insurance Act*;
 - (d) an inmate in a federal correctional centre or penitentiary.

Monitored drugs used in office of prescriber

14 A prescriber who obtains a monitored drug from a pharmacy for use in their office must order the monitored drug using a prescription form and in the manner approved by the Board.

Prescription forms issued

15 (1) The Administrator must issue prescription forms to a prescriber.

- (2) A prescription form must be encoded with all of the following:
 - (a) the Program identification number of the prescriber to whom it is issued;
 - (b) a Program prescription number.

Responsibility for prescription forms

- 16 (1) A prescriber is responsible for all prescription forms provided to them by the Administrator and must ensure that all prescription forms in their possession are kept in a secure location.
- (2) A prescriber must report all of the following to the Administrator as soon as reasonably possible:
 - (a) any missing prescription forms;
 - (b) any prescription forms that may have been stolen.
- (3) A prescriber may report the possible theft of any prescription forms to the appropriate law enforcement authority, their licensing authority, pharmacies and other prescribers.

Prescription forms non-transferable

- 17 Prescription forms must not be transferred between prescribers.

Unused prescription forms

- 18 A prescriber who is no longer prescribing monitored drugs must return any unused prescription forms to the Administrator no later than 5 days after the date they stop prescribing monitored drugs.

One drug per prescription

- 19 A prescriber must prescribe only one drug per prescription form.

Copy of prescription kept by prescriber

- 20 A prescriber must keep a copy of each prescription form for a monitored drug prescribed by them as required by their licensing authority.

Dispensing Monitored Drugs**Form and manner of dispensing monitored drugs**

- 21 (1) A monitored drug must only be dispensed in the manner approved by the Board.
- (2) A monitored drug must only be dispensed if the pharmacist dispensing the drug is provided with a prescription form for the drug.

Required information for dispensing or releasing monitored drugs

- 22 (1) A monitored drug must only be dispensed by a pharmacist if the following information is provided to the pharmacist or if the pharmacist has access to all of the following information:
 - (a) the date the prescription was issued;
 - (b) the resident's health card number or equivalent provincial, federal or out-of-country number;
 - (c) the resident's complete given name and surname;
 - (d) the resident's date of birth;

- (e) the resident's gender;
 - (f) the resident's current street address or post office box number and their city or town of residence;
 - (g) the store number assigned to the pharmacy by the College of Pharmacists;
 - (h) the Program prescription number;
 - (i) the date the prescription was dispensed;
 - (j) the prescription number assigned by the pharmacy;
 - (k) the drug identification number assigned by the Health Canada Therapeutics Products Directorate;
 - (l) the generic or proprietary name of the monitored drug;
 - (m) the quantity of the monitored drug in arabic numbers and spelled out in English;
 - (o) the number of days the monitored drug is supplied for;
 - (p) the prescriber's signature, or an electronic equivalent;
 - (q) the prescriber's Program identification number;
 - (r) the prescriber's office mailing address;
 - (s) the signature, or an electronic equivalent, of the person who is accepting the dispensed monitored drug.
- (2) Any of the information listed in subsection (1) must be provided by the pharmacist to the Administrator on request.
- (3) Before releasing a monitored drug, a pharmacist must confirm the identity of the person accepting the drug.

Copy of prescription kept by pharmacy

23 A pharmacy must keep a copy of each prescription form for a monitored drug that is dispensed by them as required by their licensing authority.

Void prescriptions

- 24** (1) The Board must prescribe circumstances under which a prescription is deemed to be void under these regulations.
- (2) A prescriber or pharmacist must notify the Administrator as soon as they become aware of a prescription that is deemed to be void.
- (3) A prescription that is deemed to be void must not be dispensed.

Program Information

Information requested by Administrator to achieve objects of Program

25 Information that may be requested by the Administrator under Section 18 of the Act to achieve the objects of the Program includes information about any of the following:

- (a) the prescribing of monitored drugs;
- (b) the compounding of monitored drugs;
- (c) the dispensing of monitored drugs;
- (d) the drug utilization of monitored drugs;
- (e) clinical records;
- (f) a resident's record;
- (g) a resident's chart;
- (h) a resident's health card number or equivalent provincial, federal or out-of-country number.

How information provided to Administrator

26 (1) Information provided to the Administrator must be provided within the time specified by the Administrator.

(2) A registrant must provide any information required to be provided to the Administrator in either electronic or paper form, as required by the Board.

Information not to be provided to Administrator

27 If a complaint has been initiated with a licensing authority under their regulating statute, the licensing authority, the registrar or any other employee of the licensing authority must not give the Administrator any of the following:

- (a) information about the complaint or the complainant, until the disciplinary process under their regulating statute has ended;
- (b) the complainant's name, at any time.

How information kept under Program

28 The Administrator must keep all information gathered under the Program about registrants and residents in the manner determined by the Board.

Information released by Administrator

29 Information that may be released by the Administrator under subclause 12(2)(e)(iii) or Section 20 of the Act to any prescriber, pharmacist or licensing authority must be released in the manner determined by the Board.

Information exchanged between prescribers and pharmacists

30 Prescribers and pharmacists may exchange information about a resident that is released by the Administrator under subclause 12(2)(e)(iii) or Section 20 of the Act.

Program information that must be provided to law enforcement authority

31 The following information must be communicated when information is communicated to the appropriate law enforcement authority under subsection 23(1) of the Act, or the appropriate licensing authority under subsection 23(2) of the Act:

- (a) the resident's name;
- (b) the resident's address;
- (c) an identification of the monitored drug or drugs in use;
- (d) the number of prescriptions dispensed and the date each one was dispensed;
- (e) the number of prescribers.

Board and Committees**Reimbursement of expenses for Board, committees and sub-committees**

32 In accordance with Section 10 of the Act, travel expenses, meals and gas mileage to attend Board, committee or subcommittee meetings are eligible for reimbursement in accordance with the rate paid to public servants of the Province.

N.S. Reg. 133/2005

Made: June 30, 2005

Filed: July 4, 2005

Proclamation, S. 29, S.N.S. 2005, c. 7

Order in Council 2005-277 dated June 30, 2005
Proclamation made by the Governor in Council
pursuant to Section 29
of the *Halifax-Dartmouth Bridge Commission Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated June 21, 2005, pursuant to Section 29 of Chapter 7 of the Acts of 2005, the *Halifax-Dartmouth Bridge Commission Act*, is pleased to order and declare by proclamation that Chapter 7 of the Acts of 2005, the *Halifax-Dartmouth Bridge Commission Act*, come into force on and not before July 1, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: *M. A. Freeman*

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 29 of Chapter 7 of the Acts of 2005, the *Halifax-Dartmouth Bridge Commission Act*, it is enacted as follows:

- 29** 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 7 of the Acts of 2005, the *Halifax-Dartmouth Bridge Commission Act*, come into force on and not before July 1, 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 Chapter 7 of the Acts of 2005, the *Halifax-Dartmouth Bridge Commission Act*, come into force on and not before July 1, 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 30th day of June, in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 134/2005

Made: June 30, 2005

Filed: July 4, 2005

Fur Harvesting Regulations

Order in Council 2005-278 dated June 30, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 113 of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 18, 2005, and pursuant to Section 113 of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Fur Harvesting Regulations*, N.S. Reg. 165/87, made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, to restrict the areas where snares may be set, restrict the types of traps which may be set and provide for identification tags to be placed on traps, in the manner set forth

in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 30, 2005.

Schedule "A"

**Amendment to the *Fur Harvesting Regulations*
made by the Governor in Council
pursuant to subsection 113(1) of Chapter 504 of
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Section 2 of the *Fur Harvesting Regulations*, N.S. Reg. 165/87, made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, is amended by
 - (a) adding the following clause immediately after clause (h):
 - (ha) "fur harvester identification number" means a unique number issued by the Department to each holder of a Fur Harvester's Licence;
 - (b) adding "no higher than 17.78 cm above the ground or having a total area of" immediately before "no greater than" in paragraph (n)(ii)(A);
 - (c) striking out the period at the end of subclause (p)(iii) and substituting a semi-colon; and
 - (d) adding the following clause immediately after clause (p):
 - (q) "trail" means a hiking or walking trail that is
 - (i) managed by a registered public body authorized to manage the trail, and
 - (ii) marked with signs that indicate that trapping is not permitted on or within 15 m of the travelled surface of the trail;
- 2 Subsection 6(3) of the regulations is amended by
 - (a) striking out "red squirrel," in clause (a); and
 - (b) adding "and red squirrel" immediately following "weasel" in clause (f).
- 3 Subsection 11(3) of the regulations is amended by striking out "200 yards" and substituting "274 m".
- 4 Subsection 11(4) of the regulations is amended by striking out "200 yards" wherever it appears and substituting "274 m".
- 5 Subsection 11(5) of the regulations is repealed and the following subsections substituted:
 - (5) Subject to subsection (5A), a person licensed under these regulations may set traps or snares on or within 30 m of the travelled surface of a trail or highway.
 - (5A) A person may only set the following types of traps or snares on or within 15 m of the travelled surface of a trail or highway:

- (a) a body-gripping trap with a jaw spread of 12 cm or less that is completely submerged in water;
 - (b) a box trap;
 - (c) a snare set completely underwater;
 - (d) a snare made of copper, brass or stainless steel set for snowshoe hare or red squirrel.
- 6 Subsection 11(7) of the regulations is amended by striking out “16” and substituting “12”.
- 7 Section 11 of the regulations is further amended by adding the following subsection immediately after subsection (18):
- (19) Effective October 15, 2006, a person who sets a trap or snare for a fur-bearing animal must clearly mark their fur harvester identification number on the trap or snare, except for traps or snares set for any of the following:
- (a) red squirrel;
 - (b) fur-bearing animals that are trapped as nuisance wildlife in accordance with the *General Wildlife Regulations* made under the Act.

N.S. Reg. 135/2005

Made: June 29, 2005

Filed: July 6, 2005

Designation of Persons Who May Access Records

Order in Council 2005-259 dated June 29, 2005
Regulations made by the Governor in Council
pursuant to Section 119 of the *Youth Criminal Justice Act* (Canada)

The Governor in Council on the report and recommendation of the Minister of Justice dated June 1, 2005, and pursuant to Section 2 of Chapter 372 of the Revised Statutes of Nova Scotia, 1989, the *Public Inquiries Act*, is pleased, effective on and after June 29, 2005, to appoint the Honourable Justice D. Merlin Nunn of the Supreme Court of Nova Scotia, as a Commissioner under the *Public Inquiries Act*, and order that

Whereas Theresa McEvoy was fatally injured in a car crash on October 14, 2004, and that following an investigation a young person was charged with multiple offences arising out of the fatal car crash; and

Whereas the young person was released from custody two days previously on October 12, 2004;

- (a) the Commissioner inquire into
 - (i) why the young person was released from custody on October 12, 2004;
 - (ii) the procedures and practices pertaining to the handling of the charges against the young person at the time of his release, in particular,
 - (A) what were the procedures and practices,

- (B) whether those procedures and practices were followed, and
- (C) whether those procedures and practices were appropriate;
- (iii) the actions of law enforcement, the Public Prosecution Service, the courts and justice or other public officials, up to and including October 14, 2004, with respect to the handling of the charges against the young person;
- (iv) the actions of law enforcement, the Public Prosecution Service, the courts and justice or other public officials after the young person's release up to and including October 14, 2004;
- (v) any other matter, at the discretion of the Commissioner, that the commissioner deems necessary to fulfill his mandate in [clause] (b);
- (b) the Commissioner must make findings, conclusions and recommendations based on the Commissioner's inquiries into the matters in clause (a);
- (c) the Commissioner must perform his duties without expressing any conclusion or recommendation regarding the civil or criminal responsibility of any person or organization;
- (d) the Commissioner may give the Minister of Justice interim reports, if the Commissioner considers it appropriate, to address urgent matters in a timely fashion and the report must be in a form appropriate for release to the public, subject to the *Freedom of Information and Protection of Privacy Act*, the *Youth Criminal Justice Act* (Canada) and all relevant laws;
- (e) the Commissioner must complete the inquiry and deliver a final report containing the Commissioner's findings, conclusion and recommendations to the Minister of Justice, in a form appropriate for release to the public, subject to the *Freedom of Information and Protection of Privacy Act*, the *Youth Criminal Justice Act* (Canada) and all relevant laws;
- (f) in conducting the inquiry, the Commissioner must take all steps necessary to prevent disclosure of information that would tend to identify or identify any young person as defined under the *Youth Criminal Justice Act* (Canada);
- (g) the Commissioner has the power to hold public hearings;
- (h) in his discretion, the Commissioner may grant any person who satisfies him that they have a substantial and direct interest in the subject matter of the inquiry an opportunity, with respect to evidence that is relevant to that person's interest and relevant to the inquiry, to give evidence and to examine or cross-examine witnesses personally or by counsel;
- (i) in his discretion, the Commissioner may consolidate the standing granted under clause (h) to two or more parties where he is satisfied that the parties' interests are not adverse;
- (j) the testimony of witnesses during the inquiry must not be used in subsequent legal proceedings;
- (k) all Departments, agencies and public bodies must assist the Commission to the fullest extent permitted by law, so that he is able to fully carry out his duties during the inquiry.

The Governor in Council is further pleased, pursuant to Section 119 of Chapter 1 of the Statutes of Canada, 2002, the *Youth Criminal Justice Act*, to designate the Commissioner and legal counsel retained by the Commissioner as persons under paragraph 119(1)(r) of the *Youth Criminal Justice Act* (Canada) who must, on

request, have access to records kept under Section 114 of the *Youth Criminal Justice Act* (Canada) and may have access to records kept under section 115 or 116 of the *Youth Criminal Justice Act* (Canada) for the purposes of conducting the inquiry. [This paragraph only filed as N.S. Reg. 135/2005.]

The Governor in Council is further pleased to:

- (1) authorize the payment of the Commissioner for reasonable expenses for travel, living expenses and additional disbursements necessarily incurred by the Commissioner for the purposes of the inquiry, in accordance with the *Judges' Act* (Canada);
- (2) authorize the Commissioner to retain the services of legal counsel and expert, technical, secretarial and clerical personnel who, in the opinion of the Commissioner, are required for the purposes of the inquiry and to fix their remuneration;
- (3) authorize the Commissioner to approve payment of reasonable expenses for travel, living expenses and additional disbursements necessarily incurred by persons retained under clause (2);
- (4) direct the Commissioner to arrange for suitable facilities, recording and transcribing equipment and additional administrative matters that, in the opinion of the Commissioner, are necessary for the purposes of the inquiry, and authorize the Commissioner to approve payment of these costs;
- (5) authorize the Commissioner to make recommendations to the Minister of Justice for public funding of legal costs,
 - (a) respecting the parties to receive funding,
 - (b) respecting rates of remuneration and reimbursement, the extent of funding and the assessment of accounts, and
 - (c) respecting consolidating parties for funding purposes where he is satisfied they are not adverse in interest;
- (6) authorize the Commissioner to make rules to regulate the proceedings of the inquiry and to conduct its business;
- (7) order that remuneration, costs and expenses payable in respect of the inquiry be paid out of the Consolidated Fund of the Province.

N.S. Reg. 136/2005

Made: July 8, 2005

Filed: July 11, 2005

Proclamation of repeal of Acts, S. 3, S.N.S. 2005, c. 14

Order in Council 2005-282 dated July 8, 2005

Proclamation made by the Governor in Council

pursuant to Section 3 of

An Act to Repeal Chapter 2 of the Acts of 1987, the Camp Hill Foundation Act and Chapter 492 of the Revised Statutes, 1989, the Victoria General Hospital Foundation Act

The Governor in Council on the report and recommendation of the Minister of Health dated June 14, 2005, pursuant to Section 3 of Chapter 14 of the Acts of 2005, *An Act to Repeal Chapter 2 of the Acts of 1987, the Camp Hill Foundation Act, and Chapter 492 of the Revised Statutes, 1989, the Victoria General Hospital Foundation Act*, is pleased to order and declare by proclamation that Chapter 14 of the Acts of 2005, *An Act to Repeal Chapter 2 of the Acts of 1987, the Camp Hill Foundation Act, and Chapter 492 of the Revised Statutes, 1989, the Victoria General Hospital Foundation Act*, come into force on and not before July 8, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: *M.A. Freeman*

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 3 of Chapter 14 of the Acts of 2005, *An Act to Repeal Chapter 2 of the Acts of 1987, the Camp Hill Foundation Act, and Chapter 492 of the Revised Statutes, 1989, the Victoria General Hospital Foundation Act*, it is enacted as follows:

- 3** 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 14 of the Acts of 2005, *An Act to Repeal Chapter 2 of the Acts of 1987, the Camp Hill Foundation Act, and Chapter 492 of the Revised Statutes, 1989, the Victoria General Hospital Foundation Act*, come into force on and not before July 8, 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 Chapter 14 of the Acts of 2005, *An Act to Repeal Chapter 2 of the Acts of 1987, the Camp Hill Foundation Act, and Chapter 492 of the Revised Statutes, 1989, the Victoria General Hospital Foundation Act*, come into force on and not before July 8, 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 8th day of July, in the year of
Our Lord two thousand and five and in the fifty-
fourth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 137/2005

Made: July 8, 2005

Filed: July 11, 2005

Gas Plant Facility Regulations

Order in Council 2005-283 dated July 8, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 44 of the *Pipeline Act* and
Section 29 of the *Energy Resources Conservation Act*

The Governor in Council on the report and recommendation of the Minister of Energy dated June 23, 2005, and pursuant to Section 44 of Chapter 345 of the Revised Statutes of Nova Scotia, 1989, the *Pipeline Act*, and Section 29 of Chapter 147 of the said Revised Statutes, the *Energy Resources Conservation Act*, is pleased to amend the *Gas Plant Facility Regulations (Nova Scotia)*, N.S. Reg. 22/2000, made by the Governor in Council by Order in Council 2000-63 dated February 16, 2000, to add provisions about liquefied natural gas plants and to give the Utility and Review Board powers to address public safety issues, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 8, 2005.

Schedule "A"

**Amendment to the *Gas Plant Facility Regulations*
made by the Governor in Council pursuant to
Section 44 of Chapter 345 of the Revised Statutes of Nova Scotia, 1989,
the *Pipeline Act*
and Section 29 of Chapter 147 of the Revised Statutes of Nova Scotia,
the *Energy Resources Conservation Act***

- 1 Subsection 2(1) of the *Gas Plant Facility Regulations*, N.S. Reg. 22/2000, made by the Governor in Council by Order in Council 2000-63 dated February 16, 2000, is amended by
- (a) striking out "21" in clause (a) and substituting "23";
 - (b) adding the following clauses immediately after clause (d):

- (da) “audit” means a systematic review that verifies conformance with established guidelines and standards and employs a well-defined review process to ensure consistency and to allow the auditor to reach defensible conclusions;
- (db) “battery” means a system or arrangement of tanks or other surface equipment that receives fluid from or delivers fluid to one or more sources, and includes all of the following:
 - (i) an injection plant,
 - (ii) a pump station, and
 - (iii) equipment or a device designed to separate fluid into oil, gas and water and to measure the amount of oil, gas and water;
- (c) adding the following clauses immediately after clause (e):
 - (ea) “CAN/CSA Z276-01” means Canadian Standards Association standard CAN/CSA Z276-01 “*Liquefied Natural Gas (LNG) - Production, Storage and Handling*”, as amended;
 - (eb) “code of practice” means a guideline prepared or adopted by the Minister or Administrator and, with respect to a LNG plant, means the *Nova Scotia Code of Practice for LNG Plants*, as amended, published by the Department;
- (d) adding the following clauses immediately after clause (fa):
 - (fb) “fluid” means natural gas, natural gas liquids or liquefied natural gas;
 - (fc) “fracturization plant” means a plant that separates a fluid into its constituted elements;
- (e) repealing clause (g) and substituting the following clause:
 - (g) “gas” means
 - (i) raw gas, including coal gas or any constituent of raw gas, or
 - (ii) marketable gas, including condensate, propane, butane and ethane;
- (f) repealing clause (h) and substituting the following clause:
 - (h) “gas plant facility” means a plant used for processing, extracting or converting a fluid, including all structures located within the boundaries of the plant, such as compressors and other structures integral to the transfer of a fluid, and includes all of the following:
 - (i) a battery processing plant,
 - (ii) a gas processing plant,
 - (iii) a fracturization plant,
 - (iv) a liquefied natural gas plant,
 - (v) a straddle plant;

- (g) adding the following clauses immediately after clause (h):
- (ha) “incident” means an unusual or unexpected occurrence that results in, or has the potential to result in,
 - (i) serious injury to a person,
 - (ii) significant damage to property,
 - (iii) significant adverse environmental impact, or
 - (iv) a major interruption of process operations;
 - (hb) “inspection” means the process of physically examining a gas plant facility;
- (h) adding the following clauses immediately after clause (i):
- (ia) “liquefied natural gas” means a fluid in a liquid state that is composed predominately of methane and that may contain minor quantities of ethane, propane, nitrogen or other components found in natural gas;
 - (ib) “liquefied natural gas plant” or “LNG plant” means a plant used to store liquefied natural gas and includes a plant that conditions, liquefies, transfers or vaporizes liquefied natural gas;
 - (ic) “marketable gas” means a gaseous mixture that
 - (i) is composed primarily of methane originating from raw gas that is processed, if necessary, to remove or partially remove some constituents, and
 - (ii) meets specifications for use as a domestic, commercial or industrial fuel or as an industrial raw material;
- (i) repealing clause (j) and substituting the following clause:
- (j) “Minister” means the Minister of Energy;
- (j) adding the following clause immediately after clause (j):
- (ja) “natural gas” means gaseous forms of hydrocarbons, principally methane, with minor amounts of ethane, propane, butanes, pentanes and hexanes along with non-hydrocarbon impurities such as nitrogen, carbon dioxide and hydrogen sulfide;
- (k) adding the following clauses immediately after clause (l):
- (la) “process safety management program” means a program required by and in accordance with Section 17B;
 - (lb) “raw gas” means a mixture that
 - (i) contains some or all of the following:
 - (A) methane or other paraffinic hydrocarbons,

- (B) nitrogen,
 - (C) carbon dioxide,
 - (D) hydrogen sulfide,
 - (E) helium and minor impurities,
 - (ii) is recovered or is recoverable at a well from an underground reservoir, and
 - (ii) is gaseous at the conditions under which its volume is measured or estimated;
 - (l) striking out the period at the end of clause (m) and substituting a semi-colon; and
 - (m) adding the following clause immediately after clause (m):
 - (n) “transfer of fluid” includes transfer between storage containers and points of receipt or shipment by pipeline, tank car, tank vehicle or marine vessel.
- 2
- (1) Clause 9(1)(a) is amended by adding “proposed” immediately before “construction”.
 - (2) Subsection 9(2) of the regulations is amended by
 - (a) striking out “for a permit”;
 - (b) striking out “mass balance for” in clause (a) and substituting “, capacity and general description of”;
 - (c) repealing clause (b);
 - (d) repealing clause (d);
 - (e) adding the following clause immediately after (g):
 - (ga) information required by a code of practice;
- 3
- (1) Subsection 10(2) is amended by striking out “input or output streams”.
 - (2) Clause 10(3)(a) is amended by striking out “on the throughput or extent of ethane or liquids extraction”.
- 4
- Subsection 12A(2) of the regulations is amended by striking out “Nova Scotia Petroleum Directorate,” and substituting “Department of Energy”.
- 5
- The regulations are further amended by adding the following Section immediately after Section 14:

Submission or amendment to documents ordered by Board

- 14A (1)** The Board may order a holder of a permit or licence to submit, within a specified time, a design, specification, program, manual, practice, procedure, measure, plan or other document that is required to be developed by the holder of the permit or licence under these regulations or by the Board when

- (a) the holder of the permit or licence makes an application to the Board; or
 - (b) the Board receives information that the design, construction, operation or abandonment of the gas plant facility, or a part of it, is causing or may cause a hazard to public safety or in the public interest.
- (2) The Board may order a holder of a permit or licence to amend a design, specification, program, manual, practice, procedure, measure, plan or other document that is required to be developed by the holder of the permit or licence under these regulations or by the Board if the Board considers the amendments to be necessary for public safety or in the public interest.
- 6 (1) Subsection 15(1) of the regulations is amended by
- (a) adding “including, with respect to a LNG plant, CAN/CSA Z276-01” immediately after “facility” in clause (1)(e);
 - (b) striking out “and” at the end of clause (1)(e);
 - (c) adding the following clause immediately after clause (1)(e):
 - (ea) the design, specification, program, manual, practice, procedure, measure, plan and other documents developed or implemented by the holder of the permit or licence in accordance with these regulations, codes of practice or as directed or ordered by the Board; and
- (2) Subsection 15(2) of the regulations is amended by striking out “loss control programs” in subsection (2) and substituting “process safety management programs”.
- (3) Section 15 of the regulations is amended by adding the following subsection immediately after subsection (4):
- (5) A holder of a permit or licence shall comply with a direction or order of the Board made under these regulations.
- 7 The regulations are further amended by adding the following Sections immediately after Section 17:

Contracted services

17A (1) If a holder of a permit or licence contracts services for the design, construction, operation or abandonment of a gas plant facility, the holder of the permit or licence shall

- (a) inform the contractor of all conditions or features that are special to the design, construction, operation or abandonment;
- (b) inform the contractor of all special safety practices and procedures to be followed as a result of any special conditions or features;
- (c) take all reasonable steps to ensure that design, construction, operation and abandonment activities are conducted in accordance with Section 15; and
- (d) authorize a person to halt a construction, operation or abandonment activity if in the person’s judgement, the construction, operation or abandonment activity

- (i) is not being conducted in accordance with Section 15, or
 - (ii) is creating a hazard to public safety.
- (2) The holder of a permit or licence shall ensure that the person they contract under subsection (1) has sufficient expertise, knowledge and training to competently carry out the contracted work.

Process safety management program developed and implemented

17B A holder of a permit or licence shall develop and implement a process safety management program to anticipate, prevent, manage and mitigate potentially hazardous conditions and exposure to those conditions during construction, operation, abandonment and emergency activities.

- 8 (1) Subsection 18(1) of the regulations is amended by
- (a) adding “permit or” immediately before “licence holder”; and
 - (b) adding “in the regulations, contained in documents referred to in Section 15, contained in the permit or” immediately after “may be prescribed”.
- (2) Subsection 18(4) is amended by adding “permit or” before “licence”.
- (3) Section 18 of the regulations is amended by adding the following subsection immediately after subsection (5):
- (6) The holder of a permit or licence shall immediately notify the Board of an incident at a gas plant facility followed by any written reports that are required under a code of practice or by the Board.
- 9 (1) Subsection 21(1) of the regulations is amended by
- (a) striking out the heading “Contractor inspection report” and substituting “Independent audit or inspection reports”;
 - (b) adding “audit the facility or” immediately before “inspect the construction”;
 - (c) adding “independent audit or” immediately before “inspection report”; and
 - (d) adding “issued under these regulations” immediately after “permit or licence”.
- (2) Subsection 21(4) is amended by adding “independent audit or” immediately before “inspection report”.
- 10 (1) Subsection 22(1) of the regulations is amended by striking out “will be,”.
- (2) Subsection 22(2) of the regulations is amended by striking out “licence holder or person” and substituting “permit or licence holder or person responsible”.
- (3) Subsection 22(3) of the regulations is amended by
- (a) striking out “will be,” in clause (a); and

(b) repealing clause (b).

11 (1) Subsection 23(1) is amended by striking out “60 days” and substituting “6 months”.

(2) Subsection 23(2) is repealed and the following subsection substituted:

(2) An abandonment plan shall be submitted to the Board for approval at least 6 months before the date of the proposed abandonment.

N.S. Reg. 138/2005

Made: July 8, 2005

Filed: July 11, 2005

Proclamation of amendments to Act, S. 5, S.N.S. 2004, c. 34

Order in Council 2005-284 dated July 8, 2005
Proclamation made by the Governor in Council
pursuant to Section 5 of

An Act to Amend Chapter 12 of the Revised Statutes, 1989, the Amusement Devices Safety Act

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated June 13, 2005, pursuant to Section 5 of Chapter 34 of the Acts of 2004, *An Act to Amend Chapter 12 of the Revised Statutes, 1989, the Amusement Devices Safety Act*, is pleased to order and declare by proclamation that Chapter 34 of the Acts of 2004, *An Act to Amend Chapter 12 of the Revised Statutes, 1989, the Amusement Devices Safety Act*, come into force on and not before July 8, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: *M.A. Freeman*

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 5 of Chapter 34 of the Acts of 2004, *An Act to Amend Chapter 12 of the Revised Statutes, 1989, the Amusement Devices Safety Act*, it is enacted as follows:

5 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 34 of the Acts of 2004, *An Act to Amend Chapter 12 of the Revised Statutes, 1989, the Amusement Devices Safety Act*, come into force on and not before July 8, 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 Chapter 34 of the Acts of 2004, *An Act to Amend Chapter 12 of the Revised*

Statutes, 1989, the Amusement Devices Safety Act, come into force on and not before July 8, 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 8th day of July, in the year of
Our Lord two thousand and five and in the fifty-
fourth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 139/2005

Made: July 8, 2005

Filed: July 11, 2005

Amusement Devices General Regulations

Order in Council 2005-285 dated July 8, 2005
Regulations made by the Governor in Council
pursuant to Section 20 of the *Amusement Devices Safety Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated June 13, 2005, and pursuant to Section 20 of Chapter 12 of the Revised Statutes of Nova Scotia, 1989, the *Amusement Devices Safety Act*, is pleased, effective July 8, 2005, to:

- (a) repeal the regulations respecting amusement devices safety, N.S. Reg. 145/75, made by the Governor in Council by Order in Council 75-465 dated April 29, 1975; and
- (b) make new general regulations respecting amusement devices in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"**Regulations Respecting Amusement Devices
made by the Governor in Council pursuant to Section 20 of Chapter 12
of the Revised Statutes of Nova Scotia, 1989,
the *Amusement Devices Safety Act*****Citation**

1 These regulations may be cited as the *Amusement Devices General Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Amusement Devices Safety Act*;
- (b) "competent person" means a person that the owner has designated as being qualified to operate an amusement device based on the person's knowledge, maturity, training and experience;
- (c) "daily inspection" means the pre-opening inspection set out in CSA Standard Z267, the *Safety Code for Amusement Rides and Devices*, to be conducted on all licensed amusement devices by a mechanic;
- (d) "directly supervised" means the person providing supervision is on site and available to assist and supervise the person requiring supervision;
- (e) "mechanic" means a person who
 - (i) has a working knowledge of the Act, the regulations made under the Act, and the applicable prescribed safety standards respecting the amusement device on which the mechanic is assigned to work, and
 - (ii) holds a mechanic certificate issued under these regulations; and
- (f) "mechanic certificate" means a certificate of competency issued under Section 11 to persons other than inspectors by the Chief Inspector.

Exclusions from the application of the Act

3 The Act does not apply to any of the following:

- (a) amusement devices that are designed and used as coin-operated devices;
- (b) passenger ropeways conforming to CSA Standard CAN/CSA-Z98;
- (c) elevating devices conforming to CSA Standard CAN/CSA-B44;
- (d) children's play spaces and equipment conforming to CSA Standard Z614;
- (e) play systems that are made of soft material and are self-contained, conforming to ASTM Standard F1918, except stand-alone air-supported structures;
- (g) tethered amusement devices that recoil, including bungee jumps; and

- (h) hot-air balloons.

Duties of owner

4 An owner must ensure that all of the following are complied with:

- (a) all required equipment, material and safeguards are maintained in good condition;
- (b) an amusement device is operated by a competent person;
- (c) a licensed amusement device is constructed, installed, altered, repaired, maintained, serviced and tested by a mechanic, or by a person who is directly supervised by a mechanic;
- (d) a licensed amusement device is given a daily inspection by a mechanic; and
- (e) a copy of the Act, the regulations made under the Act and the latest edition of the applicable prescribed safety standards are available to the mechanic and other employees and maintained in good condition in the amusement park.

Prescribed safety standards

5 (1) Except as provided in subsection (2), an owner must ensure that all licensed amusement devices, structures and associated equipment are constructed, installed, altered, repaired, maintained, serviced, tested and inspected in accordance with the following safety standards, as amended from time-to-time, as applicable:

- (a) CSA Standard Z267, the *Safety Code for Amusement Rides and Devices* including Appendices;
- (b) CSA Standard C22.1 Canadian Electrical Code Part 1, the *Safety Standards for Electrical Installations*.

(2) The Chief Inspector may accept compliance with another safety standard if it provides for a level of safety equal to or greater than the level of safety provided for in the prescribed safety standard.

Authorized deviation from requirement

6 The Chief Inspector may authorize a deviation from a requirement of the Act, the regulations made under the Act or a safety standard in cases of practical difficulty or unnecessary hardship if the Chief Inspector is satisfied that reasonable safety will be assured.

Conduct of persons in or about amusement devices

7 A person must not act in, on or about an amusement device in a manner that may

- (a) impair the safe operation of the amusement device; or
- (b) endanger their safety or the safety of another person.

Prohibition against improper assembly or defective parts

8 A person must not use an amusement device, or permit an amusement device to be used, regardless of whether the amusement device is licensed, that is

- (a) not properly assembled; or
- (b) defective in any parts, components, controls or safety equipment.

Inspectors

- 9** (1) Subject to subsection 11(2), an inspector appointed under the *Elevators and Lifts Act* is considered to have a certificate of competency to make inspections under the Act.
- (2) Only an inspector described in subsection (1) is qualified to make inspections under the Act.

Mechanic

- 10** (1) The Chief Inspector may issue a mechanic certificate on receiving a completed application in a form approved by the Chief Inspector from an applicant, together with all of the following:
- (a) documented evidence that the applicant has worked for at least 3 years constructing, installing, altering, repairing, maintaining, and servicing amusement devices, for a minimum of 800 hours of work per year;
 - (b) an affidavit from the applicant's employer that verifies that the applicant is competent to carry out their duties as a mechanic, including verification of any practical skills gained from technical training the applicant may have taken;
 - (c) proof that the applicant has successfully passed the amusement devices mechanics training courses approved by the Chief Inspector.
- (2) For an applicant who constructed, installed, altered, repaired, maintained and serviced amusement devices before the date that these regulations come into force, the Chief Inspector may issue the applicant a mechanic certificate on receiving a completed application in a form approved by the Chief Inspector, together with all of the following:
- (a) documented evidence satisfactory to the Chief Inspector that the applicant has been doing the work described continuously for the 3 years immediately before the date that these regulations come into force, for a minimum of 800 hours of work a year;
 - (b) documented evidence satisfactory to the Chief Inspector of the applicant's practical skills and related technical training;
 - (c) proof that the applicant has successfully passed an amusement devices mechanics examination approved by the Chief Inspector.
- (3) The Chief Inspector may issue a mechanic certificate to an out-of-Province applicant on receiving a completed application in a form approved by the Chief Inspector from the applicant, together with all of the following:
- (a) documented evidence that the applicant has worked for at least 3 years constructing, installing, altering, repairing, maintaining, and servicing amusement devices, for a minimum of 800 hours of work per year;
 - (b) documented evidence satisfactory to the Chief Inspector of the applicant's practical skills and related technical training;
 - (c) proof that the applicant has successfully passed an amusement devices mechanics examination approved by the Chief Inspector.
- (4) A mechanic certificate must be in a form approved by the Chief Inspector.

- (5) Despite any other provision in these regulations, a mechanic certificate is not required until 12 months from the date these regulations come into force.

Term of certificate of competency

- 11 (1) A mechanic certificate is valid until the expiry date provided, which may be for a term of up to 3 years from the date it is issued, unless suspended or revoked sooner.
- (2) A certificate of competency that an inspector holds under subsection 9(1) continues in force for as long as the inspector continues to be appointed under the *Elevators and Lifts Act* and is adequately discharging their duties as an inspector.

Suspension or revocation of a certificate of competency

- 12 A certificate of competency may be suspended or revoked by the Chief Inspector if the holder is not adequately discharging their duties as set out in these regulations.

Renewal of mechanic certificate

- 13 (1) The Chief Inspector may renew a mechanic certificate, upon receiving from the certificate holder a renewal application in the form prescribed by the Chief Inspector.
- (2) The Chief Inspector may reinstate a mechanic certificate upon receiving an application from a certificate holder within the 12 months immediately following the expiry date of their certificate.
- (3) If a person fails to renew their mechanic certificate or have their mechanic certificate reinstated under subsection (1) or (2), the person must apply for a new certificate in accordance with Section 10.

Licences

- 14 (1) A licence is valid until the expiry date provided, which may be for a term of up to 3 years from the date it is issued, unless suspended or revoked sooner.
- (2) It is a condition of each licence that an annual inspection by an inspector be conducted before the first use of the amusement device at the beginning of each season.
- (3) A licence may be suspended or revoked by the Chief Inspector if the Chief Inspector believes that the licensed amusement device is being operated in violation of the Act or the regulations made under the Act.

Insurance coverage

- 15 (1) An owner must hold a minimum of \$1 000 000 liability insurance coverage for each amusement park.
- (2) An insurer must notify the Chief Inspector immediately if insurance required under the Act or these regulations is cancelled or amended.

Licence and inspection fees

- 16 The fees prescribed under the Act for licences and inspections are as set out in the following table:

Licence or inspection	Fee
Initial inspection and granting of new licence	\$159.75 for first year of licence term
Licence renewal (includes annual inspection)	\$106.50 for each year of licence term
Special inspections	\$106.50 for each inspection

N.S. Reg. 140/2005

Made: July 8, 2005

Filed: July 11, 2005

Proclamation, S. 21(2), S.N.S. 2005, c. 8 – S. 7-8

Order in Council 2005-288 dated July 8, 2005
Proclamation made by the Governor in Council
pursuant to subsection 21(2)
of the *Justice Administration Amendment (2005) Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated June 16, 2005, pursuant to subsection (2) of Section 21 of Chapter 8 of the Acts of 2005, the *Justice Administration Amendment (2005) Act*, is pleased to order and declare by proclamation that Sections 7 and 8 of Chapter 8 of the Acts of 2005, the *Justice Administration Amendment (2005) Act*, come into force on and not before July 8, 2005, with effect on and after December 20, 1996.

PROVINCE OF NOVA SCOTIA

Sgd: *M.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 (2) of Section 21 of Chapter 8 of the Acts of 2005, the *Justice Administration Amendment (2005) Act*, it is enacted as follows:

- 21 (2)** Sections 7 and 8 have effect on and after December 20, 1996, upon the Governor in Council so ordering by proclamation.

AND WHEREAS it is deemed expedient that Sections 7 and 8 of Chapter 8 of the Acts of 2005, the *Justice Administration Amendment (2005) Act*, come into force on and not before July 8, 2005, with effect on and after December 20, 1996;

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 7 and 8 of Chapter 8 of the Acts of 2005, the *Justice Administration Amendment (2005) Act*, come into force on and not before July 8, 2005, with effect on and after December 20, 1996, of which all persons concerned are to take notice and govern themselves accordingly.

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

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

AT Our Government House in the Halifax Regional Municipality, this 8th day of July, in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

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