

# 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. 224/2007**

Made: March 27, 2007

Filed: April 20, 2007

Conferral of Crown Corporation Status

Order in Council 2007-163 dated March 27, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to clause 70(a) and Section 71 of the *Provincial Finance Act*

The Governor in Council on the report and recommendation of the Minister responsible for Sydney Steel Corporation dated March 21, 2007, and pursuant to clause (f) of Section 19 of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, and clause 70(a) and Section 71 of Chapter 365 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act*, is pleased to amend Order in Council 2006-370 by adding Sydney Utilities Limited to the companies upon which crown corporation status is conferred pursuant to clause (a) thereof and by changing the effective date of Order in Council 2006-370 from August 17, 2006 to March 22, 2007.

**N.S. Reg. 225/2007**

Made: April 20, 2007

Filed: April 20, 2007

Proclamation, S. 3, S.N.S. 2007, c. 16

Order in Council 2007-225 dated April 20, 2007  
Proclamation made by the Governor in Council  
pursuant to Section 3 of  
*An Act to Amend Chapter 155 of the Revised Statutes, 1989, the Executive Council Act*

The Governor in Council on the report and recommendation of the Government House Leader dated April 17, 2007, pursuant to Section 3 of Chapter 16 of the Acts of 2007, *An Act to Amend Chapter 155 of the Revised Statutes, 1989, the Executive Council Act*, is pleased to order and declare by proclamation that Chapter 16 of the Acts of 2007, *An Act to Amend Chapter 155 of the Revised Statutes, 1989, the Executive Council Act*, do come into force on and not before April 20, 2007.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann Francis**

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 16 of the Acts of 2007, *An Act to Amend Chapter 155 of the Revised Statutes, 1989, the Executive Council 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 16 of the Acts of 2007, *An Act to Amend Chapter 155 of the Revised Statutes, 1989, the Executive Council Act*, do come into force on and not before April 20, 2007;

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 16 of the Acts of 2007, *An Act to Amend Chapter 155 of the Revised Statutes, 1989, the Executive Council Act*, do come into force on and not before April 20, 2007, 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 Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 20th day of April in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

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**N.S. Reg. 226/2007**

Made: April 20, 2007

Filed: April 20, 2007

Proclamation, S. 9, S.N.S. 2007, c. 6

Order in Council 2007-226 dated April 20, 2007  
Proclamation made by the Governor in Council  
pursuant to Section 9 of the  
*Democracy 250 Act*

The Governor in Council on the report and recommendation of the Government House Leader dated April 17, 2007, pursuant to Section 9 of Chapter 6 of the Acts of 2007, the *Democracy 250 Act*, is pleased to order and declare by proclamation that Chapter 6 of the Acts of 2007, the *Democracy 250 Act*, do come into force on and not before April 20, 2007.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann Francis**

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 9 of Chapter 6 of the Acts of 2007, the *Democracy 250 Act*, it is enacted as follows:

- 9 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 6 of the Acts of 2007, the *Democracy 250 Act*, do come into force on and not before April 20, 2007;

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 6 of the Acts of 2007, the *Democracy 250 Act*, do come into force on and not before April 20, 2007, 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 Mayann E. Francis, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 20th day of April in the year of  
Our Lord two thousand and seven and in the fifty-  
sixth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

**N.S. Reg. 227/2007**

Made: April 20, 2007

Filed: April 20, 2007

Fur Harvesting Regulations

Order in Council 2007-227 dated April 20, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 23, 2007, and pursuant to subsection 113(1) 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 reflect Canada's commitment under the *Agreement on International Humane Trapping Standards* between the European Community, Canada and the Russian Federation, and to permit the use of certain traps for weasels, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 20, 2007.

**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 Subsection 11(3) 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) striking out "and" immediately after "box traps" and substituting a comma;
  - (b) adding "or rat traps equipped with a hood or other device to prevent animals larger than weasels from activating the trigger" immediately after "submarine traps"; and
  - (c) striking out "on cultivated land or".
- 2 The regulations are further amended by adding the following subsections immediately after subsection 11(19):
  - (20) A person may only use a body-gripping trap that is listed in Schedule A as approved as a killing trap for use on land for that species to take a beaver, fisher, raccoon or muskrat on land.
  - (21) A person may only use a body-gripping trap to take a beaver or muskrat underwater if one of the following applies:
    - (a) the trap is listed in Schedule A as approved as a killing trap for use underwater for that species;
    - (b) the trap is set for muskrat and prevents the muskrat from resurfacing.
- 3 The regulations are further amended by adding the attached Schedule A immediately after Section 17.

**Schedule A**  
**List of Approved Body-Gripping Traps**  
**(Certified under the Canadian Trap Certification Program**  
**and Approved for use as Killing Traps for**  
**Beaver, Muskrat, Fisher and Raccoon in Nova Scotia)**

<b>Beaver</b>	
<u>Traps approved for use underwater and on land:</u>	
Bélisle Classic 330	Rudy 280
Bélisle Super X 280	Sauvageau 2001-11
Bélisle Super X 330	Species-Specific 330 Dislocator Half Magnum
B.M.I. 330 Body Gripper	Species-Specific 440 Dislocator Half Magnum
Bridger 330	Woodstream Oneida Victor Conibear 280
LDL C280	Woodstream Oneida Victor Conibear 330
LDL C330	
Rudy 330	
<u>Traps approved for use on land only:</u>	
Sauvageau 1000-11F	
<u>Traps approved for use underwater only:</u>	
B.M.I. 280 Body Gripper	Sauvageau 2001-8
Duke 330	
<b>Fisher</b>	
<u>Traps approved for use on land:</u>	
Bélisle Super X 120	Rudy 120 Magnum
Bélisle Super X 160	Rudy 160 Plus
Bélisle Super X 220	Sauvageau 2001-5
Koro #2	Sauvageau 2001-6
LDL C160 Magnum	Sauvageau 2001-7
LDL C220 Magnum	Sauvageau 2001-8

<b>Raccoon</b>	
<u>Traps approved for use on land:</u>	
Bélisle Classic 220	LDL C 220 Magnum
Bélisle Super X 160	Rudy 160
Bélisle Super X 220	Rudy 160 Plus
B.M.I. 160 Body Gripper	Rudy 220
B.M.I. 220 Body Gripper	Sauvageau 2001-6
Bridger 160	Sauvageau 2001-7
Bridger 220	Sauvageau 2001-8
Duke 160	Species-Specific 220 Dislocator Half Magnum
Duke 220	Woodstream Oneida Victor Conibear 160
LDL C 160	Woodstream Oneida Victor Conibear 220
LDL C 220	
<b>Muskrat</b>	
<u>Traps approved for use on land:</u>	
Bélisle Super X 120	Sauvageau 2001-5
B.M.I. 120	Sauvageau C120 Magnum
B.M.I. 120 Magnum	Sauvageau C120 "Reverse Bend"
B.M.I. 126 Magnum	Triple M
Bridger 120	Woodstream Oneida Victor Conibear 110
LDL B120 Magnum	Woodstream Oneida Victor Conibear 120
Rudy 120 Magnum	

**N.S. Reg. 228/2007**

Made: April 20, 2007

Filed: April 20, 2007

Guide Regulations

Order in Council 2007-228 dated April 20, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 23, 2007, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased, effective on and after April 20, 2007, to amend the *Guide Regulations*, N.S. Reg. 206/87, made by the Governor in Council by Order in Council 87-1182 dated September 29, 1987, to change the effective dates for registered guide licences to accord with other similar licences, by striking out "December" in subsection 3(3) and substituting "March".



**N.S. Reg. 229/2007**

Made: April 20, 2007

Filed: April 20, 2007

Firearm and Bow Regulations

Order in Council 2007-229 dated April 20, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 23, 2007, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Firearm and Bow Regulations*, N.S. Reg. 144/89, made by the Governor in Council by Order in Council 89-837 dated July 18, 1989, to permit the use of rim fire rifles smaller than .22 calibre in situations where only a .22 calibre rim fire rifle was previously permitted to be used, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 20, 2007.

**Schedule "A"**

**Amendment to the *Firearm and Bow 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 Subsection 4(3) of the *Firearm and Bow Regulations*, N.S. Reg. 144/89, made by the Governor in Council by Order in Council 89-837 dated July 18, 1989, is amended by striking out ".22 calibre rifle" and substituting "a rim fire rifle of .22 calibre or less".
- 2 The regulations are further amended by adding "or less" immediately after ".22 calibre" in subsection 5(2), clause 6(1)(c), subsection 7(1), and clauses 7(2)(c), 7(3)(b) and 8(4)(b).

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**N.S. Reg. 230/2007**

Made: April 20, 2007

Filed: April 20, 2007

Deer Hunting Regulations

Order in Council 2007-230 dated April 20, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 23, 2007, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Deer Hunting Regulations*, N.S. Reg. 59/88, made by the Governor in Council by Order in Council 88-348 dated March 29, 1988, to extend the deer hunting season for youths aged 16 and 17 to 8 days, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 20, 2007.

**Schedule "A"****Amendment to the *Deer Hunting 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***

Section 7A of the *Deer Hunting Regulations*, N.S. Reg. 59/88, made by the Governor in Council by Order in Council 88-348 dated March 29, 1988, N.S. Reg. 59/88, is amended by repealing subsection (1) and substituting the following subsection:

- (1) The special youth season for hunting deer is defined as the 8 days beginning on the first Friday in October after October 10 and ending on the second Saturday following, excluding Sunday.

**N.S. Reg. 231/2007**

Made: April 20, 2007

Filed: April 20, 2007

Moose Hunting Regulations

Order in Council 2007-231 dated April 20, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 23, 2007, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Moose Hunting Regulations*, N.S. Reg. 90/88, made by the Governor in Council by Order in Council 88-405 dated April 20, 1988, to allow the Nova Scotia Federation of Anglers & Hunters to market 4 moose licenses, which the Department of Natural Resources has offered for fund-raising, to non-residents and persons who have held a license within the previous 5 years, and to make a housekeeping change, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 20, 2007.

**Schedule "A"****Amendment to the *Moose Hunting 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 The *Moose Hunting Regulations*, N.S. Reg. 90/88, made by the Governor in Council by Order in Council 88-405 dated April 20, 1988, are amended by adding the following Section immediately after Section 4:

**Moose hunting stamps for special fundraising events**

- 4A Despite Sections 3 and 4, the Minister may issue a moose hunting stamp as a result of a special fundraising event approved by the Minister for which the Minister has made a moose hunting stamp available, to a person who is 18 years of age or older and whose hunting privileges have not been revoked .

- 2 Subsection 5(2) of the regulations is amended by striking out “in accordance with subsection (1A)” and substituting “during an open season for hunting moose”.
- 

**N.S. Reg. 232/2007**

Made: April 20, 2007

Filed: April 20, 2007

General Wildlife Regulations

Order in Council 2007-232 dated April 20, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 23, 2007, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *General Wildlife Regulations*, N.S. Reg. 205/87, made by the Governor in Council by Order in Council 87-1181 dated September 29, 1987, to update provisions respecting shed antler possession, nuisance wildlife operator licences, conservation officers performing duties and the use of deer scent products, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after April 20, 2007.

**Schedule “A”**

**Amendment to the *General Wildlife Regulations*  
made by the Governor in Council  
pursuant to Section 113 of Chapter 504 of  
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 The *General Wildlife Regulations*, N.S. Reg. 205/87, made by the Governor in Council by Order in Council 87-1181 dated September 29, 1987, are amended by adding the following Section immediately after Section 4:
- 4A** Subject to such terms and conditions as the Minister considers appropriate, the Minister may, in writing, exempt a conservation officer from any provision of the Act or its regulations while the officer is carrying out investigations and other enforcement activities under the Act or its regulations.
- 2 The regulations are further amended by striking out “at the end of the calendar year during which it was issued” in subsection 5(10) and substituting “annually on March 31”.
- 3 The regulations are further amended by adding the following subsection immediately after subsection 14(4):
- (5)** No person shall, while in a wildlife habitat, possess or use a product that contains or purports to contain any body part of a member of the deer family, including urine, blood or other fluids.
- 4 The regulations are further amended by adding the following Sections immediately after Section 14:

**Possession of antlers shed from member of deer family**

- 15** A person is exempt from subsections 39(2), 40(3) and 66(2) of the Act, if they possess the antlers shed from a member of the deer family.

**Endangered Species Act applies**

- 16 Nothing in these regulations permits the possession of anything that may not be possessed under the *Endangered Species Act*.

**N.S. Reg. 233/2007**

Made: April 20, 2007

Filed: April 20, 2007

Licence and Permit Suspension Regulations

Order in Council 2007-233 dated April 20, 2007  
 Regulations made by the Governor in Council  
 pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 23, 2007, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to make regulations governing the issuance, suspension, forfeiture, refusal and reinstatement of a licence or permit issued pursuant to the *Wildlife Act* or the regulations made under the *Wildlife Act*, and designating periods of ineligibility for a licence or permit, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 20, 2007.

**Schedule "A"**

**Regulations Respecting License and Permit Suspension  
 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***

**Citation**

- 1 These regulations may be referred to as the *Licence and Permit Suspension Regulations*.

**Definition**

- 2 In these regulations, "Act" means the *Wildlife Act*.

**Convictions resulting in 2-year suspension**

- 3 (1) Except as provided in subsection (2), a person who is convicted of an offence listed in the following table may not obtain or apply for a hunting licence or permit under the Act or its regulations for 2 years from the date of their conviction:

Offence	Description
<b>Wildlife Act:</b>	
Subsection 21(3)	hunting or trapping in area closed for wildlife management purposes
Section 26	hunting or fishing without valid licence or permit
Subsection 32(2)	hunting while disqualified because of a hunting accident
Subsection 39(2)	hunting wildlife during closed season

Subsection 39(2)	exceeding seasonal bag limit prescribed for wildlife
Subsection 39(2)	exceeding daily bag limit prescribed for wildlife
Subsection 40(1)	setting trap or snare for moose or deer
Subsection 50(1)	hunting, taking or killing protected wildlife
Section 62	keeping wildlife or exotic wildlife in captivity contrary to Act or regulations
Section 65	selling or purchasing carcass of wildlife or any parts thereof
Subsection 67(1)	hunting with poison, drugs, explosives, deleterious substance
Section 68	hunting wildlife by means of, or with assistance of, a light or flambeau
Subsection 69(1)	shining a light of more than 4 1/2 volts at night on wildlife habitat not owned by that person
Section 79	possessing firearm or bow in wildlife habitat contrary to Act or regulations
Subsection 80(4)	transporting or possessing uncased firearm or bow in wildlife habitat at night during open season
Subsection 84(2)	transporting loaded firearm on or in vehicle or vessel
Section 85	discharging firearm or bow across travelled portion of any highway or within 100 ft. (30.48 m) of travelled portion
Subsection 87(1)	possessing uncased firearm or bow in wildlife habitat while impaired by alcohol or drugs
Subsection 87(2)	discharging or handling firearm or bow without due care and attention
Clause 88(a)	obstructing a conservation officer or person assisting
Clause 88(b)	causing others to obstruct conservation officer or person assisting
Clause 88(c)	inciting others to obstruct conservation officer or person assisting
Clause 88(d)	assaulting conservation officer or person assisting
<b>Deer Hunting Regulations:</b>	
Section 5	killing or possessing more deer than prescribed bag limit for deer
Subsection 6(2)	hunting or possessing deer during closed season
Subsection 8(4)	hunting deer after tag is detached from licence
<b>General Wildlife Regulations:</b>	
Subsection 11(2)	discharging firearm or bow between one-half hour after sunset and one-half hour before sunrise contrary to the regulations
Subsection 14(1)	hunting or possessing firearm or bow in wildlife habitat while disqualified
Clause 14(4)(b)	using or possessing in wildlife habitat trap or snare capable of taking or holding big game

<b>Moose Hunting Regulations:</b>	
Subsection 4(5)	hunting moose without valid moose hunting licence and valid firearm hunting certificate or bow hunting certificate
Subsection 5(2)	hunting moose out of season
Subsection 5(3)	hunting or possessing a greater number of moose than the total prescribed bag limit
<b>Firearm &amp; Bow Regulations:</b>	
Subsection 11(1)	hunting or discharging firearm or bow within 804 m (880 yards) of school.
Subsection 11(2)	hunting with or discharging a firearm loaded with rifle cartridge, single ball or slug within 402 m (440 yards) of dwelling, place of business, public building or public place
Subsection 11(3)	discharging shotgun loaded with shot, or bow within 182 m (200 yards) of dwelling, place of business, public building or other place
Subsection 11(4)	hunting wildlife with firearm or bow within 182 m (200 yards) of dwelling, place of business, public building or other place

- (2) A person who is convicted of an offence listed in subsection (1) between September 1 and December 31, inclusive, may not obtain or apply for a hunting licence or permit under the Act or its regulations until 2 years from January 1 immediately after the date of their conviction.

#### **Convictions resulting in 5-year suspension**

- 4 A person who is convicted of an offence under Section 68 of the Act may not obtain or apply for a hunting licence or permit under the Act or its regulations for 5 years from the date of their conviction.

#### **Conviction while suspended resulting in further suspension**

- 5 (1) A person who is convicted of an offence under the Act or its regulations while their hunting privileges are suspended under Section 3 may not obtain or apply for a hunting licence or permit under the Act or its regulations for a further 2 years from the date the suspension under Section 3 ends.
- (2) A person who is convicted of an offence under the Act or its regulations while their hunting privileges are suspended under Section 4 may not obtain or apply for a hunting licence or permit under the Act or its regulations for a further 5 years from the date the suspension under Section 4 ends.

#### **Suspension after 3 convictions**

- 6 A person who is convicted of 3 offences under the Act or its regulations in any 5-year period may not obtain or apply for a hunting licence or permit under the Act or its regulations for 5 years from the date of their third conviction.

**N.S. Reg. 234/2007**

Made: April 19, 2007

Filed: April 20, 2007

Prescribed Petroleum Products Prices

Order dated April 19, 2007  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005  
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*  
made by the Governor in Council  
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

**Order**

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated April 5, 2007, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on April 6, 2007; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on April 20, 2007.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on April 19, 2007.

Sgd. *Greg Keefe* for  
Honourable Jamie Muir  
Minister of Service Nova Scotia and Municipal Relations

## Schedule "A"

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on April 20, 2007**

<b>Table 1: Benchmark Prices for Regulated Petroleum Products (cents/litre)</b>	
Regular unleaded gasoline	63.4
Mid-grade unleaded gasoline	66.4
Premium unleaded gasoline	69.4
Ultra low-sulfur diesel oil	61.6

<b>Table 2: Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products (cents/litre)</b>									
		<b>Retail Mark-up</b>				<b>Retail Price (includes all taxes)</b>			
		Self-Service		Full-Service		Self-Service		Full-Service	
	<b>Fixed Wholesale Price (excludes GST)</b>	Min	Max	Min	Max	Min	Max	Min	Max
<b>Zone 1</b>									
Regular Unleaded	95.2	4.0	5.5	4.0	7.5	113.1	114.8	113.1	117.1
Mid-Grade Unleaded	98.2	4.0	5.5	4.0	7.5	116.5	118.2	116.5	120.5
Premium Unleaded	101.2	4.0	5.5	4.0	7.5	119.9	121.6	119.9	123.9
Ultra Low-Sulfur Diesel	87.3	4.0	5.5	4.0	7.5	104.1	105.8	104.1	108.1
<b>Zone 2</b>									
Regular Unleaded	95.6	4.0	5.5	4.0	7.5	113.5	115.3	113.5	117.5
Mid-Grade Unleaded	98.6	4.0	5.5	4.0	7.5	117.0	118.7	117.0	121.0
Premium Unleaded	101.6	4.0	5.5	4.0	7.5	120.4	122.1	120.4	124.4
Ultra Low-Sulfur Diesel	87.7	4.0	5.5	4.0	7.5	104.5	106.2	104.5	108.5
<b>Zone 3</b>									
Regular Unleaded	96.1	4.0	5.5	4.0	7.5	114.1	115.8	114.1	118.1
Mid-Grade Unleaded	99.1	4.0	5.5	4.0	7.5	117.5	119.2	117.5	121.5
Premium Unleaded	102.1	4.0	5.5	4.0	7.5	121.0	122.7	121.0	124.9
Ultra Low-Sulfur Diesel	88.2	4.0	5.5	4.0	7.5	105.1	106.8	105.1	109.1
<b>Zone 4</b>									
Regular Unleaded	96.1	4.0	5.5	4.0	7.5	114.1	115.8	114.1	118.1
Mid-Grade Unleaded	99.1	4.0	5.5	4.0	7.5	117.5	119.2	117.5	121.5
Premium Unleaded	102.1	4.0	5.5	4.0	7.5	121.0	122.7	121.0	124.9
Ultra Low-Sulfur Diesel	88.2	4.0	5.5	4.0	7.5	105.1	106.8	105.1	109.1
<b>Zone 5</b>									
Regular Unleaded	96.1	4.0	5.5	4.0	7.5	114.1	115.8	114.1	118.1
Mid-Grade Unleaded	99.1	4.0	5.5	4.0	7.5	117.5	119.2	117.5	121.5
Premium Unleaded	102.1	4.0	5.5	4.0	7.5	121.0	122.7	121.0	124.9
Ultra Low-Sulfur Diesel	88.2	4.0	5.5	4.0	7.5	105.1	106.8	105.1	109.1



Zone 6									
Regular Unleaded	96.9	4.0	5.5	4.0	7.5	115.0	116.7	115.0	119.0
Mid-Grade Unleaded	99.9	4.0	5.5	4.0	7.5	118.4	120.2	118.4	122.4
Premium Unleaded	102.9	4.0	5.5	4.0	7.5	121.9	123.6	121.9	125.9
Ultra Low-Sulfur Diesel	89.0	4.0	5.5	4.0	7.5	106.0	107.7	106.0	110.0

**N.S. Reg. 235/2007 to 236/2007**

Made: April 24, 2007

Filed: April 26, 2007

Involuntary Psychiatric Treatment Regulations and  
Hospitals Regulations

Order in Council 2007-239 dated April 24, 2007

Regulations and amendment to regulations made by the Governor in Council  
pursuant to Section 83 of the *Involuntary Psychiatric Treatment Act*  
and Section 17 of the *Hospitals Act*

The Governor in Council on the report and recommendation of the Minister of Health dated April 13, 2007, is pleased, effective on and after July 3, 2007,

- (a) pursuant to Section 83 of Chapter 42 of the Acts of 2005, the *Involuntary Psychiatric Treatment Act*, to make new regulations respecting processes for involuntary psychiatric treatment and the forms to be used under the Act, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 17 of Chapter 208 of the Revised Statutes of Nova Scotia, 1989, the *Hospitals Act*, to amend the regulations respecting hospitals, N.S. Reg. 16/79, made by the Governor in Council by Order in Council 79-72, dated January 23, 1979, to replace the forms used under the Act, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation.

**N.S. Reg. 235/2007**

Involuntary Psychiatric Treatment Regulations

**Schedule "A"**

**Regulations Respecting Involuntary Psychiatric Treatment made by  
the Governor in Council pursuant to Section 83 of Chapter 42  
of the Acts of 2005, the *Involuntary Psychiatric Treatment Act***

**Citation**

**1** These regulations may be cited as the *Involuntary Psychiatric Treatment Regulations*.

**Definitions for Act and regulations**

**2 (1)** In these regulations, "Act" means the *Involuntary Psychiatric Treatment Act*.

**(2)** In the Act and its regulations,

- (a) "agent" in Section 72 of the Act means a person appointed by the patient to be the patient's representative;

- (b) “declaration” does not mean a declaration as defined in the *Interpretation Act* or the *Evidence Act*;
- (c) “month” means 30 days;
- (d) “witnesses” in subsection 74(1) of the Act does not include a patient.

### **Designated psychiatric facilities**

**3** The following hospitals, or parts of hospitals, are designated as psychiatric facilities:

- (a) Queen Elizabeth II Health Sciences Centre;
- (b) Izaak Walton Killam Health Centre;
- (c) Nova Scotia Hospital;
- (d) Aberdeen Hospital of the Pictou County Health Authority;
- (e) Cape Breton Regional Hospital of the Cape Breton District Health Authority;
- (f) Colchester Regional Hospital of the Colchester East Hants Health Authority;
- (g) East Coast Forensic Hospital of the Capital District Health Authority;
- (h) St. Martha’s Regional Hospital of the Guysborough Antigonish-Strait District Health Authority;
- (i) South Shore Regional Hospital of the South Shore District Health Authority;
- (j) Valley Regional Hospital of the Annapolis Valley District Health Authority;
- (k) Yarmouth Regional Hospital of the South West District Health Authority.

### **Patient rights**

**4 (1)** When a patient is admitted to a psychiatric facility under the Act, a Declaration of Renewal of Involuntary Admission is issued for a patient or a patient’s status is changed to that of an involuntary patient, the patient and the patient’s substitute decision-maker must be given notice of the following rights orally and in writing in the form approved by the chief executive officer:

- (a) the name and location of the psychiatric facility in or through which the patient is being detained;
- (b) the patient’s right to be discharged if a declaration for renewal of the detention is not issued;
- (c) the patient’s right to retain and instruct counsel;
- (d) the Review Board’s functions and the patient’s right to have their status reviewed by the Review Board or a court;
- (e) the patient’s right to an oral explanation of any document or written communication that affects the patient.

- (2) A psychiatric facility must assist a patient or person who is unable to read or understand a document or written communication that affects them and who wants an oral explanation of the document or written communication.
- (3) A psychiatric facility must post a listing of patients' rights, as set out in subsection (1), in a place in the psychiatric facility where it can be seen by a person undergoing psychiatric assessments and treatment.

#### **Examination by second psychiatrist**

- 5 If the Review Board arranges for a patient to be examined by a second psychiatrist under subsection 74(2) of the Act, the Review Board must try to engage a psychiatrist who has not been involved with the patient's case.

#### **Written decisions of Review Board**

- 6 A written decision of the Review Board must include all of the following:
- (a) a summary of the facts of the case;
  - (b) the Board's decision;
  - (c) the evidence on which the decision is based.

#### **Review Board's annual report**

- 7 The Review Board's annual report must contain all of the following:
- (a) statistics of the Review Board's activities;
  - (b) recommendations to the Minister.

#### **Forms**

- 8 The following forms must be used in accordance with the Act:
- (a) a Detainment of Voluntary Patient form for use under Section 7 of the Act must be in Form 1;
  - (b) a Medical Certificate for Involuntary Psychiatric Assessment - Part 1 form for use under Section 9 of the Act must be in Form 2;
  - (c) a Medical Certificate for Involuntary Psychiatric Assessment - Part 2 form for use under subsection 10(2) of the Act must be in Form 3;
  - (d) a Declaration of Involuntary Admission form for use under Section 17 of the Act must be in Form 4;
  - (e) a Declaration of Renewal of Involuntary Admission form for use under Section 21 of the Act must be in Form 5;
  - (f) a Declaration of Change of Status form for use under subsection 24(2) of the Act must be in Form 6;
  - (g) a Certificate of Leave form for use under Section 43 of the Act must be in Form 7;
  - (h) a Certificate of Cancellation of Leave form for use under Section 44 of the Act must be in Form 8;

- (i) a Community Treatment Order form for use under Section 47 of the Act must be in Form 9;
- (j) a Renewal of Community Treatment Order form for use under Section 52 of the Act must be in Form 10;
- (k) a Revocation of Community Treatment Order form for use under Sections 55, 56 and 57 of the Act must be in Form 11;
- (l) a Request for Review form for use under Section 68 of the Act must be in Form 12;
- (m) a Notice of Hearing form for use under Section 70 of the Act must be in Form 13.

**Form 1**  
**Detainment of Voluntary Patient**  
**(Section 7 - *Involuntary Psychiatric Treatment Act*)**

I, \_\_\_\_\_ (*full name*), a member of the treatment staff at \_\_\_\_\_ (*name of psychiatric facility*), a psychiatric facility, believe on reasonable grounds that \_\_\_\_\_ (*full name of patient*), a voluntary patient at this facility who is requesting discharge meets all of the following criteria:

- the patient has a mental disorder
- because of the mental disorder, the patient is likely to cause serious harm to himself or herself or to another person or to suffer serious mental or physical deterioration if the patient leaves the psychiatric facility
- the patient needs to have a medical examination conducted by a psychiatrist

I am therefore detaining the patient at this psychiatric facility for no more than 3 hours to allow for examination by a psychiatrist.

\_\_\_\_\_  
 (date of signature)

\_\_\_\_\_  
 (signature of treatment staff member)

\_\_\_\_\_ a.m./p.m.  
 (time of signature)

\_\_\_\_\_  
 (staff member's name - printed)

**Form 2**  
**Medical Certificate for Involuntary Psychiatric Assessment - Part 1**  
**(Section 9 - Involuntary Psychiatric Treatment Act)**

I, Dr. \_\_\_\_\_ (full name), a physician, personally examined \_\_\_\_\_ (full name of person) of \_\_\_\_\_ (address of person) on \_\_\_/\_\_\_/\_\_\_\_ (dd/mm/yyyy) at \_\_\_\_\_ a.m./p.m. at \_\_\_\_\_ (location of examination).

It is my opinion that the person meets all of the following criteria (as set out in Sections 7 and 8 of the Act):

- the person apparently has a mental disorder
- the person, as a result of the mental disorder, (check one or both boxes)
  - is threatening or attempting to cause serious harm to himself or herself or has recently done so, has recently caused serious harm to himself or herself, is seriously harming or is threatening serious harm towards another person or has recently done so
  - the person is likely to suffer serious physical impairment or serious mental deterioration, or both
- the person would benefit from psychiatric inpatient treatment in a psychiatric facility and is not suitable for inpatient admission as a voluntary patient

The following information supports my opinion that this person meets the criteria as checked above:

1) Observations from my examination of the patient:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2) Information from other sources:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Sources of above information (identify specific sources):

\_\_\_\_\_  
 \_\_\_\_\_

I therefore certify that the person named in this certificate be detained, restrained and observed in \_\_\_\_\_ (name of psychiatric facility) for up to 72 hours for an involuntary psychiatric assessment by a psychiatrist.

\_\_\_\_\_  
 (date of signature)

\_\_\_\_\_ a.m./p.m.  
 (time of signature)

\_\_\_\_\_  
 (signature of physician)

\_\_\_\_\_  
 (physician's name - printed)

**Notes:**

- 1) This certificate must be signed by the physician who examined the person, and, in accordance with Section 9 of the Act, is not effective unless signed within 72 hours after the examination.
- 2) A person cannot be taken into custody or detained unless this certificate is accompanied by one of the following:
  - a second Medical Certificate for Involuntary Psychiatric Assessment - Part 1 (Form 2) signed by another physician
  - a Medical Certificate for Involuntary Psychiatric Assessment - Part 2 (Form 3) signed by the same physician who signed Part 1.

**Form 3**  
**Medical Certificate for Involuntary Psychiatric Assessment - Part 2**  
**(Subsection 10(2) - Involuntary Psychiatric Treatment Act)**

I, Dr. \_\_\_\_\_ (*full name*), a physician, signed the attached Medical Certificate for Involuntary Psychiatric Assessment - Part 1 for \_\_\_\_\_ (*full name of person*).

I hereby certify that compelling circumstances exist for the involuntary psychiatric assessment of this person and that a second physician is not readily available to examine the person and complete a second Medical Certificate for Involuntary Psychiatric Assessment - Part 1.

\_\_\_\_\_  
 (date of signature)

\_\_\_\_\_  
 (signature of physician)

\_\_\_\_\_ a.m./p.m.  
 (time of signature)

\_\_\_\_\_  
 (physician's name - printed)

**Note:**

This form must be accompanied by a Medical Certificate for Involuntary Psychiatric Assessment - Part 1 (Form 2) signed by the same physician.

**Form 4**  
**Declaration of Involuntary Admission**  
**(Section 17 - Involuntary Psychiatric Treatment Act)**

I, Dr. \_\_\_\_\_ (*full name*), a psychiatrist on the staff of \_\_\_\_\_ (*name of psychiatric facility*), personally examined \_\_\_\_\_ (*full name of person*), at the following dates, times and locations:

Date	Time	Location

(List all examinations done by you since person's detention. Note: If the person is being detained under Section 10 of the Act, they must be examined within 72 hours of being detained.)

I have conducted an involuntary psychiatric assessment of this person and it is my opinion that the person meets **all** of the following criteria (as set out in Section 17 of the Act):

- the person has a mental disorder
- the person is in need of psychiatric treatment in a psychiatric facility
- as a result of the mental disorder, the person (*check one or both boxes*)

- is threatening or attempting to cause serious harm to himself or herself or has recently done so, has recently caused serious harm to himself or herself, is seriously harming or is threatening serious harm towards another person or has recently done so
- is likely to suffer serious physical impairment or serious mental deterioration, or both
- the person requires psychiatric treatment in a psychiatric facility and is not suitable for inpatient admission as a voluntary patient
- as a result of the mental disorder, the person does not have the capacity to make admission and treatment decisions

In arriving at my opinion that the person does not have the capacity to make admission and treatment decisions, I have considered whether the person fully understands and appreciates **all** of the following (as set out in Section 18 of the Act):

- the nature of the condition for which the specific treatment or admission is proposed
- the nature and purpose of the treatment or admission
- the risks and benefits involved in undergoing the specific treatment or admission proposed
- the risks and benefits involved in not undergoing the specific treatment or admission

AND I have also considered whether the person’s mental disorder affects the person’s ability to fully appreciate the consequences of making the treatment decision.

The following information supports my opinion that this person meets the criteria as checked above:

1) Observations from my examination of the patient:

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2) Information from other sources:

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Sources of above information (*identify specific sources*):

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I therefore declare that this person meets the criteria of Section 17 of the *Involuntary Psychiatric Treatment Act* and is to be admitted to \_\_\_\_\_ (*name of psychiatric facility*) as an involuntary patient and is to be detained, observed and examined at the psychiatric facility.

This declaration is effective on the date it is signed and expires on \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_\_  
(*dd/mm/yyyy - no later than 30 days after date signed*).

\_\_\_\_\_  
(date of signature)

\_\_\_\_\_  
(signature of psychiatrist)

\_\_\_\_\_ a.m./p.m.  
(time of signature)

\_\_\_\_\_  
(psychiatrist's name - printed)

**Note:**

In accordance with Section 17 of the Act, this form must be filed with the chief executive officer or designate.

**Form 5**  
**Declaration of Renewal of Involuntary Admission**  
**(Section 21 - Involuntary Psychiatric Treatment Act)**

I, Dr. \_\_\_\_\_ (*full name*), a psychiatrist on the staff of \_\_\_\_\_ (*name of psychiatric facility*), am the attending psychiatrist of \_\_\_\_\_ (*full name of patient*), an involuntary patient at the facility.

This declaration of renewal renews the Declaration of Involuntary Admission dated \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*) which expires/expired on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*).

This is the \_\_\_\_\_ (1st, 2nd, 3rd, etc.) renewal of that declaration and expires on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*).  
**(See note 2 at end of form.)**

The previous renewal of that declaration expires on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*).

I personally examined this patient on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*) at \_\_\_\_\_ a.m./p.m. at \_\_\_\_\_ (*location of examination*).

I have conducted an involuntary psychiatric assessment of this person and it is my opinion that the person meets all of the following criteria (as set out in Section 17 of the Act):

- the person has a mental disorder
- the person is in need of psychiatric treatment in a psychiatric facility
- as a result of the mental disorder, the person (*check one or both boxes*)
  - is threatening or attempting to cause serious harm to himself or herself or has recently done so, has recently caused serious harm to himself or herself, is seriously harming or is threatening serious harm towards another person or has recently done so
  - is likely to suffer serious physical impairment or serious mental deterioration, or both
- the person requires psychiatric treatment in a psychiatric facility and is not suitable for inpatient admission as a voluntary patient
- as a result of the mental disorder, the person does not have the capacity to make admission and treatment decisions

In arriving at my opinion that the person does not have the capacity to make admission and treatment decisions, I have considered whether the person fully understands and appreciates **all** of the following (as set out in Section 18 of the Act):

- the nature of the condition for which the specific treatment or admission is proposed



- the nature and purpose of the treatment or admission
- the risks and benefits involved in undergoing the specific treatment or admission proposed
- the risks and benefits involved in not undergoing the specific treatment or admission

AND I have also considered whether the person’s mental disorder affects the person’s ability to fully appreciate the consequences of making the treatment decision.

The following information supports my opinion that this person meets the criteria as checked above:

1) Observations from my examination of the patient:

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2) Information from other sources:

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Sources of above information (*identify specific sources*):

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I therefore declare that the patient meets the requirements of Section 21 of the *Involuntary Psychiatric Treatment Act* and I renew their status as an involuntary patient, to be detained, observed and examined at the psychiatric facility, effective as of the date this declaration is signed.

\_\_\_\_\_  
(date of signature)

\_\_\_\_\_  
(signature of attending psychiatrist)

\_\_\_\_\_  
(attending psychiatrist’s name - printed)

**Notes:**

- 1) In accordance with Section 21 of the Act, this form must be filed with the chief executive officer or designate.
- 2) In accordance with Section 22 of the Act, a declaration of renewal may be issued for the following terms:

Renewal	Term
1st renewal	up to 1 month
2nd renewal	up to 2 months
3rd and subsequent renewals	up to 3 months

- 3) If this form is not filled out, the attending psychiatrist must fill out a Declaration of Change of Status (Form 6).

**Form 6**  
**Declaration of Change of Status**  
**(Subsection 24(2) - Involuntary Psychiatric Treatment Act,)**

I, Dr. \_\_\_\_\_ (*full name*), a psychiatrist, on the staff of \_\_\_\_\_ (*name of psychiatric facility*), am the attending psychiatrist of \_\_\_\_\_ (*full name of patient*), an involuntary patient at the facility.

I examined this patient on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*) at \_\_\_\_\_ a.m./p.m. at \_\_\_\_\_ (*location of examination*).

It is my opinion that the patient does not meet one or more of the following criteria (*check all that apply*):

- the patient has a mental disorder
- the patient is in need of psychiatric treatment in a psychiatric facility
- as a result of the mental disorder, the patient (*check one or both boxes*)
  - is threatening or attempting to cause serious harm to himself or herself or has recently done so, has recently caused serious harm to himself or herself, is seriously harming or is threatening serious harm towards another person or has recently done so
  - is likely to suffer serious physical impairment or serious mental deterioration, or both
- the patient requires psychiatric treatment in a psychiatric facility and is not suitable for inpatient admission as a voluntary patient
- the patient as a result of the mental disorder, does not have the capacity to make admission and treatment decisions

I therefore declare that the patient no longer meets the requirements of Section 17 of the *Involuntary Psychiatric Treatment Act* and the patient's status is changed to that of a voluntary patient, effective the date that this declaration is signed.

\_\_\_\_\_  
 (date of signature)

\_\_\_\_\_  
 (signature of attending psychiatrist)

\_\_\_\_\_  
 (attending psychiatrist's name - printed)

**Notes:**

- 1) In accordance with subsection 24(2) of the Act, this form must be filed with the chief executive officer or designate.
- 2) In accordance with subsection 24(3) of the Act, when a patient's status is changed to that of a voluntary patient, the patient must be promptly informed by the attending psychiatrist that they have the right to leave the psychiatric facility, subject to any detention that is lawfully authorized other than under the *Involuntary Psychiatric Treatment Act*.

**Form 7**  
**Certificate of Leave**  
**(Section 43 - Involuntary Psychiatric Treatment Act,)**

I, Dr. \_\_\_\_\_ (*full name*), a psychiatrist and on the staff of the \_\_\_\_\_ (*name of psychiatric facility*), a psychiatric facility, am of the opinion that \_\_\_\_\_ (*full name of patient*), an involuntary patient, should be allowed to live outside the psychiatric facility in accordance with this certificate.

This certificate allows the patient to live outside the psychiatric facility beginning \_\_\_/\_\_\_/\_\_\_ (dd/mm/yyyy) and ending on \_\_\_/\_\_\_/\_\_\_ (dd/mm/yyyy - date no later than 6 months from beginning date) on the following conditions:

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For this certificate of leave to stay in effect, the patient must comply with the medical treatment that is described in this certificate and must attend appointments with the psychiatrist and any health professionals referred to in this certificate.

I confirm that the patient's substitute decision-maker \_\_\_\_\_ (full name) has consented to this certificate of leave being issued to the patient.

\_\_\_\_\_  
(date of signature)

\_\_\_\_\_  
(signature of psychiatrist)

\_\_\_\_\_  
(time of signature) a.m./p.m.

\_\_\_\_\_  
(psychiatrist's name - printed)

**Notes:**

- 1) In accordance with subsection 43(4) of the Act, a copy of this certificate must be given to all of the following:
  - the patient
  - the substitute decision-maker who consented to the certificate of leave
  - the chief executive officer or designate
  - any other health professional involved in the treatment plan
- 2) A copy of this certificate should be sent to the Review Board.
- 3) This certificate is not effective without the consent of the substitute decision-maker.
- 4) In accordance with subsection 44(1) of the Act, the psychiatrist may cancel a certificate of leave without notice for any of the following reasons:
  - breach of a condition
  - if the psychiatrist is of the opinion that the patient's condition may present a danger to the patient or others
  - the patient fails to report as required by the certificate of leave.

**Form 8**  
**Certificate of Cancellation of Leave**  
**(Section 44 - Involuntary Psychiatric Treatment Act)**

I, Dr. \_\_\_\_\_ (full name), a psychiatrist on the staff of \_\_\_\_\_ (name of psychiatric facility), am the psychiatrist for \_\_\_\_\_ (full name of patient), an involuntary patient who is currently living outside of the psychiatric facility on a certificate of leave.

I am cancelling the patient's certificate of leave dated \_\_\_\_\_ effective the date of this certificate of cancellation of leave because I have knowledge that (check all that apply)

- the patient has breached a condition of their certificate of leave
- the patient's condition may present a danger to the patient or others

- the patient has failed to report as required by their certificate of leave

\_\_\_\_\_  
(date of signature)

\_\_\_\_\_  
(signature of psychiatrist)

\_\_\_\_\_  
(psychiatrist's name - printed)

**Notes:**

This form authorizes a peace officer for up to 30 days after the date it is signed to take the patient into custody and to a psychiatric facility for an involuntary psychiatric assessment.

**Form 9**  
**Community Treatment Order**  
**(Section 47 - Involuntary Psychiatric Treatment Act)**

I, Dr. \_\_\_\_\_ (full name), a psychiatrist on the staff of \_\_\_\_\_ (name of psychiatric facility), personally examined \_\_\_\_\_ (full name of person) within the previous 72 hours on \_\_\_/\_\_\_/\_\_\_\_ (dd/mm/yyyy) at \_\_\_\_\_ a.m./p.m. at \_\_\_\_\_ (location of examination).

It is my opinion that the patient meets **all** of the following criteria (as set out in clause 47(3)(a) of the Act):

- the person has a mental disorder for which the patient is in need of treatment or care and supervision in the community and the treatment and care can be provided in the community
- the person, as a result of the mental disorder, (check one or both boxes)
  - is threatening or attempting to cause serious harm to himself or herself or has recently done so, has recently caused serious harm to himself or herself, is seriously harming or is threatening serious harm towards another person or has recently done so
  - is likely to suffer serious physical impairment or serious mental deterioration, or both
- as a result of the mental disorder, the person does not have the full capacity to make treatment decisions
- during the immediately preceding 2-year period, the person (check one):
  - has been detained in a psychiatric facility for a total of 60 days or longer
  - has been detained in a psychiatric facility on 2 or more separate occasions
  - has previously been the subject of a community treatment order
- the services that the person requires in order to reside in the community exist in the community, are available to the person, and will be provided to the person

In arriving at my opinion that the person does not have the capacity to make admission and treatment decisions, I have considered whether the person fully understands and appreciates **all** of the following (as set out in Section 18 of the Act):

- the nature of the condition for which the specific treatment or admission is proposed
- the nature and purpose of the treatment or admission

- the risks and benefits involved in undergoing the specific treatment or admission proposed
- the risks and benefits involved in not undergoing the specific treatment or admission

AND I have also considered whether the person’s mental disorder affects the person’s ability to fully appreciate the consequences of making the treatment decision.

The following information supports my opinion that this person meets the criteria as checked above:

1) Observations from my examination of the patient:

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2) Information from other sources:

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Sources of above information (*identify specific sources*):

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The following are the services that will be provided to the patient and the community treatment plan that is recommended for the patient:

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The following are the names and contact information of the health professionals who will be providing treatment and support services for the patient:

Name	Contact information

For this community treatment order to stay in effect, the patient must submit to the medical treatment that is prescribed by their psychiatrist and must attend appointments with the psychiatrist or with the health professionals listed above in the places scheduled from time to time consistent with good medical practice.

I confirm that the patient's substitute decision-maker \_\_\_\_\_ (*full name*) has consented to the patient being placed on a community treatment order.

This community treatment order begins on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*) and expires on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy - 6 months after the date that the order is signed*) unless it is renewed or terminated at an earlier date.

\_\_\_\_\_  
(signature of witness)

\_\_\_\_\_  
(signature of psychiatrist)

\_\_\_\_\_  
(witness's name - printed)

\_\_\_\_\_  
(psychiatrist's name - printed)

\_\_\_\_\_  
(date of signature)

\_\_\_\_\_  
(date of signature)

**Notes:**

- 1) In accordance with subsection 47(5) of the Act, a copy of this order, together with a notice of the right to hold a hearing before the Review Boards must be given to all of the following:
  - the person
  - the substitute decision-maker who consented to the community treatment order
  - the chief executive officer or designate
  - any other health practitioner or other person who has obligations under the community treatment plan
- 2) A copy of this order should be sent to the Review Board.
- 3) In accordance with subsection 49(2) of the Act, the psychiatrist who signs this order must notify all of the above listed people of any changes to the patient's community treatment order.

**Form 10**

**Renewal of Community Treatment Order  
(Section 52 - Involuntary Psychiatric Treatment Act)**

I, Dr. \_\_\_\_\_ (*full name*), a psychiatrist on the staff of \_\_\_\_\_ (*name of psychiatric facility*), personally examined \_\_\_\_\_ (*full name of person*) who is the subject to [of] a community treatment order on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*) at \_\_\_\_\_ a.m./p.m. at \_\_\_\_\_ (*location of examination*).

It is my opinion that the person still fulfills the criteria of the original community treatment order dated \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*) and that the community treatment order has demonstrated efficacy.

I therefore renew the community treatment order beginning \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*) and ending on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy - date up to 6 months after date this order is signed*), unless it is renewed or ended earlier.

\_\_\_\_\_  
(signature of witness)

\_\_\_\_\_  
(signature of psychiatrist)

\_\_\_\_\_  
(witness's name - printed)

\_\_\_\_\_  
(psychiatrist's name - printed)

\_\_\_\_\_  
(date of signature)

\_\_\_\_\_  
(date of signature)

**Note:**

In accordance with Section 52 of the Act, a community treatment order may be renewed for 6 months at any time before it expires and within 1 month after it expires. There is no limit to the number of times a community treatment order may be renewed.

**Form 11A**  
**Revocation of Community Treatment Order**  
**(Section 55 - Involuntary Psychiatric Treatment Act)**

I, Dr. \_\_\_\_\_ (full name), am a psychiatrist on the staff of \_\_\_\_\_  
 (name of psychiatric facility).

\_\_\_\_\_ (full name of patient) is an involuntary patient who is the subject of  
 a community treatment order dated \_\_\_/\_\_\_/\_\_\_\_\_ (dd/mm/yyyy).

I am terminating the patient's community treatment order, effective the date of this order because it is my opinion that the person no longer meets all of the following criteria (as required by subclauses 47(3)(a)(i)-(iii) of the Act) (check all boxes that no longer apply):

- the patient has a mental disorder for which they are in need of treatment or care and supervision in the community and the treatment and care of [can] be provided in the community
- as a result of the mental disorder, the patient
  - is threatening or attempting to cause serious harm to himself or herself or has recently done so, has recently caused harm to himself or herself, is seriously harming or is threatening serious harm towards another person or has recently done so
  - is likely to suffer serious physical impairment or serious mental deterioration, or both
- as a result of the mental disorder, the patient does not have the full capacity to make treatment decisions

\_\_\_\_\_  
 (signature of witness)

\_\_\_\_\_  
 (signature of psychiatrist)

\_\_\_\_\_  
 (witness's name - printed)

\_\_\_\_\_  
 (psychiatrist's name - printed)

\_\_\_\_\_  
 (date of signature)

\_\_\_\_\_  
 (date of signature)

**Notes:**

- 1) When terminating a community treatment order in accordance with clauses 55(3)(b) and (c) of the Act, a psychiatrist must notify the person that they may live in the community without being subject to the community treatment order and the psychiatrist must notify the following persons that the community treatment order has been terminated:
  - the substitute decision-maker who consented to the community treatment order
  - the chief executive officer or designate
  - any other health practitioner or other person who has obligations under the community treatment plan
- 2) A copy of this order should be sent to the Review Board.

**Form 11B**  
**Revocation of Community Treatment Order**  
**(Section 56 - Involuntary Psychiatric Treatment Act)**

I, Dr. \_\_\_\_\_ (full name), am a psychiatrist on the staff of \_\_\_\_\_  
 (name of psychiatric facility).

\_\_\_\_\_ (full name of patient) is an involuntary patient who is the subject of  
 a community treatment order dated \_\_\_/\_\_\_/\_\_\_\_ (dd/mm/yyyy).

I am terminating the patient's community treatment order, effective the date of this order because I have  
 reasonable cause to believe that the person has failed in a substantial or deleterious manner to comply with their  
 obligations under the order based on the following:

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\_\_\_\_\_  
 (signature of witness)

\_\_\_\_\_  
 (signature of psychiatrist)

\_\_\_\_\_  
 (witness's name - printed)

\_\_\_\_\_  
 (psychiatrist's name - printed)

\_\_\_\_\_  
 (date of signature)

\_\_\_\_\_  
 (date of signature)

**Notes:**

- 1) When terminating a community treatment order in accordance with subsection 56(1) of the Act, a psychiatrist must request that a peace officer take the person into custody and promptly convey the person to the psychiatrist for a medical examination if all of the following conditions are met:
  - the psychiatrist has reasonable cause to believe that the person continues to meet the criteria set out in subclauses 47(3)(a)(i), (ii), and (iii) of the Act
  - reasonable efforts have been made to do all of the following:
    - locate the person
    - inform the person's substitute decision-maker of the failure to comply
    - inform the substitute decision-maker of the possibility that the psychiatrist may make a request for the peace officer to take the person into custody and the consequences
    - provide reasonable assistance to the person to comply with the terms of the order.
- 2) A request under subsection 56(1) of the Act is sufficient authority, for 30 days after it is issued, for a peace officer to take the person named in it into custody and convey the person to a psychiatrist who shall examine the person to determine whether
  - the person should be released without being subject to a community treatment order
  - the psychiatrist should issue another community treatment order if the person's substitute decision-maker consents to the community treatment plan
  - the psychiatrist should conduct a psychiatric assessment to determine if the person should be admitted as an involuntary patient under a declaration of involuntary admission.
- 3) A copy of this order should be sent to the Review Board



**Form 11C**  
**Revocation of Community Treatment Order**  
**(Section 57 - Involuntary Psychiatric Treatment Act)**

I, Dr. \_\_\_\_\_ (full name), am a psychiatrist on the staff of \_\_\_\_\_  
 (name of psychiatric facility).

\_\_\_\_\_ (full name of patient) is an involuntary patient who is the subject of  
 a community treatment order dated \_\_\_/\_\_\_/\_\_\_\_ (dd/mm/yyyy).

I am cancelling the patient's community treatment order, effective the date of this order because the services  
 required for the community treatment order are unavailable.

\_\_\_\_\_  
 (signature of witness)

\_\_\_\_\_  
 (signature of psychiatrist)

\_\_\_\_\_  
 (witness's name - printed)

\_\_\_\_\_  
 (psychiatrist's name - printed)

\_\_\_\_\_  
 (date of signature)

\_\_\_\_\_  
 (date of signature)

**Notes:**

- 1) When terminating a community treatment order in accordance with Section 57 of the Act, a psychiatrist must:
  - notify the person of the termination of the order and of the requirement for the psychiatrist to review the person's condition
  - notify the person's substitute decision-maker, the chief executive officer and any other health practitioner or other person who has obligations under the community treatment plan.
- 2) A copy of this order should be sent to the Review Board.
- 3) Within 72 hours of issuing the notice of termination, the psychiatrist must review the person's condition to determine if the person can continue to live in the community without being subject to an order or if the person or whether a peace officer should be requested to convey the person to a psychiatric facility for an involuntary psychiatric assessment. [sic]

**Form 12**  
**Request for Review**  
**(Section 68 - Involuntary Psychiatric Treatment Act)**

To: Chair of the Review Board

I \_\_\_\_\_ (full name of applicant), of \_\_\_\_\_  
 (address of applicant) apply to the Review Board in the matter of \_\_\_\_\_ (full name of  
 patient), an involuntary patient being treated at or through \_\_\_\_\_ (name of psychiatric  
 facility).

I ask the Review Board for a hearing to review (check one)

- a declaration of involuntary admission
- a declaration of renewal of involuntary admission
- a declaration of competency for an involuntary patient under subsection 58(1) of the *Hospitals Act*
- whether a capable informed consent by a substitute decision-maker has been rendered under subsection 42(1) of the *Involuntary Psychiatric Treatment Act*
- a community treatment order
- a renewal of a community treatment order
- a certificate of cancellation of leave

I am (*check one*)

- the patient for whom the review is requested  
 a person authorized by the patient to act on their behalf (authorization is attached)  
 the chief executive officer of the psychiatric facility at or through which the patient is being treated  
 the Minister of Health or  the Minister's designate  
 a member of the Review Board

\_\_\_\_\_  
(date of signature)

\_\_\_\_\_  
(signature of applicant)

\_\_\_\_\_  
(applicant's name - printed)

**Notes:**

- 1) In accordance with subsection 70(2) of the Act, a notice of this application must be given to all of the following:
  - the applicant
  - the patient
  - the patient's substitute decision-maker
  - the patient advisor, if no one has been authorized to act on behalf of the patient
  - the patient's attending psychiatrist
  - the chief executive officer of the psychiatric facility at or through which the patient is being treated
  - every other person who is entitled to be a party
  - any person who, in the opinion of the Review Board, has a substantial interest in the subject-matter of the application.
- 2) In accordance with subsection 69(2) of the Act, if a hearing is granted it must begin as soon as reasonably possible after this application and no later than 21 days after this application is received.

**Form 13**  
**Notice of Hearing**  
**(Section 70 - Involuntary Psychiatric Treatment Act)**

Take notice that \_\_\_\_\_ (*name of applicant*) of \_\_\_\_\_  
(*address of applicant*) has requested that the Review Board review the file of \_\_\_\_\_  
(*full name of patient*) of \_\_\_\_\_ (*address of patient*), an involuntary  
patient being treated at or through \_\_\_\_\_ (*name of psychiatric facility*) regarding  
\_\_\_\_\_ (*decision or order being reviewed*).

The Review Board will hold a hearing for the review of this file on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*) at \_\_\_\_\_  
a.m./p.m. at \_\_\_\_\_ (*location of hearing*).

The patient, their representative, the other parties and any such individual who, in the opinion of the Review Board, has an interest in the matter may make representations at this hearing.

\_\_\_\_\_  
(date of signature)

\_\_\_\_\_  
(signature of Review Board Chair)

\_\_\_\_\_  
(Chair's name - printed)

**Notes:**

- 1) In accordance with Section 72 of the Act, every party is entitled to be represented by counsel or an agent in a hearing before the Review Board.
- 2) The Review Board must send a written decision within 10 days of the hearing to all of the following:
  - the person who requested the review
  - the patient
  - the patient's representative
  - the patient's substitute decision-maker
  - the patient's attending psychiatrist
  - the chief executive officer of the psychiatric facility at or through which the patient is being treated
  - the Minister
- 3) A written decision of the Review Board may be appealed on any question of law to the Nova Scotia Court of Appeal within 30 days of receiving the decision.

**N.S. Reg. 236/2007**

## Hospitals Regulations

**Schedule "B"****Amendment to the Regulations Respecting Hospitals made by  
the Governor in Council pursuant to Section 17 of Chapter 208  
of the Revised Statutes of Nova Scotia, the *Hospitals Act***

- 1 Section 10 of the regulations respecting hospitals, N.S. Reg. 16/79, made by the Governor in Council by Order in Council 79-72 dated January 23, 1979, is repealed and the following Section substituted:

**Forms**

**10** The following forms must be used in accordance with the Act:

- (a) a Declaration of Capacity to Consent to Treatment form for use under Section 53 of the Act must be in Form A;
  - (b) a Revocation of Declaration of Capacity to Consent to Treatment form for use under Section 57 of the Act must be in Form B;
  - (c) a Declaration of Competency form for use under Section 53 of the Act must be in Form C;
  - (d) a Revocation of Declaration of Competency form for use under Section 57 of the Act must be in Form D;
  - (e) a Notice to Public Trustee form for use under subsection 59(1) of the Act must be in Form E.
- 2 The regulations are further amended by
    - (a) repealing Sections 18 and 19;
    - (b) repealing Schedules "A" through "S"; and
    - (c) substituting Forms "A" through "E".

**Form A**  
**Declaration of Capacity to Consent to Treatment**  
**(Section 53 - Hospitals Act)**

I, \_\_\_\_\_ (full name), a \_\_\_\_\_ (title) on the staff of \_\_\_\_\_ (name of hospital or psychiatric facility), personally examined \_\_\_\_\_ (full name of person) of \_\_\_\_\_ (address of person) on \_\_\_/\_\_\_/\_\_\_ (dd/mm/yyyy) at \_\_\_\_\_ a.m./p.m. at \_\_\_\_\_ (location of examination).

It is my opinion that the person (check one)

- is capable of consenting to the proposed treatment or treatments; or
- is not capable of consenting to the proposed treatment or treatments.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In arriving at this opinion I have considered

- (a) whether the person understands the condition for which the specific treatment is proposed;
- (b) the nature and purpose of the specific treatment;
- (c) the risks and benefits involved in undergoing the specific treatment; and
- (d) the risks and benefits involved in not undergoing the specific treatment.

The following information supports my opinion:

1) Observations from my examination of the patient:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) Information from other sources:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sources of above information (identify specific sources):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 (date of signature)

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 (signature)

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 (printed name)

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**Notes:**

 1) Section 2A of the *Hospitals Act* states:

2A For the purpose of this Act, any reference to a psychiatrist carrying out a capacity or competency assessment means

- (a) for the purpose of a person in a psychiatric facility, a psychiatrist as defined in clause (r) of Section 2; and
- (b) for the purpose of a person in a hospital, the attending physician or other suitable health professional determined by the hospital.

 2) Sections 54(2) to 54D of the *Hospitals Act* state:

54 (2) Where a patient in a hospital or a psychiatric facility is found by declaration of capacity to be incapable of consenting to treatment, consent may be given or refused on behalf of the patient by a substitute decision-maker who has capacity and is willing to make the decision to give or refuse the consent from the following in descending order:

- (a) a person who has been authorized to give consent under the *Medical Consent Act*;
  - (b) the patient's guardian appointed by a court of competent jurisdiction;
  - (c) the spouse or common-law partner, if the spouse or common-law partner is cohabitating with the patient in a conjugal relationship;
  - (d) an adult child of the patient;
  - (e) a parent of the patient or a person who stands *in loco parentis*;
  - (f) an adult brother or sister of the patient;
  - (g) any other adult next of kin of the patient; or
  - (h) the Public Trustee.
- (3) Where a person in a category in subsection (2) fulfils the criteria for a substitute decision-maker as outlined in subsection (5) but refuses to consent to treatment on the patient's behalf, the consent of a person in a subsequent category is not valid.
- (4) Where two or more persons who are not described in the same clause of subsection (2) claim the authority to give or refuse consent under that subsection, the one under the clause occurring first in that subsection prevails.
- (5) A person referred to in clauses (c) to (g) of subsection (2) shall not exercise the authority given by that subsection unless the person
- (a) has been in personal contact with the patient over the preceding twelve-month period;
  - (b) is willing to assume the responsibility for consenting or refusing consent;
  - (c) knows of no person of a higher category who is able and willing to make the decision; and
  - (d) makes a statement in writing certifying the person's relationship to the patient and the facts and beliefs set out in clauses (a) to (c).
- (6) The attending physician is responsible for obtaining consent from the appropriate person referred to in subsection (2).

54A The substitute decision-maker shall make the decision in relation to specified medical treatment

- (a) in accordance with the patient's prior capable informed expressed wishes; or

- (b) in the absence of awareness of a prior capable informed expressed wish, in accordance with what the substitute decision-maker believes to be in the patient's best interest.
- 54B In order to determine the best interest of the patient for the purpose of clause (b) of Section 54A, regard shall be had to
- (a) whether the condition of the patient will be or is likely to be improved by the specified medical treatment;
  - (b) whether the condition of the patient will improve or is likely to improve without the specified medical treatment;
  - (c) whether the anticipated benefit to the patient from the specified medical treatment outweighs the risk of harm to the patient; and
  - (d) whether the specified medical treatment is the least restrictive and least intrusive treatment that meets the requirements of clauses (a), (b) and (c).
- 54C Whoever seeks a person's consent on a patient's behalf is entitled to rely on that person's statement in writing as to the person's relationship with the patient and as to the facts and beliefs mentioned in clauses (a) to (c) of subsection (5) of Section 54, unless it is not reasonable to believe the statement.
- 54D (1) Where a substitute decision-maker approves or refuses treatment on behalf of a patient pursuant to subsection (2) of Section 54, the Supreme Court of Nova Scotia (Family Division) or the Family Court where there is no Supreme Court (Family Division) may review the provision or refusal of consent when requested to do so by the psychiatrist or the patient to determine whether the substitute decision-maker has rendered a capable informed consent.
- (2) Where the court finds that a substitute decision-maker has not rendered a capable informed consent, the next suitable decision-maker in the hierarchy in subsection (2) of Section 54 becomes the substitute decision-maker.

**Form B**  
**Revocation of Declaration of Capacity**  
**(Section 57 - Hospitals Act)**

I, \_\_\_\_\_ (full name), a \_\_\_\_\_ (title) on the staff of \_\_\_\_\_ (name of hospital or psychiatric facility), personally examined \_\_\_\_\_ (full name of person) on \_\_\_/\_\_\_/\_\_\_ (dd/mm/yyyy) at \_\_\_\_\_ a.m./p.m. at \_\_\_\_\_ (location of examination).

I declare that in my opinion the person is capable of consenting to the following treatment or treatments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Therefore I am revoking the Declaration of Capacity dated \_\_\_/\_\_\_/\_\_\_ (dd/mm/yyyy) respecting this person.

\_\_\_\_\_  
 (date of signature)

\_\_\_\_\_  
 (signature)

\_\_\_\_\_  
 (printed name)

**Note:**

Section 2A of the *Hospitals Act* states:

- 2A For the purpose of this Act, any reference to a psychiatrist carrying out a capacity or competency assessment means
- (a) for the purpose of a person in a psychiatric facility, a psychiatrist as defined in clause (r) of Section 2; and
  - (b) for the purpose of a person in a hospital, the attending physician or other suitable health professional determined by the hospital.

**Form C**  
**Declaration of Competency**  
**(Hospitals Act, Section 53)**

I, \_\_\_\_\_ (full name), a \_\_\_\_\_ (title) on the staff of  
\_\_\_\_\_ (name of hospital or psychiatric facility), personally examined  
\_\_\_\_\_ (full name of person) on \_\_\_/\_\_\_/\_\_\_ (dd/mm/yyyy) at  
\_\_\_\_\_ a.m./p.m. at \_\_\_\_\_ (location of examination).

I declare that in my opinion the person (check one)

- is competent to administer their estate.
- is not competent to administer their estate.

In arriving at this opinion I have considered **all** of the following:

- the nature and degree of the person’s condition
- the complexity of the estate
- the effect of the condition of the person upon their conduct in administering the estate
- any other circumstances that I consider relevant to the estate and the person and their condition.

The following information supports my opinion:

1) Observations from my examination of the patient:

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2) Information from other sources:

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Sources of above information (identify specific sources):

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Date of admission to hospital or psychiatric facility: \_\_\_/\_\_\_/\_\_\_ (dd/mm/yyyy).

\_\_\_\_\_  
(date of signature)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

**Note:**

Section 2A of the *Hospitals Act* states:

- 2A For the purpose of this Act, any reference to a psychiatrist carrying out a capacity or competency assessment means
- (a) for the purpose of a person in a psychiatric facility, a psychiatrist as defined in clause (r) of Section 2; and
  - (b) for the purpose of a person in a hospital, the attending physician or other suitable health professional determined by the hospital.

**Form D**  
**Revocation of Declaration of Competency**  
**(Section 57 - *Hospitals Act*)**

I, \_\_\_\_\_ (*full name*), a \_\_\_\_\_ (*title*) on the staff of  
 \_\_\_\_\_ (*name of hospital or psychiatric facility*), personally examined  
 \_\_\_\_\_ (*full name of person*) on \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*) at \_\_\_\_\_ a.m./p.m.  
 at \_\_\_\_\_ (*location of examination*).

I declare that in my opinion the person is competent to administer their estate.

Therefore I am revoking the Declaration of Competency dated \_\_\_/\_\_\_/\_\_\_ (*dd/mm/yyyy*) respecting this person.

\_\_\_\_\_  
 (date of signature)

\_\_\_\_\_  
 (signature)

\_\_\_\_\_  
 (printed name)

**Note:**

Section 2A of the *Hospitals Act* states:

- 2A For the purpose of this Act, any reference to a psychiatrist carrying out a capacity or competency assessment means
- (a) for the purpose of a person in a psychiatric facility, a psychiatrist as defined in clause (r) of Section 2; and
  - (b) for the purpose of a person in a hospital, the attending physician or other suitable health professional determined by the hospital.

**Form E**  
**Notice to Public Trustee**  
**(Subsection 59(1) - *Hospitals Act*)**

I, \_\_\_\_\_ (*full name*), am the administrator/chief executive officer (*circle one*) of  
 \_\_\_\_\_ (*name of hospital or psychiatric facility*).

\_\_\_\_\_ (*full name of patient*), a patient at the hospital/psychiatric facility, has been examined by a psychiatrist and found to be unable to administer their estate.



I hereby advise you that circumstances are such that the Public Trustee should consider immediately assuming management of their estate.

\_\_\_\_\_  
(date of signature)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(witness's name - printed)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(title)

**Note:**

Section 2A of the *Hospitals Act* states:

- 2A For the purpose of this Act, any reference to a psychiatrist carrying out a capacity or competency assessment means
- (a) for the purpose of a person in a psychiatric facility, a psychiatrist as defined in clause (r) of Section 2; and
  - (b) for the purpose of a person in a hospital, the attending physician or other suitable health professional determined by the hospital.

**N.S. Reg. 237/2007**

Made: April 24, 2007

Filed: April 26, 2007

Proclamation, S. 10, S.N.S. 2006, c. 13

Order in Council 2007-236 dated April 24, 2007  
Proclamation made by the Governor in Council  
pursuant to Section 10 of the  
*Canadian Forces Reservists Protection Act*

The Governor in Council on the report and recommendation of the Minister responsible for Military Relations dated April 19, 2007, pursuant to Section 10 of Chapter 13 of the Acts of 2006, the *Canadian Forces Reservists Protection 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

- (a) Chapter 13 of the Acts of 2006, the *Canadian Forces Reservists Protection Act*, except Sections 3 to 7 of Chapter 13, do come into force on and not before April 24, 2007; and
- (b) Sections 3 to 7 of Chapter 13 of the Acts of 2006, the *Canadian Forces Reservists Protection Act*, do come into force on and not before July 1, 2007.

PROVINCE OF NOVA SCOTIA

**sgd: J. Michael MacDonald**

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 10 of Chapter 13 of the Acts of 2006, the *Canadian Forces Reservists Protection Act*, it is enacted as follows:

- 10** 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

- (a) Chapter 13 of the Acts of 2006, the *Canadian Forces Reservists Protection Act*, except Sections 3 to 7 of Chapter 13, do come into force on and not before April 24, 2007; and
- (b) Sections 3 to 7 of Chapter 13 of the Acts of 2006, the *Canadian Forces Reservists Protection Act*, do come into force on and not before July 1, 2007.

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

- (a) Chapter 13 of the Acts of 2006, the *Canadian Forces Reservists Protection Act*, except Sections 3 to 7 of Chapter 13, do come into force on and not before April 24, 2007; and
- (b) Sections 3 to 7 of Chapter 13 of the Acts of 2006, the *Canadian Forces Reservists Protection Act*, do come into force on and not before July 1, 2007;

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 His Honour J. Michael MacDonald, Administrator of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 24th day of April in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

**N.S. Reg. 238/2007**

Made: April 24, 2007

Filed: April 26, 2007

Proclamation, S. 44(6), S.N.S. 2007, c. 9

Order in Council 2007-237 dated April 24, 2007  
Proclamation made by the Governor in Council  
pursuant to subsection 44(6) of the  
*Financial Measures (2007) Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated April 19, 2007, pursuant to subsection (6) of Section 44 of Chapter 9 of the Acts of 2007, the *Financial Measures (2007) 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 29 of Chapter 9 of the Acts of 2007, the *Financial Measures (2007) Act*, do come into force on and not before April 24, 2007, with effect on and after January 1, 2007.

PROVINCE OF NOVA SCOTIA

sgd: **J. Michael MacDonald**

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 (6) of Section 44 of Chapter 9 of the Acts of 2007, the *Financial Measures (2007) Act*, it is enacted as follows:

- 44 (6)** Sections 16, 19, 21 and 29 have effect on and after January 1, 2007, upon the Governor in Council ordering and declaring by proclamation.

AND WHEREAS it is deemed expedient that Section 29 of Chapter 9 of the Acts of 2007, the *Financial Measures (2007) Act*, do come into force on and not before April 24, 2007, with effect on and after January 1, 2007;

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 29 of Chapter 9 of the Acts of 2007, the *Financial Measures (2007) Act*, do come into force on and not before April 24, 2007, with effect on and after January 1, 2007, 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 His Honour  
J. Michael MacDonald, Administrator of the  
Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 24th day of April in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

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**N.S. Reg. 239/2007**

Made: April 24, 2007

Filed: April 26, 2007

Proclamation, S. 92, S.N.S. 2005, c. 42

Order in Council 2007-238 dated April 24, 2007  
Proclamation made by the Governor in Council  
pursuant to Section 92 of the  
*Involuntary Psychiatric Treatment Act*

The Governor in Council on the report and recommendation of the Minister of Health dated April 13, 2007, pursuant to Section 92 of Chapter 42 of the Acts of 2005, the *Involuntary Psychiatric Treatment Act*, is pleased to order and declare by proclamation that Chapter 42 of the Acts of 2005, the *Involuntary Psychiatric Treatment Act*, do come into force on and not before July 3, 2007.

PROVINCE OF NOVA SCOTIA

**sgd: J. Michael MacDonald**

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 92 of Chapter 42 of the Acts of 2005, the *Involuntary Psychiatric Treatment Act*, it is enacted as follows:

**92** 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 42 of the Acts of 2005, the *Involuntary Psychiatric Treatment Act*, do come into force on and not before July 3, 2007;

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 42 of the Acts of 2005, the *Involuntary Psychiatric Treatment Act*, do come into force on and not before July 3, 2007, 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 His Honour J. Michael MacDonald, Administrator of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 24th day of April in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

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### N.S. Reg. 240/2007

Made: September 26, 2006

Approved: April 24, 2007

Filed: April 26, 2007

Registered Nurses Regulations

Order in Council 2007-240 dated April 24, 2007

Amendment to regulations made by the Council of the College of Registered Nurses of Nova Scotia and approved by the Governor in Council pursuant to Section 8 of the *Registered Nurses Act*

The Governor in Council on the report and recommendation of the Minister of Health dated March 30, 2007, and pursuant to Section 8 of Chapter 10 of the Acts of 2001, the *Registered Nurses Act*, is pleased to approve amendments made by the Council of the College of Registered Nurses of Nova Scotia to the *Registered Nurses Regulations*, N.S. Reg. 155/2001, approved by the Governor in Council by Order in Council 2001-625 dated December 21, 2001, to require graduates of nurse practitioner programs to write a national nurse practitioner exam, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 24, 2007.

### Schedule "A" Resolution

I hereby certify that at a duly convened meeting of the Council of the College of Registered Nurses of Nova Scotia held on the 26th day of September 2005, the attached amendments to the *Registered Nurses Regulations* (2001) were made and passed by Council to become effective upon approval by the Governor in Council.

Dated at Halifax Nova Scotia this 15th day of March, 2007.

Sgd.: *Mary Ellen Gurnham*  
Mary Ellen Gurnham  
President  
College of Registered Nurses of Nova Scotia

**Amendment to the *Registered Nurses Regulations*  
made by the Council of the College of Registered Nurses of Nova Scotia  
pursuant to Section 8 of Chapter 10 of the Acts of 2001, the *Registered Nurses Act***

- 1 The *Registered Nurses Regulations*, N.S. Reg. 155/2001, made by the Council of the College of Registered Nurses of Nova Scotia and approved by the Governor in Council by Order in Council 2001-625 dated December 21, 2001, are amended by
  - (a) striking out “and” at the end of subclause 10(1)(e)(iii);
  - (b) striking out the period at the end of clause (f) and substituting “; and”; and
  - (c) adding the following clause immediately after clause (f):
    - (g) for a registrant who graduates from a nurse practitioner program after January 31, 2007, has successfully completed a nurse practitioner examination approved by the Council.
- 2 The regulations are further amended by
  - (a) striking out “and” at the end of subclause 12(1)(e)(iii);
  - (b) striking out the period at the end of clause (f) and substituting “; and”; and
  - (c) adding the following clause immediately after clause (f):
    - (g) for a registrant who graduates from a nurse practitioner program after January 31, 2007, has successfully completed a nurse practitioner examination approved by the Council.

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**N.S. Reg. 241/2007**

Made: April 24, 2007

Filed: April 26, 2007

Family Home Day Care Program Regulations

Order in Council 2007-241 dated April 24, 2007

Regulations made by the Governor in Council

pursuant to Section 15 of the *Day Care Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated March 19, 2007, and pursuant to Section 15 of Chapter 120 of the Revised Statutes of Nova Scotia, 1989, the *Day Care Act*, is pleased to make regulations respecting a program for family home day care, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after April 24, 2007.

## Schedule "A"

**Regulations Respecting a Program for Family Home Day Care  
made by the Governor in Council pursuant to  
Section 15 of Chapter 120 of the Revised Statutes  
of Nova Scotia, 1989, the *Day Care Act***

**Citation**

1 These regulations may be cited as the *Family Home Day Care Program Regulations*.

**Definitions**

2 (1) In these regulations,

- (a) "Act" means the *Day Care Act*;
- (b) "agency" means a business or organization registered with the Registry of Joint Stock Companies that is licensed to approve and manage family home day care in accordance with its family home day care program approved by the Director under Section 6;
- (c) "approved family home day care" means day care that is provided by a care provider in their home and that is managed by an agency;
- (d) "care provider" means a person who provides approved family home day care;
- (e) "child" means a person who is less than 13 years old;
- (f) "family day care home" means a home in which approved family home day care is provided;
- (g) "family home consultant" means a person hired by an agency to provide services to care providers;
- (h) "infant" means an infant as defined in the *Day Care Regulations* made under the Act;
- (i) "parent" includes a guardian, foster parent or other person having the care and custody of a child;
- (j) "school age" means school age as defined in the *Day Care Regulations* made under the Act;
- (k) "toddler" means a toddler as defined in the *Day Care Regulations* made under the Act.

(2) In the Act and its regulations, "operate" includes manage.

**Application of these regulations**

- 3 (1) These regulations apply only to agencies and to persons who provide or wish to provide approved family home day care.
- (2) These regulations do not require a person who cares for a maximum of 6 children of any age or a maximum of 8 school-age children to provide approved family home day care.

**Application of *Day Care Regulations***

- 4 (1) Except as provided in subsection (2), the *Day Care Regulations* made under the Act apply to an agency and to approved family home day care with the necessary changes in detail.

- (2) The following provisions of the *Day Care Regulations* made under the Act do not apply to an agency or to approved family home day care:
- (a) clause 3(b), respecting non-profit facilities;
  - (b) subsections 4(2) and 5(2), respecting licensing;
  - (c) clauses 6A(1)(a) and (b), respecting daily records;
  - (d) Sections 10, 11, 13, 13A, subsection 17A(1) and clause 15(d), respecting building, equipment and space;
  - (e) subsections 18(2) and 18(3), respecting nutrition;
  - (f) subsections 19(8) and 19(9), respecting first aid and CPR;
  - (g) Sections 20, 21, 21A and 22, respecting management and staff;
  - (h) Section 23A, respecting parent meetings;
  - (i) subsection 24(3), respecting fire drills;
  - (j) Section 27, respecting compliance and waivers.

#### **Number of children cared for**

- 5 (1) Except as provided in subsections (2) and (3), a person who provides approved family home day care may care for a maximum of 6 children at a time, including their own children, and must not have any other children in their care, subject to the following restrictions:
- (a) no more than 2 of the 6 children may be infants;
  - (b) no more than 3 of the 6 children may be toddlers or younger than toddlers.
- (2) A person who provides approved family home day care for school-age children may care for a maximum of 8 school-age children at a time, including their own children, and must not have any other children in their care.
- (3) A person who provides approved family home day care for infants may care for a maximum of 3 infants at a time, including their own infants, and must not have any other children in their care.

#### **Application for agency license**

- 6 (1) An application to be licensed as an agency may be made to the Department of Community Services.
- (2) An application for an agency license must be in the form approved by the Director, and must include all of the following information:
- (a) the applicant's name, as approved by the Registry of Joint Stock Companies;
  - (b) the business number assigned to the applicant by the Canada Revenue Agency;
  - (c) the applicant's civic and mailing addresses;
  - (d) the applicant's telephone and fax numbers.
- (3) An application for an agency license must be accompanied by all of the following:
- (a) a proposal for the applicant's family home day care program, including all of the following:



- (i) a description of the proposed program and services to be provided including the child development philosophy on which the program will be based,
- (ii) the business case for the program, including a community needs assessment,
- (iii) a 1-year estimated operating budget of expected revenues and expenditures that demonstrates the applicant's financial viability,
- (iv) a description of the duties and responsibilities of the applicant and all staff associated with the program, including family home consultants and care providers,
- (v) a plan for professional development of all staff associated with the program, including family home consultants and care providers,
- (vi) a description of the process to be used for approving family home day care under Section 14,
- (vii) a sample of the service agreement to be used between the applicant and a care provider,
- (viii) a description of the annual assessment process for monitoring care providers and family day care homes under its management,
- (ix) a statement describing how each child's records will be maintained,
- (x) a description of the proposed agency site for delivering the program;
- (b) a copy of each of the following:
  - (i) the applicant's personnel and management policy,
  - (ii) the applicant's parent handbook,
  - (iii) the applicant's behaviour guidance policy,
  - (iv) the applicant's care provider handbook;
- (c) a list of all staff and all members of any board who are associated with the family home day care program that includes all of the following information:
  - (i) names,
  - (ii) mailing addresses,
  - (iii) position titles,
  - (iv) information relating to any required professional qualifications;
- (d) proof that the proposed agency site complies with the regulations, orders and directions of the appropriate authority respecting fire, safety, health and sanitary requirements and any municipal by-laws;
- (e) the results of all required criminal record and child abuse register checks;
- (f) proof of commercial general liability insurance, or a statement satisfactory to the Director from an insurer of an intention to provide the insurance;

- (g) any information required by the Director relating to the application.
- (4) The Director may waive the requirement for an applicant to submit any item listed in subsection (3) that the applicant has previously submitted if that item has not changed since it was provided.
- (5) An application, including all of the items listed in subsection (3), must be approved by the Director.

**Agency license renewal**

- 7 (1) An application to renew an agency license must be in the form required by the Director and must include all of the items listed in clauses 6(3)(c) to (g).
- (2) The Director may waive the requirement for an agency to submit any item listed in clauses 6(3)(c) to (g) that the agency has previously submitted if that item has not changed since it was provided.
- (3) A renewal application, including all of the items listed in clauses 6(3)(c) to (g), must be approved by the Director.

**Requirements for agency**

8 An agency must do all of the following:

- (a) enter into, and comply with, a service agreement with the Minister that includes the roles and responsibilities of the agency in relation to the approved family home day care that it manages;
- (b) approve, manage and monitor the care providers and family day care homes under its management in accordance with all of the following:
  - (i) the Act and its regulations,
  - (ii) the service agreement between the agency and the Minister,
  - (iii) the service agreements signed by each care provider with the agency,
  - (iv) any Provincial standards or guidelines required by the Director;
- (c) operate in accordance with the agency's family home day care program, personnel and management policy, parent handbook, behaviour guidance policy and care provider handbook, as approved by the Director.

**Form of agency license**

9 An agency license must be in the form set out in Appendix A.

**Services provided by agency**

10 (1) An agency must do all of the following:

- (a) recruit and approve care providers and family day care homes to establish and operate approved family home day care;
- (b) hire a family home consultant;
- (c) monitor care providers and family day care homes under its management to ensure that they comply with all of the following:
  - (i) the Act and its regulations,

- (ii) the service agreements signed by each care provider with the agency,
  - (iii) any Provincial standards or guidelines required by the Director;
- (d) provide support to care providers and family day care homes under its management, including doing all of the following:
- (i) assisting parents and care providers in matching requirements with services,
  - (ii) providing administrative support and record-keeping,
  - (iii) organizing parent advisory committee meetings,
  - (iv) providing a lending library,
  - (v) providing regular play groups,
  - (vi) coordinating the delivery of professional development courses for agency staff associated with the family home day care program and care providers,
  - (vii) providing or organizing transportation for care providers and children enrolled in its family home day care program to attend agency functions;
- (e) ensure that care providers and family day care homes meet and continue to meet the requirements for approval in subsection 14(1);
- (f) ensure that agency staff who provide care to children under its family home day care program have current first aid and infant CPR training from a recognized program approved by the Director;
- (g) annually assess care providers and family day care homes under its management.
- (2) An agency may hire a person to coordinate the delivery of the agency's family home day care program.

### **Family home consultants**

- 11 (1) A family home consultant must have all of the following qualifications:
- (a) a 2-year diploma in early childhood education from a recognized training program approved by the Director;
  - (b) at least 2 years' experience working in an early learning and childcare program;
  - (c) current first aid and infant CPR training from a recognized program approved by the Director.
- (2) A family home consultant must provide all of the following services for the agency they work for:
- (a) recommending approval of care providers and family day care homes for the agency;
  - (b) monitoring care providers and family day care homes for the agency;
  - (c) acting as a resource to the care providers under the agency's management and provide advice and guidance to them;
  - (d) visiting each care provider and family day care home managed by the agency at least once every 30 days to provide the support listed in clause 10(1)(d).

**Agency must complete criminal record and child abuse register checks**

- 12 (1)** An agency must complete a criminal record check satisfactory to the Director for all of the following:
- (a) a care provider;
  - (b) any person who is 18 years old or older who lives in a family day care home they manage;
  - (c) any person who is 18 years old or older who has, or will have, contact with children or the records of children, either at the site of the agency or in a family day care home managed by the agency.
- (2)** An agency must complete a child abuse register check satisfactory to the Director for all of the following:
- (a) a care provider;
  - (b) any person who is 13 years old or older and lives in a family day care home managed by the agency;
  - (c) any person who is 13 years old or older who has, or will have, contact with children or the records of children, either at the site of the agency or in a family day care home managed by the agency.
- (3)** An agency must ensure that information required under subsections (1) and (2) is current and kept on file at the agency.

**Director to inspect agencies annually**

- 13** At least once a year, the Director must inspect an agency together with any number of the care providers and family day care homes managed by the agency that the Director considers appropriate.

**Approval of family home day care by agency**

- 14 (1)** An agency may approve a person to provide approved family home day care and the person's home as a family day care home if the agency is satisfied that all of the following requirements are met:
- (a) all persons who are required to pass a criminal record check under subsection 12(1) once the person and home are approved have passed a criminal record check satisfactory to the Director;
  - (b) all persons required to pass a child abuse register check under subsection 12(2) once the person and home are approved have passed a child abuse register check satisfactory to the Director;
  - (c) the person has adequate commercial general liability insurance or its equivalent;
  - (d) the person has personal qualities that promote positive healthy development in children;
  - (e) the person will provide a program that is developmentally appropriate to the children in their care;
  - (f) the person and the family day care home meet and will continue to meet the requirements of all of the following:

- (i) the Act and its regulations,
  - (ii) the service agreement to be made between the person and the agency,
  - (iii) any Provincial standards or guidelines required by the Director;
- (g) the person has signed a service agreement with the agency.
- (2) When an agency approves a person and a person's home to provide approved family home day care, the agency must submit any information required by the Director to the Director.

### Revocation of approval

**15** An agency may revoke an approval of a care provider and family day care home if the care provider or family day care home does not meet or continue to meet any requirement of subsection 14(1).

### Care providers

**16** A care provider must be 18 years old or older and meet all of the following qualifications and conditions:

- (a) they must have current first aid and infant CPR training from a recognized program approved by the Director;
- (b) they must complete recognized family home day care training approved by the Director no later than 1 year after the date their family home day care is approved;
- (c) they must complete annual professional development workshops, as specified by the Director;
- (d) they must ensure that the records of each child for whom they provide approved family home day care remain confidential, and are complete and organized;
- (e) they must permit an agency family home consultant to visit the family day care home at least once every 30 days to provide the support listed in clause 10(1)(d);
- (f) they must co-operate with the agency during the annual assessment process.

### Family day care homes

**17 (1)** A family home day care must not be located above the 2nd floor of a building.

**(2)** A family day care home must have an outdoor play area that is either

- (a) its own outdoor play area, enclosed by a fence at least 1.5 m high; or
- (b) an outdoor play area to which they have access, that the agency that manages the home has determined is safe and appropriate.

**(3)** For each infant that they provide care for, a care provider must provide a crib or portable crib that meets the standards of the *Cribs and Cradles Regulations* made under the *Hazardous Products Act* (Canada).

### Notice to parents of significant changes affecting approved family home day care

**18 (1)** As soon as is practicable, an agency must notify the parents of each child enrolled in its family home day care program if any of the following occurs:

- (a) the approval of a care provider or a family day care home they manage is or will be revoked;

- (b) a family day care home or agency is closed or sold;
  - (c) conditions are imposed upon the agency's license or any written information about the agency's license or program has been given to the agency by the Director;
  - (d) the police or an agency established under the *Children and Family Services Act* are investigating a matter involving a child enrolled in its approved family home day care program and a care provider or other person associated with the family home day care, unless the police or the agency established under the *Children and Family Services Act* directs otherwise.
- (2) Notice of a closure or sale under clause (1)(b) must be given at least 2 weeks before the date of the closure or sale.
- (3) A notice given under this Section must be in writing and must be
- (a) sent by registered mail to the last known address of a person who is required to be notified;
  - (b) posted in a conspicuous location in the family day care home; and
  - (c) copied to the Director.

#### **Parent advisory committee**

**19** No later than 3 months after the date an agency approves the first family home day care under its management, it must establish a parent advisory committee to provide a forum for parents to have input into, and receive notice of, any matters of interest or concern to the parents.

#### **Membership of parent advisory committee**

- 20** (1) An agency's parent advisory committee must be composed of at least 4 members, as follows:
- (a) at least 2 parents of children currently enrolled in the agency's family home day care program;
  - (b) at least 1 care provider;
  - (c) 1 non-voting representative of the agency, who must attend each meeting of the committee.
- (2) The majority of the voting members of an agency's parent advisory committee must be parents of children currently enrolled in the agency's family home day care program.
- (3) An agency's parent advisory committee must be open to all parents of children enrolled in the agency's family home day care program.
- (4) An agency must give the Director all of the following information for each member of the agency's parent advisory committee:
- (a) name;
  - (b) mailing address;
  - (c) e-mail address, if any;
  - (d) telephone number.
- (5) An agency must notify the Director annually of any changes in the composition of its parent advisory committee or any changes in the information required by subsection (4).

**Director must provide information about agency to committee**

**21** The Director must give a copy of any notice or written information about the status of the agency's license to each member of the agency's parent advisory committee at the same time that the Director gives it to the agency.

**Parent advisory committee meetings**

- 22** (1) A parent advisory committee must meet at least twice a year.
- (2) At least 2 weeks before the date of an agency's parent advisory committee meeting, written notice of the meeting must be
- (a) given to the parents of all children enrolled in the agency's family home day care program; and
  - (b) posted in a conspicuous location in each family day care home the agency manages.
- (3) A notice of a parent advisory committee meeting must inform the parents that they may place items on the meeting's agenda.
- (4) An agency must ensure that the agency's parent advisory committee has an opportunity to discuss any matters of interest or concern to the parents, including all of the following:
- (a) the safety, care and well-being of the children;
  - (b) the agency's license;
  - (c) the services provided;
  - (d) the equipment and materials available for the children;
  - (e) staffing patterns and staff qualifications.

**Parent advisory committee minutes**

- 23** (1) No later than 2 weeks after the date of an agency's parent advisory committee meeting, the agency must
- (a) produce minutes of the meeting; and
  - (b) post a copy of the minutes in a conspicuous location in each family day care home the agency manages.
- (2) A copy of the minutes from an agency's parent advisory committee meeting must
- (a) remain posted in accordance with clause (1)(b) until the minutes of the next meeting are posted; and
  - (b) be kept on file by the agency for inspection by the Director, as required.

**Parent advisory committee for agency licensed under *Day Care Regulations***

**24** An agency that is also a facility licensed under the Act and the *Day Care Regulations* is exempt from Section 23A of the *Day Care Regulations* and the parent advisory committee established under these regulations must serve as the parent advisory committee for parents of children enrolled in the licensed facility or in the agency's family home day care program.

**Funding, subsidies and grants for agencies**

- 25 (1) The Minister may make payments to an agency through grants for capital and operating costs in such amount as the Minister determines.
- (2) The Minister may make payments to subsidize enrollment in approved family home day care, as the Minister determines.

**Appendix "A" - License for Family Home Day Care Agency**



The Day Care Act

Province of

Nova Scotia

Community Services

**License for Family Home Day Care Agency**

Under the *Day Care Act*, the *Day Care Regulations* and the *Family Home Day Care Program Regulations* and subject to the limitations thereof, this license is granted to *(insert name of agency)* \_\_\_\_\_ to operate a family home day care program, under the name of *(insert Registry of Joint Stock Companies name)* \_\_\_\_\_, at *(insert civic address of agency)* \_\_\_\_\_, Nova Scotia.

**License for Family Home Day Care Agency**

The following conditions apply to this license:  
*(insert 'Nil' or list conditions)*

\_\_\_\_\_  
 Minister of Community Services    Valid from *(day/month/year)* \_\_\_\_\_ to *(day/month/year)* \_\_\_\_\_.



**N.S. Reg. 242/2007**

Made: April 24, 2007

Filed: April 26, 2007

Labour Standards Code Regulations

Order in Council 2007-243 dated April 24, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to subsection 4(2) and Section 7 of the *Labour Standards Code*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated April 14, 2007, and pursuant to subsection 4(2) and Section 7 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code*, is pleased 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 clarify the leave for reservists, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 24, 2007.

**Schedule "A"**

**Amendment to the Regulations Respecting Labour Standards  
made by the Governor in Council pursuant to subsection 4(2) and Section 7  
of Chapter 246 of the Revised Statutes of Nova Scotia, 1989,  
the *Labour Standards Code***

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 adding the following Section immediately after Section 7A:

**Reservists leave****7B (1)** In Section 60H of the Code and this Section,

- (a) "active duty" means active service as defined in the *National Defence Act* (Canada);
  - (b) "period of service" includes any time spent training, on active duty or on leave related to active duty;
  - (c) "reasonable notice" means at least 90 days' notice in advance except in an emergency situation, in which case reasonable notice is as much notice as is reasonably practical;
  - (d) "required" means required by the Canadian Forces in order to fulfill a commitment to active duty;
  - (e) "training" means training that is necessary for active duty.
- (2)** In this Section, "Class "C" Reserve Service" means "Class "C" Reserve Service" as defined in the *Queen's Regulations and Orders for the Canadian Forces* under the *National Defence Act* (Canada).
- (3)** For the purposes of unpaid leaves of absence for reservists under Section 60H of the Code,
- (a) a period of service must not be longer than 18 months in a 3-year period;

- (b) the start date for a period of service must be at least 1 year after the date that the employee returned to work from a leave for a previous period of service;
- (c) an employee must return to work no later than 4 weeks after the date their period of service expires; and
- (d) only the training of a member in Class "C" Reserve Service is included as service.

**N.S. Reg. 243/2007**

Made: April 25, 2007

Filed: April 30, 2007

## Standard Expenditure Per Dwelling Unit (2007/2008) Regulations

Order dated April 25, 2007

made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 11 of the *Municipal Grants Act*

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

**Standard Expenditure per Dwelling Unit**

The standard expenditure per dwelling unit for the purpose of calculating the grant referred to in Section 11 of the *Municipal Grants Act*, for the 2007-2008 fiscal year, shall be as follows:

CLASS	I	II
Standard Expenditure	1179	492

Sgd.: *Jamie Muir*

Honourable Jamie Muir

Minister of Service Nova Scotia and Municipal Relations

Halifax, Nova Scotia

Apr. 25, 2007

**N.S. Reg. 244/2007**

Made: April 30, 2007

Filed: April 30, 2007

Environment Act and Regulations Fees Regulations

Order dated April 30, 2007  
made by the Minister of Environment and Labour  
pursuant to clause 8(2)(k) of the *Environment Act*

**In the Matter of clause 8(2)(k) of Chapter 1 of the  
Acts of 1994-95  
the *Environment Act***

**and**

**In the Matter of Regulations Establishing Fees  
for the *Environment Act* and Regulations  
made by the Minister of Environment and Labour**

**Order**

I, Mark Parent, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to clause 8(2)(k) of Chapter 1 of the Acts of 1994-95, the *Environment Act*, hereby amend Section 4 of the *Environment Act and Regulations Fees Regulations*, N.S. Reg. 182/2007, by

- (a) repealing clause 4(1)(b) and substituting the following:
  - (b) particulate matter, which includes reported annual emissions of total particulate matter, PM<sub>10</sub>, PM<sub>2.5</sub>, whichever is greater; and
- (b) repealing subsection 4(2) and substituting the following:
  - (2) The industrial air emission fees for facilities in Nova Scotia are based on the rates set out in the following table:

<b>Class</b>	<b>Threshold</b> (tonnes of pollutants/year)	<b>Rate</b> (per tonne of pollutants)
1	≥30	\$6.74/tonne
2	<30	no fee

This order is effective on and after April 30, 2007.

Dated and made at Halifax, Nova Scotia, April 30, 2007.

Sgd.: Mark Parent  
Honourable Mark Parent  
Minister of Environment and Labour