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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 are proclaimed in force.

Nova Scotia Regulations CD-ROM: We will no longer be placing notices in the *Royal Gazette* about the quarterly issues of the *Nova Scotia Regulations CD-ROM*, but subscriptions are still available. Please call (902) 424-6723 or visit our website at www.gov.ns.ca/just/regulations/CD for information on this product.

N.S. Reg. 15/2005 to 16/2005

Made: February 11, 2005

Filed: February 15, 2005

Designation of Persons Who May Access Records
and Youth Justice Regulations

Order in Council 2005-51 dated February 11, 2005
Regulations and amendment to regulations made by the Governor in Council
pursuant to Sections 114 and 116 and clause 119(1)(r) of the *Youth Criminal Justice Act* (Canada)
and Section 37 of the *Youth Justice Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated December 17, 2004, is pleased, effective on and after February 11, 2005:

- (a) pursuant to Sections 114, 116 and paragraph 119(1)(r) of Chapter 1 of the Statutes of Canada 2002, the *Youth Criminal Justice Act*, to designate workers employed in the Mi'kmaq Court Worker Program as a class of persons for the purpose of the *Youth Criminal Justice Act*, as set out in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 37 of Chapter 38 of the Acts of 2001, the *Youth Justice Act*, to amend the *Youth Justice Regulations*, N.S. Reg. 191/2003, made by the Governor in Council by Order in Council 2003-472 dated November 14, 2003, to identify workers employed in the Mi'kmaq Court Worker Program as persons to whom records may be disclosed under subsection 32(1) of the *Youth Justice Act*, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation.

N.S. Reg. 15/2004

Designation of Persons Who May Access Records

Schedule "A"**Designation of Court Workers Employed in the Mi'kmaq Court Worker Program as a Class of Persons Who May Access Records under paragraph 119(1)(r) of the *Youth Criminal Justice Act* (Canada)**

The Mi'kmaq court workers employed in the Mi'kmaq Court Worker Program administered by the Mi'kmaq Legal Support Network are designated as persons or classes of persons under paragraph 119(1)(r) of the *Youth Criminal Justice Act* (Canada) who shall have access to court dockets kept pursuant to Section 114 of the *Youth Criminal Justice Act* (Canada) and may have access to records kept pursuant to Section 116 of the *Youth Criminal Justice Act* (Canada) for the purpose of providing services to youth offenders.

N.S. Reg. 16/2004

Youth Justice Regulations

Schedule "B"**Amendments to the *Youth Justice Regulations* made by the Governor in Council pursuant to Section 37 of Chapter 38 of the Acts of 2001, the *Youth Justice Act***

The *Youth Justice Regulations*, N.S. Reg. 191/2003, made by the Governor in Council by Order in Council 2003-472 dated November 14, 2003, are amended by

- (a) striking out “or” at the end of clause 3(a);
- (b) striking out the period at the end of the clause 3(b) and substituting “; or”; and
- (c) adding the following clause immediately after clause 3(b):
 - (c) persons employed in the Mi’kmaq Court Worker Program administered by the Mi’kmaq Legal Support Network, for the purpose of providing advice and support to youth offenders.

N.S. Reg. 17/2005

Made: February 11, 2005

Filed: February 15, 2005

Equity Tax Credit Regulations

Order in Council 2005-54 dated February 11, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 27 of the *Equity Tax Credit Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated January 5, 2005, and pursuant to Section 27 of Chapter 3 of the Acts of 1993, the *Equity Tax Credit Act*, is pleased to amend the *Equity Tax Credit Regulations*, N.S. Reg. 18/94, made by the Governor in Council by Order in Council 94-86 dated February 2, 1994, to clarify amendments regarding the labour-sponsored venture capital tax credit made to the regulations pursuant to Order in Council 2004-362 dated September 8, 2004, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after February 11, 2005.

Schedule “A”

**Amendments to the *Equity Tax Credit Regulations*
made by the Governor in Council pursuant to
Section 27 of Chapter 3 of the Acts of 1993,
the *Equity Tax Credit Act***

- 1 Clause 12(1)(a) of the *Equity Tax Credit Regulations*, N.S. Reg 18/94, made by the Governor in Council by Order in Council 94-86 dated February 2, 1994, is amended by adding “or is registered pursuant to subsection 204.81(1) of the *Income Tax Act* (Canada)” immediately after “Act”.
- 2 Subsection 12(2) of the regulations is repealed.
- 3 Subsection 13(2) of the regulations is amended by
 - (a) adding “at such time as the Minister deems appropriate” immediately after “may”; and
 - (b) striking out “within 90 days of the date of revocation” immediately after “pay”.
- 4 Section 13 of the regulations is further amended by adding the following subsection immediately after subsection (3):

- (3A) A corporation must pay a penalty imposed under subsection (2) within 90 days.
- 5 Subclause 16(1)(b)(i) of the regulations is amended by adding “without the prior written approval of the Minister,” immediately before “the cost of the purchase”.
-

N.S. Reg. 18/2005

Made: February 18, 2005

Filed: February 18, 2005

Small Claims Court Forms and Procedures Regulations

Order in Council 2005-61 dated February 18, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 33 of the *Small Claims Court Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated February 4, 2005, and pursuant to Section 33 of Chapter 430 of the Revised Statutes of Nova Scotia, 1989, the *Small Claims Court Act*, is pleased to amend the regulations respecting Small Claims Court forms and procedures, N.S. Reg. 17/93, made by the Governor in Council by Order in Council 93-110, to make changes necessary to support the interactive web-based court forms project in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after February 17, 2005.

Schedule “A”

**Amendments to the Regulations Respecting Small Claim Court Forms and Procedures
made by the Governor in Council pursuant to Section 33 of
Chapter 159 of the Revised Statutes of Nova Scotia, 1989,
the *Small Claims Court Act***

- 1 Subsection 3(2) of the regulations respecting Small Claims Court forms and procedures, N.S. Reg. 17/93, made by the Governor in Council by Order in Council 93-110 dated February 2, 1993, is amended by striking out “3 legible copies of”.
- 2 Subsection 9(1) of the regulations is amended by
- (a) striking out “may” and substituting “must”; and
 - (b) adding “or by another manner of service as directed by the Court” immediately after “witness”.
- 3 The regulations are further amended by repealing Forms 1, 2 and 3 and substituting the attached Forms 1, 2 and 3.

Form 1
NOTICE OF CLAIM
IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

For Court Use only
Claim No _____

Claimant(s):

Name _____
Civic address _____ Postal code _____
Mailing address _____ Postal code _____
Phone no. _____ Fax _____ Email _____

This matter
will take longer
than 2 hours.
Yes No

Defendant(s):

Name _____
Civic address _____ Postal code _____
Mailing address _____ Postal code _____
Phone no. _____ Fax _____ Email _____

I claim from the Defendant(s) _____ dollars (\$)
or the delivery to me of _____
The reason for this claim is: _____

(If you need more space, attach another sheet of paper.)

Date _____ Signature of Claimant(s)/lawyer(s) for Claimant(s) _____
Lawyer's name _____ Phone no. _____ Fax _____ Email _____
Lawyer's address _____

To be filled in by the Clerk of the Small Claims Court:

This claim must be served on the Defendant(s) within _____ days of _____, 20__.

This claim will be heard on _____, 20__ at _____ a.m./p.m.

at _____
(place of hearing)

Clerk of the Small Claims Court

To the Defendant(s): This claim has been filed against you in Small Claims Court.

1. If you do not agree with this claim, you must
 - fill in the attached Form 2 - Defence/Counterclaim
 - file the completed Form 2 - Defence/Counterclaim by returning it to the Small Claims Court **within 10 days** of the date that you received this claim.
 - serve a copy of the completed Form 2 - Defence/Counterclaim on the Claimant(s)
2. If you do not file your Defence/Counterclaim by returning Form 2 to the court **within 10 days** after you receive the claim, the court may make an order against you without hearing from you.

Read the “Additional information for Defendant” with this form.

Form 2
DEFENCE/COUNTERCLAIM
IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

To _____
 (Claimant(s))

My reason for disputing the claim is:

 (If you need more space, attach another sheet of paper.)

I counterclaim for:

 Date Signature of Defendant(s)/lawyer(s) for Defendant(s)

Defendant’s civic address: _____

Defendant’s mailing address: _____

Defendant’s phone no. _____

Lawyer’s name _____ Phone no. _____ Fax _____ Email _____

Lawyer’s address _____

To be filled in by the Clerk of the Small Claims Court:

This defence/counterclaim must be served on the Claimant(s) within _____ days of _____, 20__, and all parties must appear on the date shown on Form 1- Notice of Claim to present their evidence before the Adjudicator.

 Clerk of the Small Claims Court

Form 3
SUBPOENA TO WITNESS
IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

Claim No. _____

Between:

Name _____ Claimant(s)
- and -

Name _____ Defendant(s)

To: _____
(name of witness)

You must attend the hearing of this proceeding in the Small Claims Court, to be held at _____
in _____, Nova Scotia on _____, 20__, at _____ a.m./p.m.
You must be present each day of the hearing and until the hearing ends. You will be called upon to give
evidence on behalf of the _____
(Claimant(s)/Defendant(s))

You must bring the following documents or things with you and produce them at the hearing:

If you do not obey this subpoena and do not have an adequate excuse for disobeying this subpoena, then you
may be found to be in contempt of court and you could be arrested.

Issued on _____, 20__.

Clerk of the Small Claims Court

AFFIDAVIT

I, _____, swear that on _____, 20__,

I served this subpoena on _____, by leaving a true copy of it
(name of witness)

with him/her personally, and that I travelled _____ kilometres to do so.

Sworn before me on _____, 20__.)
)
)
)
)
Clerk of the Small Claims Court of)
Nova Scotia, Barrister, Commissioner)
of the Supreme Court of Nova Scotia)

N.S. Reg. 19/2005

Made: February 18, 2005

Filed: February 18, 2005

Mineral Resources Regulations

Order in Council 2005-62 dated February 18, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 174 of the *Mineral Resources Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated January 26, 2005, and pursuant to Section 174 of Chapter 12 of the Acts of 1990, the *Mineral Resources Act*, is pleased, effective on and after February 18, 2005, to amend clause 70(b) of the *Mineral Resources Regulations*, N.S. Reg. 222/2004, made by the Governor in Council by Order in Council 2004-435 dated November 4, 2004, by striking out “2 to 10\$5.00/claim” and substituting “2 to 10.....\$10.00/claim”.

N.S. Reg. 20/2005

Made: February 18, 2005

Filed: February 18, 2005

Fishing Regulations

Order in Council 2005-64 dated February 18, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 113 of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated January 20, 2005, and pursuant to Section 113 of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased, effective on, from and after January 1, 2005, to amend the *Fishing Regulations*, N.S. Reg. 29/88, made by the Governor in Council by Order in Council 88-131 dated February 9, 1988, by

- (a) striking out “License” in clause 3(1)(aa) and substituting “Licence”; and
- (b) adding “, except the fee listed in clause 3(1)(aa),” in subsection 3(1A) immediately before “includes a \$5.00 fee”.

N.S. Reg. 21/2005

Made: February 18, 2005

Filed: February 18, 2005

The Nova Scotia Crop and Livestock Insurance Plan for Forage

Order in Council 2005-65 dated February 18, 2005
Amendment to regulations made by the Nova Scotia Crop and Livestock Insurance Commission
and approved by the Governor in Council pursuant to Section 6 of the
Crop and Livestock Insurance Act

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated January 18, 2005, and pursuant to Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989, the

Crop and Livestock Insurance Act, is pleased to approve of amendments made by the Nova Scotia Crop and Livestock Insurance Commission to *The Nova Scotia Crop and Livestock Insurance Plan for Forage*, N.S. Reg. 6/95, approved by the Governor in Council by Order in Council 95-21 dated January 3, 1995, to clarify how loss of production is evaluated, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 18, 2005.

Schedule "A"

I certify that at a meeting held September 21, 2004, the Crop and Livestock Commission passed a motion to amend the *Crop and Livestock Insurance Plan for Forage* in the manner set forth in the attached.

Dated and signed at Truro, Nova Scotia, Sept. 21, 2004.

Crop and Livestock Insurance Commission

per: sgd: *Gerald Post*
Gerald Post, Manager

**Amendment to *The Nova Scotia Crop and Livestock Insurance Plan for Forage*
made pursuant to Section 6 of Chapter 113 of the
Revised Statutes of Nova Scotia, 1989,
the *Crop and Livestock Insurance Act***

Section 14 of the *Nova Scotia Crop and Livestock Insurance Plan for Forage*, N.S. Reg. 6/95, approved by the Governor in Council by Order in Council 95-21 dated January 3, 1995, is repealed and the following Section substituted:

Evaluation of loss of production

- 14 (1)** A minimum of 2 acres must be lost before any indemnity is payable.
- (2)** No indemnity is payable for loss of production in acreage that has been harvested or pastured, except for acreage seeded in the spring with alfalfa mixture.
- (3)** Subject to subsections (1) and (2), the indemnity payable for loss of production of forage in a crop year is calculated as follows:
- (a)** if all or part of an insured acreage is abandoned and destroyed, the maximum indemnity payable is calculated by multiplying the total number of destroyed acres by the established price determined under Section 11;
 - (b)** if a portion of an insured acreage fails to establish a normal stand and is not abandoned or destroyed, the insured person must be paid an over-seeding benefit calculated by multiplying the total number of damaged acres by 50% of the established price determined under Section 11.

N.S. Reg. 22/2005

Made: February 18, 2005

Filed: February 18, 2005

Designation of Insurable Crops and Livestock Regulations

Order in Council 2005-66 dated February 18, 2005
Regulations made by the Governor in Council
pursuant to Section 7 of the *Crop and Livestock Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated January 20, 2005, and pursuant to Section 7 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989, the *Crop and Livestock Insurance Act*, is pleased, effective on and after February 18, 2005, to:

- (a) repeal the following regulations:
- (i) designation of corn, peas and beans as an insurable crop, N.S. Reg. 14/73, approved by the Governor in Council by Order in Council 73-122 dated February 6, 1973,
 - (ii) designation of forage as an insurable crop, N.S. Reg. 107/77, approved by the Governor in Council by Order in Council 77-1117 dated September 13, 1977,
 - (iii) designation of highbush blueberries as an insurable crop, N.S. Reg. 45/90, approved by the Governor in Council by Order in Council 90-179 dated February 13, 1990,
 - (iv) designation of lowbush blueberries as an insurable crop, N.S. Reg. 61/73, approved by the Governor in Council by Order in Council 73-754 dated June 19, 1973,
 - (v) designation of potatoes as an insurable crop, N.S. Reg. 87/87, approved by the Governor in Council by Order in Council 87-492 dated April 22, 1987,
 - (vi) designation of raspberries as an insurable crop, N.S. Reg. 89/99, approved by the Governor in Council by Order in Council 1999-439 dated September 14, 1999,
 - (vii) designation of soybeans as an insurable crop, N.S. Reg. 69/86, approved by the Governor in Council by Order in Council 86-449 dated April 29, 1986,
 - (viii) designation of spring grain as an insurable crop, approved by the Governor in Council by Order in Council 69-177 dated March 4, 1969,
 - (ix) designation of strawberries as an insurable crop, N.S. Reg. 140/73, approved by the Governor in Council by Order in Council 73-1013 dated September 25, 1973,
 - (x) designation of tree fruit as an insurable crop, [N.S. Reg. 31/71,] approved by the Governor in Council by Order in Council 71-795 dated August 17, 1971,
 - (xi) designation of winter grain as an insurable crop, N.S. Reg. 17/69, approved by the Governor in Council by Order in Council 69-1029 dated October 21, 1969,
 - (xii) designation of vegetables as insurable crops, N.S. Reg. 192/2000, approved by the Governor in Council by Order in Council 2000-571 dated November 17, 2000,

- (xiii) designation of beef cows and calves as insurable livestock, N.S. Reg. 76/79, approved by the Governor in Council by Order in Council 79-619 dated May 29, 1979,
 - (xiv) designation of dairy cattle as insurable livestock, N.S. Reg. 141/78, approved by the Governor in Council by Order in Council 78-777 dated July 11, 1978; and
- (b) make new regulations designating crops as insurable crops and designating livestock as insurable livestock in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Regulations Respecting the Designation of Crops as Insurable Crops
and Livestock as Insurable Livestock made under Section 7 of
Chapter 113 of the Revised Statutes of Nova Scotia, 1989,
the *Crop and Livestock Insurance Act***

Citation

1 These regulations may be cited as the *Designation of Insurable Crops and Livestock Regulations*.

Definition of crops and livestock

2 (1) The crops designated in these regulations are as defined in the applicable plan for the crop.

(2) The livestock designated in these regulations are as defined in the applicable plan for the livestock.

Designated crops

3 The following crops are designated as insurable crops under the *Crop and Livestock Insurance Act*:

- (a) corn;
- (b) forage;
- (c) highbush blueberries;
- (d) lowbush blueberries;
- (e) peas and beans;
- (f) potatoes;
- (g) raspberries;
- (h) soybeans;
- (i) spring grain;
- (j) strawberries;
- (k) tree fruit;
- (l) vegetables;
- (m) winter grain.

Designated livestock

4 The following livestock are designated as insurable livestock under the *Crop and Livestock Insurance Act*:

- (a) beef cows and calves;
- (b) dairy cattle.