

Royal Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 30, No. 19

October 13, 2006

Contents

Act	Reg. No.	Page
Employment Support and Income Assistance Act		
Employment Support and Income Assistance Regulations – amendment	181/2006	626
Financial Measures (2006) Act		
Proclamation, S. 63, 2006, c. 2	180/2006	624
Fire Safety Act		
Fuel Safety Regulations	186/2006	634
Motor Vehicle Act		
Pedicab Helmet and Equipment Regulations	184/2006	631
Pedicab Operation Regulations	183/2006	629
Petroleum Products Pricing Act		
Prescribed Petroleum Products Prices	182/2006	626
Summary Proceedings Act		
Summary Offence Tickets Regulations – amendment	185/2006	632

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. 180/2006

Made: September 21, 2006

Filed: September 22, 2006

Proclamation, S. 63, S.N.S. 2006, c. 2

Order in Council 2006-401 dated September 21, 2006
Proclamation made by the Governor in Council
pursuant to Section 63
of the *Financial Measures (2006) Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated August 16, 2006, pursuant to Section 63 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, and subsection (7) of Section 3 of Chapter 235 the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, except Sections 3, 21, 33, 34, 36, 39, 40, 41 to 51 and 54 to 62, do come into force on and not before September 21, 2006, with Section 2 effective on and after January 1, 2001, Section 18 effective on and after January 1, 2004, subsections 25(2) and (3) effective on and after January 1, 2005, clauses 27(1)(a), (b) and (d) effective on and after April 26, 2005, Sections 10, 11 and 19 effective on and after January 1, 2006, Section 26 effective on and after May 9, 2006, and Sections 52 and 53 effective on and after July 1, 2006.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann E. 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 63 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, it is enacted as follows:

- 63** (1) This Act, except Sections 2, 10, 11, 18, 19 and 21, subsection 25(2) and (3), Section 26, clauses 27(1)(a), (b) and (d) and Sections 52 and 53, comes into force on such day as the Governor in Council orders and declares by proclamation.
- (2) Section 2 has effect on and after January 1, 2001, upon the Governor in Council so ordering by proclamation.
- (3) Section 18 has effect on and after January 1, 2004, upon the Governor in Council so ordering by proclamation.
- (4) Subsections 25(2) and (3) have effect on and after January 1, 2005, upon the Governor in Council so ordering by proclamation.
- (5) Clauses 27(1)(a), (b) and (d) have effect on and after April 26, 2005, upon the Governor in Council so ordering by proclamation.

- (6) Sections 10, 11, 19 and 21 have effect on and after January 1, 2006, upon the Governor in Council so ordering by proclamation.
- (7) Section 26 has effect on and after May 9, 2006, upon the Governor in Council so ordering by proclamation.
- (8) Sections 52 and 53 have effect on and after July 1, 2006, upon the Governor in Council so ordering by proclamation.

AND WHEREAS it is deemed expedient that Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, except Sections 3, 21, 33, 34, 36, 39, 40, 41 to 51 and 54 to 62, do come into force on and not before September 21, 2006, with Section 2 effective on and after January 1, 2001, Section 18 effective on and after January 1, 2004, subsections 25(2) and (3) effective on and after January 1, 2005, clauses 27(1)(a), (b) and (d) effective on and after April 26, 2005, Sections 10, 11 and 19 effective on and after January 1, 2006, Section 26 effective on and after May 9, 2006, and Sections 52 and 53 effective on and after July 1, 2006;

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 2 of the Acts of 2006, the *Financial Measures (2006) Act*, except Sections 3, 21, 33, 34, 36, 39, 40, 41 to 51 and 54 to 62, do come into force on and not before September 21, 2006, with Section 2 effective on and after January 1, 2001, Section 18 effective on and after January 1, 2004, subsections 25(2) and (3) effective on and after January 1, 2005, clauses 27(1)(a), (b) and (d) effective on and after April 26, 2005, Sections 10, 11 and 19 effective on and after January 1, 2006, Section 26 effective on and after May 9, 2006, and Sections 52 and 53 effective on and after July 1, 2006, 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 Province House in the Halifax Regional Municipality, this 21st day of September, in the year of Our Lord two thousand and six and in the fifty-fifth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
PROVINCIAL SECRETARY
MINISTER OF JUSTICE AND
ATTORNEY GENERAL

N.S. Reg. 181/2006

Made: September 21, 2006

Filed: September 22, 2006

Employment Support and Income Assistance Regulations

Order in Council 2006-403 dated September 21, 2006
 Amendment to regulations made by the Governor in Council
 pursuant to Section 21 of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Acting Minister of Community Services dated September 14, 2006, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased, effective on and after September 21, 2006, to amend the *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by the Governor in Council by Order in Council 2001-138, dated March 23, 2001, by adding the following Section immediately after Section 52:

- 52A** Up to \$3000 per fiscal year of the combined wages of a recipient or recipient's spouse participating in the Harvest Connection program, a program under Section 6 of the Act, that are earned from one or both of the following is not chargeable income:
- (a) seasonal harvesting of field-produced horticulture;
 - (b) harvesting Christmas trees.

N.S. Reg. 182/2006

Made: September 20, 2006

Filed: September 22, 2006

Prescribed Petroleum Products Prices

Order dated September 20, 2006
 made by the Minister of Economic Development
 pursuant to Section 14 of the *Petroleum Products Pricing Act* and
 Sections 14 to 18 of the *Petroleum Products Pricing Regulations*

**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, Richard Hurlburt, Minister of Economic Development for the Province of Nova Scotia, acting on behalf of Jamie Muir, Minister of Service Nova Scotia and Municipal Relations, 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 September 13, 2006, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on September 14, 2006; 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 September 21, 2006.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on September 20, 2006.

Sgd.: *Richard Hurlburt*
Honourable Richard Hurlburt
Minister of Economic Development

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 September 21, 2006**

Table 1: Benchmark Prices for Regulated Petroleum Products (cents/litre)	
Regular unleaded gasoline	44.1
Mid-grade unleaded gasoline	47.1
Premium unleaded gasoline	50.1
Ultra low sulfur diesel oil	50.0

Table 2: Wholesale Margins, Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products (cents/litre)										
			Retail Mark-up				Retail Price (includes all taxes)			
			Self-Service		Full-Service		Self-Service		Full-Service	
	Wholesale Margin (excludes GST)	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
Zone 1										
Regular Unleaded	6.3	75.9	4.0	5.5	4.0	7.5	91.1	92.8	91.1	95.1
Mid-Grade Unleaded	9.3	78.9	4.0	5.5	4.0	7.5	94.5	96.2	94.5	98.5
Premium Unleaded	12.3	81.9	4.0	5.5	4.0	7.5	97.9	99.6	97.9	101.9
Ultra Low-Sulfur Diesel	6.3	75.7	4.0	5.5	4.0	7.5	90.9	92.6	90.9	94.8

Zone 2										
Regular Unleaded	6.7	76.3	4.0	5.5	4.0	7.5	91.5	93.3	91.5	95.5
Mid-Grade Unleaded	9.7	79.3	4.0	5.5	4.0	7.5	95.0	96.7	95.0	99.0
Premium Unleaded	12.7	82.3	4.0	5.5	4.0	7.5	98.4	100.1	98.4	102.4
Ultra Low-Sulfur Diesel	6.7	76.1	4.0	5.5	4.0	7.5	91.3	93.0	91.3	95.3
Zone 3										
Regular Unleaded	7.2	76.8	4.0	5.5	4.0	7.5	92.1	93.8	92.1	96.1
Mid-Grade Unleaded	10.2	79.8	4.0	5.5	4.0	7.5	95.5	97.2	95.5	99.5
Premium Unleaded	13.2	82.8	4.0	5.5	4.0	7.5	99.0	100.7	99.0	102.9
Ultra Low-Sulfur Diesel	7.2	76.6	4.0	5.5	4.0	7.5	91.9	93.6	91.9	95.9
Zone 4										
Regular Unleaded	7.2	76.8	4.0	5.5	4.0	7.5	92.1	93.8	92.1	96.1
Mid-Grade Unleaded	10.2	79.8	4.0	5.5	4.0	7.5	95.5	97.2	95.5	99.5
Premium Unleaded	13.2	82.8	4.0	5.5	4.0	7.5	99.0	100.7	99.0	102.9
Ultra Low-Sulfur Diesel	7.2	76.6	4.0	5.5	4.0	7.5	91.9	93.6	91.9	95.9
Zone 5										
Regular Unleaded	7.2	76.8	4.0	5.5	4.0	7.5	92.1	93.8	92.1	96.1
Mid-Grade Unleaded	10.2	79.8	4.0	5.5	4.0	7.5	95.5	97.2	95.5	99.5
Premium Unleaded	13.2	82.8	4.0	5.5	4.0	7.5	99.0	100.7	99.0	102.9
Ultra Low-Sulfur Diesel	7.2	76.6	4.0	5.5	4.0	7.5	91.9	93.6	91.9	95.9
Zone 6										
Regular Unleaded	8.0	77.6	4.0	5.5	4.0	7.5	93.0	94.7	93.0	97.0
Mid-Grade Unleaded	11.0	80.6	4.0	5.5	4.0	7.5	96.4	98.2	96.4	100.4
Premium Unleaded	14.0	83.6	4.0	5.5	4.0	7.5	99.9	101.6	99.9	103.9
Ultra Low-Sulfur Diesel	8.0	77.4	4.0	5.5	4.0	7.5	92.8	94.5	92.8	96.8

N.S. Reg. 183/2006 to 184/2006

Made: September 29, 2006

Filed: October 2, 2006

Pedicab Operation Regulations and Pedicab Helmet and Equipment Regulations

Order in Council 2006-412 dated September 29, 2006

Regulations made by the Minister of Transportation and Public Works

and approved by the Governor in Council pursuant to subsection 10(1) of the *Motor Vehicle Act*

and regulations made by the Governor in Council

pursuant to Sections 170B and 200 of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Public Works dated September 25, 2006, is pleased, effective on and after September 29, 2006, to:

- (a) pursuant to subsection 10(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, approve of regulations establishing pedicabs as a class of vehicle and prescribing the conditions under which pedicabs may be operated, made by the Minister of Transportation and Public Works in the form set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) pursuant to Sections 170B and 200 of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, make regulations respecting the use of helmets by pedicab operators and equipment required for pedicabs in the form set forth in Schedule "B" attached to and forming part of the report and recommendation.

N.S. Reg. 183/2006

Pedicab Operation Regulations

Schedule "A"

In the Matter of subsection 10(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*

- and -

In the Matter of the *Pedicab Operation Regulations* made by the Minister of Transportation and Public Works pursuant to subsection 10(1) of the *Motor Vehicle Act*

Order

I, Angus MacIsaac, Minister of Transportation and Public Works for the Province of Nova Scotia, pursuant to subsection 10(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby make regulations establishing pedicabs as a class of vehicle and prescribing the conditions under which pedicabs may be operated, in the form set forth in the attached.

This order is effective on and after approval by the Governor in Council.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on September 25, 2006.

Sgd.: *Angus MacIsaac*
Honourable Angus MacIsaac
Minister of Transportation and Public Works

**Regulations Respecting the Operation of Pedicabs
made by the Minister of Transportation and Public Works
under subsection 10(1) of Chapter 293 of
the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act***

Citation

1 These regulations may be cited as the *Pedicab Operation Regulations*.

Interpretation

2 In these regulations,

- (a) "Act" means the *Motor Vehicle Act*;
- (b) "pedicab" means a vehicle that is designed to transport an operator and 3 or fewer passengers, has 3 wheels that are at least 350 mm in diameter and that
 - (i) is propelled by human power, or
 - (ii) is propelled by human and mechanical power and
 - (A) is fitted with pedals that are operable at all times to propel the pedicab, and
 - (B) has an attached motor that is driven by electricity producing no more than 500 W and that is incapable of providing further assistance when the pedicab reaches a speed of 30 km/h on level ground.

Pedicab is class of vehicle

3 There is a class of vehicle designated and known as a pedicab.

Rules of operation

4 Every person who operates a pedicab on a highway is subject to the provisions of the Act and the regulations made under the Act that are applicable to a driver of a vehicle, except those provisions that by their very nature can have no application.

Restrictions on operating pedicab on public highway

5 A person may operate a pedicab on a public highway if

- (a) the public highway is within the boundaries of a city, town or regional municipality and has a maximum speed limit of 50 km/h; and
- (b) the pedicab is operated in accordance with any applicable city, town or municipal by-laws or regulations made under Section 305 of the Act.

Operation of pedicab

6 (1) While operating a pedicab, a person must do all of the following:

- (a) stay as close as practicable to the right-hand edge or curb of a highway;
- (b) keep both hands on the handlebars at all times;
- (c) keep both feet on the pedals at all times.

(2) While operating a pedicab, a person must not do any of the following:

- (a) operate the pedicab abreast of or parallel to another vehicle in motion on a highway;
- (b) pass another vehicle in motion on a highway;
- (c) operate the pedicab on a sidewalk;
- (d) carry another person on the handlebar or frame of the pedicab or on the operator's body.

(3) A person must not ride on the handlebar or frame of a pedicab or on the body of the person operating the pedicab.

Age of operator

7 (1) A person who is under 19 years of age must not operate a pedicab on a highway.

(2) A parent or guardian of a person under 16 years of age must not authorize or knowingly permit that person to operate a pedicab.

Penalty for violation of regulations

8 A person who violates these regulations is liable to a penalty of \$50.

N.S. Reg. 184/2006

Pedicab Helmet and Equipment Regulations

Schedule "B"**Regulations Respecting Pedicab Helmets and Equipment
made by the Governor in Council under Sections 170B and 200 of
Chapter 293 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act*****Citation**

1 These regulations may be cited as the *Pedicab Helmet and Equipment Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Motor Vehicle Act*;
- (b) "*Helmet Regulations*" means the *Helmet Regulations* made under the Act;
- (c) "pedicab" means a pedicab as defined in the *Pedicab Operation Regulations* made under the Act.

Helmet for pedicab operator

- 3 (1) A pedicab is prescribed as a device under subsection 170B(1) of the Act.
- (2) A person who operates a pedicab must wear a helmet that complies with Sections 3 and 4 of the *Helmet Regulations*.
- (3) The following persons are exempt from the requirement of Section 170B of the Act to wear a helmet:
- (a) a person referred to in clause 5(a), (b) or (c) of the *Helmet Regulations*;
 - (b) a passenger being transported in a pedicab.

Equipment for pedicab

- 4 In addition to the requirements for a lighted head lamp and a red brake light in subsection 174(7) of the Act, a pedicab must be equipped with all of the following:
- (a) running lights and rear turn signals;
 - (b) a reflex mirror;
 - (c) a brake that enables the pedicab operator to make the braked wheels skid on dry, level and clean pavement;
 - (d) a bell or horn in good working order.

N.S. Reg. 185/2006

Made: September 29, 2006

Filed: October 2, 2006

Summary Offence Tickets Regulations

Order in Council 2006-417 dated September 29, 2006
Amendment to regulations made by the Minister of Justice and by the Governor in Council
pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated March 29, 2006, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations*, N.S. Reg 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to include certain offences concerning fuel safety as summary offence ticket offences and set the out-of-court settlement amounts for the offences in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 29, 2006.

Order

I, Murray Scott, Minister of Justice and Attorney General of Nova Scotia, hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence set out in amendments to the Schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule "A", is the amount of the out-of-court settlement set out opposite the description of that offence, and the out-of-court settlement amount includes the charge provided for, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule "A".

Dated and made March 29, 2006, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Murray Scott*
Honourable Murray Scott
Minister of Justice and Attorney General

Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*
made by the Governor in Council pursuant to Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

The *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, are amended by adding the following schedule immediately after Schedule 32:

Schedule 32A
Regulations made pursuant to the Fire Safety Act

Offence	Section	Out of Court Settlement
Fuel Safety Regulations		
1. Engaging in business without gas business licence (specify)	7	\$675.00
2. Performing task without gas technician licence (specify)	11(1)	\$675.00
3. Failing to produce licence on demand of inspector	20(1)	\$215.00
4. Performing task without certification (specify)	21(1)	\$952.50
5. Ordering or permitting unauthorized person to perform prohibited task	22	\$952.50
6. Beginning gas installation or alteration (specify) without permit	31	\$952.50
7. Beginning gas installation or alteration (specify) without registration	31	\$952.50
8. F[a]iling to register gas installation or alteration for which permit is required	34(3)	\$952.50
9. Selling, installing, using, repairing, servicing or maintaining (specify) uncertified or unapproved gas appliance, container or equipment (specify)	37(1)	\$952.50
10. Using, installing or delivering gas to propane cylinder or pressure vessel (specify) due for re-qualification	38(1)	\$387.50
11. Using, installing or delivering gas to damaged propane container	39(1)	\$387.50
12. Installing or allowing to remain installed propane container on roof	40	\$387.50
13. Failing to report gas accident or incident (specify) in writing within 24 hours	41	\$387.50
14. Supplying or connecting gas to installation before verification of appropriate tag	42(1)	\$952.50
15. Failing to immediately notify inspector of yellow tag	44(4)	\$387.50
16. Failing to forward copy of yellow tag to gas supplier	44(4)	\$387.50
17. Failing to affix red tag on expiry of yellow tag	44(7)	\$387.50
18. Failing to shut off gas fuel source after affixing red tag	45(3)	\$387.50
19. Failing to immediately notify Chief Inspector of red tag	45(4)	\$387.50
20. Failing to forward copy of red tag to gas supplier	45(4)	\$387.50
21. Knowingly supplying gas to appliance, container or gas piping system (specify) with red tag	46	\$675.00
22. Using gas appliance, container or piping system (specify) [(specify)] with red tag	47	\$675.00
23. Removing tag without authority	48(1)	\$387.50
24. Failing to forward copy of endorsed tag to Chief Inspector after work completed	48(2)	\$387.50
25. Selling, installing, using, repairing, servicing or maintaining (specify) uncertified or unapproved oil appliance, container or equipment (specify)	49(1)	\$952.50
26. Installing or altering oil appliance, container or equipment (specify) contrary to Code	50	\$952.50
27. Failing to report oil accident or incident (specify) in writing within 24 hours	51	\$387.50

28. Converting appliance without appropriate approved conversion kit	60	\$952.50
29. Failing to comply with regulations	61	\$387.50
30. Making false statement	62	\$387.50
31. Failing to comply with order	63	\$675.00
32. Failing to comply with Code (specify)	64	\$952.50

N.S. Reg. 186/2006

Made: September 29, 2006

Filed: October 2, 2006

Fuel Safety Regulations

Order in Council 2006-421 dated September 29, 2006
Regulations made by the Governor in Council
pursuant to Section 51 of the *Fire Safety Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated July 12, 2006, and pursuant to Section 51 of Chapter 6 of the Acts of 2002, the *Fire Safety Act*, is pleased, effective on and after September 29, 2006, to:

- (a) repeal the *Fuel Safety Regulations*, N.S. Reg. No. 120/99 approved by the Governor in Council by Order in Council 1999-525 dated October 27, 1999; and
- (b) make new regulations respecting fuel safety in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Regulations Respecting Fuel Safety
made by the Governor in Council pursuant to Section 51 of
Chapter 6 of the Acts of 2002, the *Fire Safety Act***

Interpretation**Citation**

1 These regulations may be cited as the *Fuel Safety Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Fire Safety Act*;
- (b) "appliance" means a device in which gas or oil is used to provide service to the user of the device;
- (c) "approved", in relation to an appliance, a container or equipment, means certified by a recognized certification agency or approved by the Chief Inspector in accordance with Section 37 or 49;
- (d) "Board" means the Fire Safety Appeal Board referred to in Section 40 of the Act;

- (e) “Board of Examination” means the Fuel Safety Board of Examination established by Section 5;
- (f) “BTU/h” means British thermal units per hour;
- (g) “certificate” means a certificate issued by the Chief Inspector under Section 29 to allow the certificate holder to perform the tasks authorized for the class of certificate issued;
- (h) “certificate holder” means a person who holds a valid certificate;
- (i) “certified oil burner mechanic” means a person who holds a certificate of qualification as an oil burner installer and maintenance mechanic under the *Apprenticeship and Trades Qualifications Act*;
- (j) “Chief Inspector” means the person designated by the Fire Marshal under Section 10 of the Act as chief inspector for the purpose of these regulations;
- (k) “Codes” means the latest editions of the following codes published by the Canadian Standards Association, as amended:
 - (i) CAN/CSA-B139, *Installation Code for Oil Burning Equipment*,
 - (ii) CAN/CSA-B149.1, *Natural Gas and Propane Installation Code*,
 - (iii) CAN/CSA-B149.2, *Propane Storage and Handling Code*,
 - (iv) CAN/CSA-B149.3, *Code for the Field Approval of Fuel-Related Components on Appliances and Equipment*,
 - (v) CAN/CGA-B105-M93, *Code for Digester Gas and Landfill Gas Installations*,
 - (vi) CAN/CSA-B108, *Natural Gas Fueling Stations Installation Code*;
- (l) “direct supervision” means supervision by a person who is on site and responsible to assist and supervise the person requiring supervision;
- (m) “dispensing unit” means a propane container-filling facility utilizing storage tanks with an aggregate capacity of 5000 USWG or less, and includes the facility commonly known to the propane industry as a service station;
- (n) “equipment” means the accessories necessary to provide gas or oil for an appliance and to process the gas or oil for use in an appliance, and includes any item that contains or processes the gas or oil to make it suitable or available for use in an appliance;
- (o) “fee” means the applicable fee as prescribed in these regulations;
- (p) “fuel safety inspector” means a person designated by the Fire Marshal under Section 10 of the Act as an inspector for the purpose of these regulations, and includes the Chief Inspector;
- (q) “gas” means propane, natural gas, digester gas and landfill gas, unless the context otherwise requires;

- (r) “gas business licence” means a licence issued by the Chief Inspector to allow the licence holder to engage in the activities authorized by Section 8 for the class of licence issued;
- (s) “gas technician” means a Gas Technician I, II or III;
- (t) “Gas Technician I” means a person who holds a valid gas technician licence in the Gas Technician I class;
- (u) “Gas Technician II” means a person who holds a valid gas technician licence in the Gas Technician II class;
- (v) “Gas Technician III” means a person who holds a valid gas technician licence in the Gas Technician III class;
- (w) “gas technician licence” means a licence issued by the Chief Inspector to allow the licence holder to perform the tasks authorized by Section 15, 16 or 17 for the class of licence issued;
- (x) “inspector” means the Fire Marshal, the Chief Inspector or any other fuel safety inspector;
- (y) “licence” means a gas business licence or a gas technician licence, unless the context otherwise requires;
- (z) “Minister” means the Minister of Environment and Labour;
- (aa) “oil” means a hydrocarbon fuel oil as defined by CAN/CSA-B139, *Installation Code for Oil Burning Equipment*;
- (ab) “permit” means a permit issued to a gas business licensee under Section 33 to allow the licensee to carry out an installation or alteration described in Section 32;
- (ac) “piping system” means an arrangement of regulators, piping or tubing, valves and any other items required by the Codes to transfer gas or oil from the supply to the end-use appliance or equipment;
- (ad) “propane” means any material that is composed predominantly of propane, propylene, normal butane, isobutane or butylene hydrocarbons or any mixture of those hydrocarbons;
- (ae) “recognized certification agency” means a certification organization accredited by the Standards Council of Canada;
- (af) “registration” means a registration of an installation or alteration under Section 34;
- (ag) “sell” includes offer for sale, lease, rent, display and advertise;
- (ah) “supervision” means supervision by a person who is able to be immediately contacted by the person requiring supervision;
- (ai) “unacceptable condition”, with respect to an appliance, a container or equipment, means a condition in which the appliance, container or equipment
 - (i) is used for a purpose other than that for which it was approved,

- (ii) is altered by the addition of a device or attachment or is deteriorated to an extent that is likely to impair its safe operation or void its approval under Section 37 or 49,
 - (iii) is likely to be impaired in its safe operation by the condition of the piping, tubing or hoses, the venting of products of combustion, the supply of air for combustion or the clearance from adjacent combustible matter, or
 - (iv) does not meet the requirements of these regulations;
- (aj) “USWG” means U.S. water gallons.

Adoption of Codes

- 3 (1) Except as varied or modified by these regulations or where inconsistent with the Act, the Codes are hereby adopted and must be complied with and are enforceable as if they were regulations.
- (2) The effective date of the latest edition of any of the Codes, including any amendment to the Codes, is the first day of the fourth month following the month in which the edition is published.
- (3) Unless otherwise defined in the Act or these regulations, words and expressions that are defined in the Codes have the same meaning in these regulations.

Application of regulations

- 4 (1) These regulations do not apply to any of the following:
- (a) a gas delivery system, as defined in the *Gas Distribution Act*, that is constructed or operated under a franchise issued under that Act;
 - (b) a pipeline, as defined in the *Pipeline Act*;
 - (c) a gas plant facility, as defined in the *Gas Plant Facility Regulations*;
 - (d) marine or pipeline terminals;
 - (e) petroleum refineries;
 - (f) gas being used as a feedstock in chemical plants;
 - (g) the storage and handling of liquified natural gas or underground reservoirs for natural gas.
- (2) In these regulations,
- (a) Part 1, consisting of Sections 7 to 48, applies only to gas;
 - (b) Part 2, consisting of Sections 49 to 51, applies only to oil;
 - (c) Part 3, consisting of Sections 52 to 64, contains general provisions that apply to both gas and oil; and
 - (d) Part 4, consisting of Sections 65 to 70, contains all the fees payable under these regulations.

Fuel Safety Board of Examination

Establishment of Fuel Safety Board of Examination

- 5 (1) There is hereby established a board of examination to be known as the Fuel Safety Board of Examination.
- (2) The Board of Examination must consist of at least 5 but no more than 9 members, to be appointed by the Minister, as follows:
- (a) 1 representative from the Apprenticeship Training Division of the Department of Education, who is a non-voting member of the Board of Examination;
 - (b) 1 member with experience in the propane industry;
 - (c) 1 member with experience in the natural gas industry;
 - (d) 1 member active in education and training for the gas industry;
 - (e) 1 member who is a consumer or user of gas products;
 - (f) 2 members with experience in the oil industry;
 - (g) up to 2 other members as the Minister considers necessary for the efficient and effective operation of the Board of Examination.
- (3) The Minister must appoint one of the members of the Board of Examination to be chair of the Board of Examination.
- (4) Each member of the Board of Examination must be appointed for a term of 3 years and may be reappointed.
- (5) The members of the Board of Examination must serve without remuneration but must be reimbursed for the expenses necessarily and reasonably incurred by them in attending meetings of the Board of Examination.
- (6) The Chief Inspector must serve as secretary to the Board of Examination.

Functions of Board of Examination

- 6 The following are the functions of the Board of Examination:
- (a) to advise the Minister, the Fire Marshal and the Fire Safety Advisory Board on matters within the scope of these regulations;
 - (b) to advise the Department of Education with respect to matters within the scope of these regulations;
 - (c) to serve as a board of examiners for the classes of certification established by these regulations;
 - (d) to approve qualifications and determine substantial equivalencies for certification;

- (e) to advise or make recommendations to the Minister concerning the general administration of these regulations or any matter that, in the opinion of the Board of Examination, may require amendment of these regulations;
- (f) to carry out any additional duties prescribed by these regulations.

Part 1 - Gas

Gas Business Licences

Certain activities prohibited without gas business licence

7 A person must not engage in any activities specified in Section 8, including operating any of the following types of business, without holding a valid gas business licence in a class that authorizes them to do so:

- (a) propane storage or distribution;
- (b) installing, repairing, servicing or maintaining gas appliances, containers, equipment or piping systems;
- (c) operating a natural gas vehicle refuelling or cylinder filling station.

Classes of gas business licences

8 The classes of gas business licences are as follows:

- (a) Class 1 (Gas Distribution) Licence, authorizing the licensee to operate any of the following:
 - (i) a propane bulk plant or propane container refill centre,
 - (ii) a propane dispensing unit for the purpose of filling portable cash-and-carry-type cylinders and motive fuel or recreational vehicle containers permanently mounted on vehicles,
 - (iii) a facility for transporting propane in bulk or cylinders, not including the retail sale or exchange of cylinders of 20 lbs. propane capacity or less;
- (b) Class 2 (Contractor) Licence, authorizing the licensee to do any of the following:
 - (i) transport propane in approved containers for the purposes of making installations,
 - (ii) install gas appliances, equipment and piping systems,
 - (iii) repair, service and maintain gas appliances, containers, equipment and piping systems;
- (c) Class 3 (Industrial) Licence, authorizing the licensee to do any of the following:
 - (i) repair, service and maintain industrial gas-fired appliances and equipment on the premises of the licensee,
 - (ii) repair, service and maintain propane motive fuel systems on off-highway vehicles operated by the licensee,

- (iii) operate a propane dispensing unit for the purpose of filling cylinders used only by the licensee;
- (d) Class 4 (Dispensing Station) Licence, authorizing the licensee to operate as a business a natural gas vehicle refuelling or natural gas cylinder filling station of any size.

Application for gas business licence or renewal

9 A person may apply for a gas business licence or renewal of a gas business licence by submitting all of the following information to the Chief Inspector together with the fee:

- (a) the name and mailing address of the applicant;
- (b) the civic address of the applicant if different from the mailing address;
- (c) if the applicant is a corporate body, a list of the officers of the applicant;
- (d) a list of certificate holders and gas technicians who are employed with or contracted by the applicant;
- (e) proof of public liability insurance in the amount of \$2 000 000 or another amount the Chief Inspector considers appropriate.

Inspection and records of gas business licensee

10 An inspector may carry out any inspection or require the production of any records of a gas business licensee that the inspector considers necessary to ensure the proper administration of the licence or compliance with these regulations.

Gas Technician Licenses

Performance of certain tasks prohibited without gas technician licence

- 11** (1) Except as permitted under subsection (2), a person must not perform any tasks specified in Sections 15, 16 or 17 without holding a valid gas technician licence in a class that authorizes them to do so.
- (2) A Gas Fitter III student who is enrolled in a training institution or working in the trade during an approved work term may perform the tasks specified in subsection 17(3) for up to 6 weeks, if
- (a) the work is done under the direct supervision of a Gas Technician I or Gas Technician II; and
 - (b) the student has a temporary work permit issued by the Apprenticeship Training Division of the Department of Education under the *Apprenticeship and Trades Qualifications Act General Regulations*.

Liquid propane authorization

- 12** (1) In addition to their gas technician licence, a Gas Technician I or Gas Technician II requires a liquid propane authorization to work with liquid propane.
- (2) The Chief Inspector may issue a liquid propane authorization to a Gas Technician I or Gas Technician II on proof of completion of an approved course of training based on CSA Model 25 or an accepted equivalency.

Classes of gas technician licences

13 The 3 classes of gas technician licences are as follows:

- (a) Gas Technician I, authorizing the holder to perform the tasks specified in Section 15 for a Gas Technician I;
- (b) Gas Technician II, authorizing the holder to perform the tasks specified in Section 16 for a Gas Technician II;
- (c) Gas Technician III, authorizing the holder to perform the tasks specified in Section 17 for a Gas Technician III.

Application for gas technician licence or renewal

- 14 (1)** An applicant for a gas technician licence or renewal of a gas technician licence must be at least 16 years of age and must, in the opinion of the Chief Inspector, hold the following qualifications, as applicable:
- (a) for a Gas Technician I licence, a valid certificate of qualification as a Gas Fitter I under the *Apprenticeship and Trades Qualifications Act*, or other substantially equivalent qualification approved by the Chief Inspector;
 - (b) for a Gas Technician II licence, a valid certificate of qualification as a Gas Fitter II under the *Apprenticeship and Trades Qualifications Act*, or other substantially equivalent qualification approved by the Chief Inspector;
 - (c) for a Gas Technician III licence, a valid certificate of qualification as a Gas Fitter III under the *Apprenticeship and Trades Qualifications Act*, or other substantially equivalent qualification approved by the Chief Inspector;
- (2)** A person who qualifies under subsection (1) may apply for a gas technician licence or renewal of a gas technician licence by filing a completed application with the Chief Inspector in a form prescribed by the Chief Inspector together with
- (a) information about the person's training, experience and qualifications; and
 - (b) the gas technician licensing fee.

Tasks authorized to be performed by a Gas Technician I

- 15** A Gas Technician I may, with respect to a gas appliance, perform any of the following tasks:
- (a) install, inspect, test, activate, purge, service, repair or remove an appliance or any equipment for the appliance;
 - (b) install, inspect, test, activate, purge, service, repair, perform maintenance on or remove any piping or tubing, or component in a piping or tubing system, to an appliance downstream of a natural gas meter;
 - (c) install, inspect, test, activate, purge, service, repair, perform maintenance on or remove any piping or tubing, or component in a piping or tubing system, to a propane-fired appliance or propane system, including installation or removal of the propane supply container;
 - (d) install, inspect, service, remove, repair or replace any vent, vent connector, draft control device or other component in a gas-fired appliance venting system;

- (e) disconnect and reconnect water piping as necessary to exchange, service or install an appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance, but a Gas Technician I must not alter, remove, repair or replace any cross-connection control devices, or perform any additional plumbing work without a valid certificate of qualification in the plumber trade under the *Apprenticeship and Trades Qualifications Act*;
- (f) perform maintenance on, service or replace a mechanical or electrical component or equipment that is either part of an appliance or essential to the operation of the appliance;
- (g) install, service, remove or replace components and equipment forming part of the gas-side of a refrigerating or air conditioning unit, but a Gas Technician I must not perform any additional work beyond the gas-side of the appliance without a valid certificate of qualification in the refrigeration and air conditioning mechanic trade under the *Apprenticeship and Trades Qualifications Act*;
- (h) disconnect and reconnect electrical supply wiring to exchange, service or repair an appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance, but a Gas Technician I must not run wiring back to the panel or perform any additional electrical work related to the wiring of the appliance without a valid certificate of qualification in the construction electrician trade under the *Apprenticeship and Trades Qualifications Act*;
- (i) any tasks that may be performed by a Gas Technician II.

Tasks authorized to be performed by a Gas Technician II

16 A Gas Technician II may, with respect to a gas appliance having an input of 400 000 BTU/h or less, perform any of the following tasks:

- (a) install, activate, purge, service, repair or remove an appliance or any equipment essential to the operation of the appliance;
- (b) install, inspect, test, activate, purge, service, repair, perform maintenance on or remove any piping or tubing, or component in a piping or tubing system, to an appliance downstream of a natural gas meter, but only if the size of the piping or tubing is not greater than 2 in. Nominal Pipe Size;
- (c) install, inspect, test, activate, purge, service, repair, perform maintenance on or remove any piping or tubing, or component in a piping or tubing system, to an appliance of a propane system, including installation and removal of the propane supply container, but only if the size of the piping or tubing is not greater than 2 in. Nominal Pipe Size;
- (d) install, inspect, service, remove, repair or replace any vent, vent connector, draft control device or other component in a gas-fired appliance venting system;
- (e) disconnect and reconnect water piping as necessary to exchange, service or install an appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance, but a Gas Technician II must not alter, remove, repair or replace any cross-connection control devices or perform any additional plumbing work without a valid certificate of qualification in the plumber trade under the *Apprenticeship and Trades Qualifications Act*;

- (f) perform maintenance on, service or replace a mechanical or electrical component or equipment that is either part of an appliance or essential to the operation of the appliance;
- (g) install, service, remove or replace components and accessories forming part of the gas-side of a refrigerating or air conditioning unit, but a Gas Technician II must not perform any additional work beyond the gas-side of the appliance without a valid certificate of qualification in the refrigeration and air conditioning mechanic trade under the *Apprenticeship and Trades Qualifications Act*;
- (h) disconnect and reconnect electrical supply wiring to exchange, service or repair an appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance, but a Gas Technician II must not run wiring back to the panel or perform any additional electrical work related to the wiring of the appliance without a valid certificate of qualification in the construction electrical trade under the *Apprenticeship and Trades Qualifications Act*.

Tasks authorized to be performed by a Gas Technician III

- 17 (1) A Gas Technician III may, with respect to a gas appliance having an input of 400 000 BTU/h or less, and under the supervision of a Gas Technician II or Gas Technician I, perform any of the following tasks:
- (a) install, test, reactivate or remove any piping or tubing, or a component in a piping or tubing system, to an appliance downstream of the natural gas meter or propane vapour service valve, up to the appliance isolation valve, but only if the size of the piping or tubing is not greater than 2 in. Nominal Pipe Size;
 - (b) reactivate a previously installed or previously converted appliance;
 - (c) disconnect and reconnect water piping as necessary to exchange, service or install an appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance, but a Gas Technician III must not alter, remove, repair or replace any cross-connection control devices or perform any additional plumbing work without a valid certificate of qualification in the plumber trade under the *Apprenticeship and Trades Qualifications Act*;
 - (d) clean or lubricate an appliance;
 - (e) clean, remove or replace a vent connector, venting or a draft control device.
- (2) A Gas Technician III must not perform the initial activation of a new or newly converted appliance.
- (3) A Gas Technician III may, under the direct supervision of a Gas Technician I or a Gas Technician II, perform any of the following tasks:
- (a) install, service, convert or activate a gas appliance having an input of 400 000 BTU/h or less;
 - (b) install or exchange propane supply containers.

General Licence Provisions

Issue and term of licence

- 18** (1) The Chief Inspector may issue or renew a licence on receiving the required information and licence fee.
- (2) A licence must be in the form determined by the Chief Inspector and may contain any terms and conditions that the Chief Inspector considers necessary.
- (3) A licence is valid until the expiry date on the licence, for a term of 3 years from the date it is issued, unless suspended or cancelled sooner.

Refusal to issue or renew, suspension or cancellation of licence

- 19** The Chief Inspector may refuse to issue or renew a licence or may suspend or cancel a licence if the applicant or licensee, as applicable,
- (a) violates the Act, these regulations, or the Codes;
- (b) fails to comply with any term or condition of their licence; or
- (c) fails to comply with an order or requirement of an inspector.

Requirement to produce licence

- 20** (1) A person must produce a licence on demand of an inspector.
- (2) If a person fails to produce a licence on demand of an inspector, the failure is *prima facie* evidence that the person is not a licensee.

Gas Certification

No performing task without certificate

- 21** (1) Except as permitted under subsections (2) and (3), a person must not perform any of the tasks referred to in Section 23, including all of the following, without holding a valid certificate in a class that authorizes them to perform the task:
- (a) repairing, servicing or maintaining a gas appliance, container or piping system in-house in an industrial setting;
- (b) repairing, servicing or maintaining a propane appliance, container or piping system in a recreational vehicle;
- (c) transporting propane in portable containers for distribution purposes;
- (d) operating a tank truck or cargo liner transporting propane;
- (e) operating a propane bulk plant;
- (f) operating a propane dispensing unit;
- (g) installing or servicing a propane motive fuel system in an off-highway vehicle;
- (h) installing a gas piping system.

- (2) A gas technician, or a registered apprentice under the direct supervision of a gas technician, is permitted to perform a task referred to in clause (1)(a), (b), (c) or (h) without holding a certificate that authorizes them to perform the task.
- (3) A person is not required to hold a certificate if all of the following apply to the person:
 - (a) the person is in training;
 - (b) the person is under the direct supervision of a certificate holder or gas technician, as applicable, in the applicable class;
 - (c) the person is performing only a task referred to clause (1)(c), (d) or (e).

No ordering or permitting task to be performed by unauthorized person

22 A person must not order or permit any person to perform any task or other act that is prohibited by these regulations from being performed by a person who is not a certificate holder or gas technician, unless the person who is performing the task or other act meets one of the following requirements:

- (a) the person holds a certificate or a gas technician licence authorizing them to perform it;
- (b) the person is performing work or another act listed in clause 21(1)(c), (d) or (e) as an assistant to and under the direct supervision of a person who is the holder of a certificate or a gas technician licence authorizing that person to perform that work;
- (c) the person is a gas fitter apprentice under the *Apprenticeship and Trades Qualifications Act* and performs any task or other act referred to in subsection 17(1) while under the direct supervision of a Gas Technician I or II.

Classes of certificates

23 The classes of certificates are as follows:

- (a) Class B, which authorizes the holder to operate a propane bulk plant;
- (b) Class C, which authorizes the holder to transport propane in portable containers;
- (c) Class D, which authorizes the holder to operate a tank truck transporting propane;
- (d) Class E, which authorizes the holder to operate a cargo liner transporting propane;
- (e) Class F, which authorizes the holder to operate a propane dispensing unit;
- (f) Class G (restricted certificate), which authorizes the holder to install, repair, service or maintain a gas appliance, container or piping system on a restricted basis as designated on the certificate, as follows:
 - (i) G-1 - restricted to the installation, repair, service and maintenance of propane systems for recreational vehicles and mobile homes,
 - (ii) G-2 - restricted to the installation, repair, service and maintenance of propane-fired construction heaters and portable cylinders, excluding supply tanks and building piping,

- (iii) G-3 - restricted to the repair, service and maintenance of propane-fired domestic barbeque grills,
- (iv) G-6 - restricted to the repair, service and maintenance of industrial in-house gas-fired appliances and equipment at the location designated on the certificate, and not including installation,
- (v) G-7 - restricted to the repair, service and maintenance of systems in which propane is used as a motive fuel to power off-highway vehicles, and including conversion of the systems,
- (vi) G-9 - restricted to the installation of gas piping systems of any size from the outlet of the meter or second stage regulator to the last shut-off valve.

Certification examination required

24 A candidate for any class of certificate must pass a certification examination prescribed by the Board of Examination.

Qualifications for examination leading to certification

- 25 (1)** Except as provided for in subsections (2) and (3), the Board of Examination must determine the qualifications required of a candidate for examination for any class of certificate.
- (2)** A candidate for a certification examination must be at least 16 years of age and must, in the opinion of the Board of Examination, hold the following qualifications, as applicable:
- (a) for a Class B certificate, at least 30 working days' experience assisting in the operation of a propane bulk plant and completion of a training course approved by the Board of Examination;
 - (b) for a Class C certificate, completion of a training course approved by the Board of Examination;
 - (c) for a Class D certificate, at least 30 days' experience on a propane tank truck under the direct supervision of a Class D certificate holder, and completion of a training course approved by the Board of Examination;
 - (d) for a Class E certificate,
 - (i) at least 6 months' experience handling tractor trailers, 30 working days of which must be experience on propane cargo liners under the direct supervision of a Class E certificate holder, and completion of a training course approved by the Board of Examination, or
 - (ii) sufficient propane experience and completion of a recognized driver training course in handling tractor trailers;
 - (e) for a Class F certificate, successful completion of the Propane Gas Association of Canada 100-1 Dispenser Operator's Course;
 - (f) for a Class G certificate, successful completion of a training course approved by the Board of Examination.

- (3) The experience requirements of clauses (2)(b) to (f) must be fulfilled during the 12 months immediately before the date of application for the examination leading to certification.

Application for examination leading to certificate

26 A person who qualifies under Section 25 may apply to take the examination for certification in the applicable class by filing a completed application with the Board of Examination in a form prescribed by the Board of Examination together with all of the following:

- (a) references and information about the person's training, experience and qualifications;
- (b) the certification fee.

Board of Examination to prescribe training courses and examinations

27 The Board of Examination must

- (a) approve the training course required by Section 25 to be completed by a candidate for examination;
- (b) prescribe the certification examination to be completed by a candidate for any certificate; and
- (c) determine the degree of competency that a candidate requires to pass a certification examination.

Examination of candidate for certification

28 (1) A candidate for certification must be examined by one of the following:

- (a) a member of the Board of Examination;
 - (b) at the discretion of the Board of Examination, a person or accredited body acceptable to the Board of Examination.
- (2) The Board of Examination may set the time and place for an examination.

Issue and term of certificate

29 (1) The Board of Examination must notify the Chief Inspector of the name each candidate who passes an examination.

- (2) On receiving notice under subsection (1), the Chief Inspector must issue a certificate to the successful candidate endorsed with the applicable class, or further endorse the successful candidate's existing certificate, as applicable.
- (3) A certificate is valid until the expiry date on the certificate, for a term of 3 years from the date it is issued, unless suspended or cancelled sooner.
- (4) A certificate may be renewed upon application and payment of the certificate renewal fee.

Suspension or cancellation of certificate

30 If the Chief Inspector is satisfied that a certificate or endorsement on a certificate has been issued on the basis of incorrect or false information or that the holder of a certificate has failed to comply with these regulations, the Chief Inspector may suspend or cancel the certificate.

Gas Permits and Registration

No installation or alteration without permit or registration

31 A person must not begin an installation or alteration referred to in subsection 32(1) or subsection 34(1) without a valid permit or registration as required.

Application for permit

32 (1) Except as provided for in Section 34, a gas business licensee must apply to an inspector for a permit before installing or altering any of the following:

- (a) a gas piping system that supplies gas to an end-use appliance or equipment;
- (b) storage or transfer equipment in a propane filling plant or dispensing unit;
- (c) gas processing or gas utilizing equipment at a digester gas or landfill gas facility;
- (d) a propane cylinder storage location;
- (e) a natural gas vehicle refuelling station;
- (f) any appliance or equipment that is field approved in accordance with subsection 37(3);
- (g) foundation and supports for a vertical propane tank or for a horizontal tank with a capacity of 1700 USWG or greater.

(2) An application required by subsection (1) must be

- (a) in a form specified by the Chief Inspector;
- (b) accompanied by the application fee; and
- (c) except as provided in subsection (3), accompanied by plans and specifications in a form acceptable to the Chief Inspector.

(3) Plans and specifications referred to in clause (2)(c) are not required to accompany an application for a permit for an installation or to alter an installation that has a total load of 3 million BTU/h or less, and that uses only approved appliances and equipment.

(4) An applicant for a permit is solely responsible for paying all costs incurred by the Fuel Safety Section of the Department of Environment and Labour for engineering, consulting or other services during the process of permit approval, if the applicant has given prior approval for the services.

Issue, terms and conditions of permit

33 (1) If an inspector approves an application made under Section 32, including any plans and specifications required under clause 32(2)(c), the inspector may do any one of the following:

- (a) issue a permit to the applicant;
- (b) direct that a permit be issued to the applicant through Service Nova Scotia and Municipal Relations.

- (2) A permit must be in a form specified by the Chief Inspector and may contain any terms and conditions that the Chief Inspector considers necessary.
- (3) A permit is for a term of 1 year, and the term may be extended or the permit renewed.
- (4) A permit is not transferable and must be used only by the authorized permit holder.

Registration in place of a permit

- 34** (1) Instead of applying for a permit under Section 32, a gas business licensee may file with Service Nova Scotia and Municipal Relations to register an installation or any alteration of an installation, if all of the following apply to the installation:
- (a) it is for domestic use only;
 - (b) it is for the sole purpose of providing service to a 1-family or 2-family dwelling unit, as defined in the *Nova Scotia Building Code*;
 - (c) it has a total input load of 250 000 BTU/h or less;
 - (d) it is to include only approved gas appliances and equipment.
- (2) A filing to register permitted by subsection (1) must be
- (a) in a form determined by the Chief Inspector; and
 - (b) accompanied by the registration fee.
- (3) A person must not file to register an installation or alteration of an installation for which a permit is required.

Confirmation, terms and conditions of registration

- 35** (1) If an inspector approves a gas business licensee's filing to register under Section 34, the registration is complete and the inspector must direct that a confirmation notice be issued to the licensee through Service Nova Scotia and Municipal Relations.
- (2) A registration may contain any terms and conditions that the Chief Inspector considers necessary, and the terms and conditions must be included in the confirmation notice.
 - (3) A registration is for a term of 1 year, and the term may be extended or the registration renewed.
 - (4) A registration is not transferable and must be used only by the authorized registration holder.

Suspension, cancellation, refusal to renew or withholding permit or registration

- 36** (1) If a person who holds a permit or registration fails to comply with the Act or these regulations, or with any term or condition of the permit or registration, the Chief Inspector may suspend, cancel or refuse to renew the permit or registration.
- (2) If, in the opinion of an inspector, a holder of a permit or registration is delinquent in remedying a deficiency, the Chief Inspector may withhold any other permit or registration from the holder until the holder remedies the deficiency.

Gas Appliances, Containers and Equipment

Approved gas appliance, container or equipment

- 37 (1) A person must not sell, install, use, repair, service or maintain a gas appliance, a gas container or gas equipment, unless the appliance, container or equipment meets one of the following requirements:
- (a) it is certified by a recognized certification agency;
 - (b) it is of a type and rating approved by the Chief Inspector.
- (2) Any gas appliance, container or equipment that does not bear a nameplate or label indicating that it is certified by a recognized certification agency is deemed to be not approved by the Chief Inspector unless the contrary is proven.
- (3) An uncertified gas appliance or gas equipment for which there is no recognized national standard is deemed to be certified by a recognized certification agency if it conforms with CAN/CSA-B149.3, *Code for the Field Approval of Fuel-Related Components on Appliances and Equipment* or another equivalent standard and it is field approved by a recognized certification agency.
- (4) A field approval referred to in subsection (3) is valid only while the appliance or equipment remains on the site for which the field approval was given.

Propane cylinder or pressure vessel requiring inspection and re-qualification

- 38 (1) A person must not use, install or deliver gas to a propane cylinder, or a pressure vessel of 1000 lbs. water capacity or less for the storage, supply or distribution of propane, if the cylinder or pressure vessel is due for inspection and re-qualification.
- (2) A propane cylinder or pressure vessel referred to in subsection (1) must be inspected and re-qualified by an inspector who is certified for that purpose by Transport Canada before it may be used or installed or have gas delivered to it.

Damaged propane container

- 39 (1) A person must not use, install or deliver gas to a propane container that shows signs of corrosion, dents, bulges or other damage.
- (2) A propane container referred to in subsection (1) must be repaired and re-qualified in accordance with the requirements of the applicable Code before it may be used or installed or have gas delivered to it.

Installation on roof

- 40 A person must not permanently install a propane container on the roof of a building or structure or allow a propane container to remain permanently installed on the roof of a building or structure.

Requirement to report

- 41 If a gas explosion, leak, fire, accident or equipment failure or a propane-transporting vehicle incident occurs, the distributor, agent, installer or licensee must immediately report it to an inspector by telephone, fax or e-mail and must submit a written report respecting the matter by mail, fax, or e-mail to the Chief Inspector no later than 24 hours after the time of the occurrence.

Gas Tag Systems

No supply or connection to installation without appropriate tag

- 42 (1) A gas technician must not supply or connect gas to an installation until they verify that the installation has an appropriate tag and that it complies with these regulations and the Codes.
- (2) This Section does not remove or diminish any of the responsibilities of the person responsible for affixing a green tag to an installation under Section 43.

Green tag system

- 43 (1) After a gas appliance, container or piping system is installed and before it is charged with gas, the Gas Technician I, Gas Technician II or Class G certificate holder responsible for the work completed must immediately complete and post an installation tag at the interior entry point of the gas piping system into a building or, if outdoors, at or near the meter or second stage regulator.
- (2) An installation tag must be green in colour and must include all of the following information:
- (a) the civic address of the premises where the gas appliance, container or piping system is situated;
 - (b) the number of the permit issued or registration number for the installation;
 - (c) the total system BTU/h load of the gas appliance, container or piping system;
 - (d) a statement that the installation complies with the Codes and these regulations;
 - (e) the date the work was completed;
 - (f) the signature of the person responsible for the work completed and
 - (i) if the person is a Class G certificate holder, their certificate number and class of certificate held, or
 - (ii) if the person is a Gas Technician I or Gas Technician II, their gas technician licence number and class of gas technician licence held;
 - (g) the gas technician licence number, class of gas technician licence held and signature of the Gas Technician I or Gas Technician II who performed the verification required by Section 42 before supplying fuel to the installation;
 - (h) the contractor's name and gas business licence number.
- (3) A gas technician who performs a verification and signs an installation tag under clause (2)(g) must not be the same person as the gas technician who signed the installation tag under clause (2)(f).
- (4) The Gas Technician I, Gas Technician II or Class G certificate holder responsible for the work completed must send a copy of the installation tag to the gas supplier no later than 7 days after the date the work is completed.

Yellow tag system

- 44 (1)** A Gas Technician I, Gas Technician II, Class G certificate holder, gas supplier or an inspector must affix a yellow “B” tag to any gas appliance, container or piping system that that person reasonably believes is a potential hazard to life or safety.
- (2)** A yellow “B” tag must include all of the following information:
- (a) the civic address of the premises where the gas appliance, container or piping system is situated;
 - (b) the number of the permit issued for the gas appliance, container or piping system, if any;
 - (c) a statement of the problem or hazard identified;
 - (d) the date the tag was affixed;
 - (e) the signature of the person who affixed the tag and
 - (i) if the person is a Class G certificate holder, their certificate number and class of certificate held,
 - (ii) if the person is a Gas Technician I or Gas Technician II, their gas technician licence number and class of gas technician licence held; or
 - (iii) if the person is an inspector or gas supplier, their name;
 - (f) the tag’s expiry date, determined in accordance with subsection (5).
- (3)** A person who affixes a yellow “B” tab to a gas appliance, container or piping system must not shut off the gas fuel source.
- (4)** A person who affixes a yellow “B” tag to a gas appliance, container or piping system must immediately notify an inspector by phone, fax or e-mail and forward a copy of the tag to each of the inspector and the gas supplier for the gas appliance, container or piping system.
- (5)** A yellow “B” tag expires 30 days after the date on which it was affixed.
- (6)** A repair that is required to correct a problem or hazard indicated on a yellow “B” tag must be completed on or before the tag’s expiry date.
- (7)** If the problem or hazard identified on a yellow “B” tag is not corrected by the tag’s expiry date, the gas supplier for the gas appliance, container or piping system must affix a red “A” tag to the gas appliance, container or piping system and subsections 45(3) and (4) apply with all necessary changes.

Red tag system

- 45 (1)** A Gas Technician I, Gas Technician II, Class G certificate holder or an inspector must affix a red “A” tag to any gas appliance, container or piping system if
- (a) it has been removed from service;
 - (b) it has an expired yellow “B” tag; or

- (c) that person considers it to be
 - (i) in an unacceptable condition,
 - (ii) unsafe, or
 - (iii) an imminent hazard to life or property.
- (2) Clauses 44(2)(a) to (e), respecting information required to be included on a yellow “B” tag, apply with all necessary changes to a red “A” tag.
- (3) A person who affixes a red “A” tag to a gas appliance, container or piping system must shut off the gas fuel source.
- (4) A person who affixes a red “A” tag to a gas appliance, container or piping system must immediately notify an inspector by phone, fax or e-mail and forward a copy of the tag to each of the Chief Inspector and the gas supplier for the gas appliance, container or piping system.

No supplying gas if red “A” tag affixed

46 A person must not knowingly supply gas to a gas appliance, container or piping system to which a red “A” tag is affixed unless the person is a Gas Technician I, Gas Technician II or Class G certificate holder who is responsible for making the gas appliance, container or piping system comply with these regulations and the applicable Codes.

No using if red “A” tag affixed

47 A person must not use a gas appliance, container or piping system to which a red “A” tag is affixed.

Removing red or yellow tag

- 48 (1) A red “A” tag or yellow “B” tag that is affixed to a gas appliance, container or piping system must not be removed except by an inspector, Gas Technician I, Gas Technician II or Class G certificate holder who must first verify that the problem or hazard indicated on the tag is corrected.
- (2) When a red “A” tag or yellow “B” tag is removed, the Gas Technician I, Gas Technician II or Class G certificate holder responsible for the work completed must endorse their name, their gas technician licence or certificate number, as applicable, and the removal date and time upon the tag and forward a copy of the tag to the Chief Inspector.

Part 2 - Oil**Approved oil appliance, container or equipment**

- 49 (1) A person must not sell, install, use, repair, service or maintain an oil appliance, an oil container or oil equipment, unless the appliance, container or equipment is
- (a) certified by a recognized certification agency; or
 - (b) of a type and rating approved by the Chief Inspector.
- (2) Any oil appliance, container or equipment that does not bear a nameplate or label indicating that it is certified by a recognized certification agency is deemed to be not approved by the Chief Inspector unless the contrary is proven.

Installation or alteration must comply to Code

50 A person must not install or alter an oil appliance, an oil container or oil equipment contrary to CAN/CSA-B139, *Installation Code for Oil Burning Equipment*.

Requirement to report

51 If an oil equipment failure occurs, the distributor, agent or installer must immediately report it to an inspector by telephone, fax or e-mail and must submit a written report respecting the matter by mail, fax, or e-mail to the Chief Inspector no later than 24 hours after the time of the failure.

Part 3 - Inspectors' Powers, Appeals and General Prohibitions**Powers of Inspector and Chief Inspector****Chief Inspector may issue bulletins**

52 The Chief Inspector may issue bulletins advising all interested persons of interpretations of Codes and these regulations, hazards created by non-compliance with these regulations and the Codes, and other matters of interest or concern to the gas or oil industry.

Inspector may make special inspection upon request

53 (1) If requested, an inspector may make a special inspection.

(2) An inspector may charge a special inspection fee for a special inspection.

Inspector may require that test be witnessed

54 An inspector may require that a test prescribed by these regulations or a Code be witnessed by an inspector or a person representing an inspector.

Chief Inspector may grant special permission to begin work

55 (1) If, in the opinion of the Chief Inspector, it is necessary to deviate from or postpone the application of a requirement of a Code respecting a particular appliance, container or piping system, the Chief Inspector, on request, may grant special permission for work to begin on the appliance, container or piping system.

(2) A person must not begin work on an appliance, container, or piping system referred to in subsection (1) before the Chief Inspector grants special permission in writing for the work to begin.

(3) Special permission granted under this Section applies only to the particular appliance, container or piping system for which it is given.

Inspector may order disconnection or other action to address hazard

56 If, in the opinion of an inspector, an installation may result in a fire emergency or a hazard of fire or explosion that may cause injury or damage to persons or property in or about any building, premises, place or area, or an installation does not comply with the Codes or these regulations, the inspector may do any one or all of the following:

(a) disconnect the fuel supply until the hazard is remedied;

(b) order, orally or in writing, that the fuel supply company disconnect the fuel supply until the hazard is remedied;

(c) after completing an inspection, issue an inspection report requiring a person to carry out and complete repairs to or servicing of the installation.

Inspector may order discontinuance of use of appliance or equipment

57 On becoming aware that an appliance or equipment is hazardous, an inspector may order, orally or in writing, that the appliance or equipment must not be sold, installed, used, repaired, serviced or maintained, even if the appliance or equipment is certified by a recognized certification agency or is of a type and rating approved by the Chief Inspector.

Appeals**Appeal to Chief Inspector**

- 58** (1) A person against whom an order is made by an inspector other than the Chief Inspector under these regulations may appeal the order by submitting a written notice of appeal to the Chief Inspector no later than 15 days after the date the person receives the order.
- (2) A notice of appeal under subsection (1) must be served by leaving the notice at the Office of the Fire Marshal or by sending the notice by registered mail to the Chief Inspector.
- (3) On receiving a notice of appeal under this Section, the Chief Inspector must
- (a) promptly investigate or cause to be investigated each appeal made under subsection (1);
 - (b) confirm, vary or revoke the order appealed from; and
 - (c) communicate the Chief Inspector's decision and the reasons for the decision in writing to the person who appealed the order and to the inspector who made the order.

Appeal to the Board

- 59** (1) A person affected by any of the following decisions of an inspector or the Chief Inspector may appeal the decision to the Board by submitting a written notice of appeal to the Board no later than 15 days after the date the person received the order or decision:
- (a) a decision to refuse to issue or renew a licence, certificate, permit, confirmation of registration or approval;
 - (b) a decision to suspend or cancel a licence, certificate, permit, registration or approval;
 - (c) an order;
 - (d) a decision under Section 58.
- (2) A notice of appeal under subsection (1) must be served by leaving the notice at the office of the Board or by sending the notice by registered mail to the Board.
- (3) On receiving a notice of appeal under this Section, the Board must
- (a) promptly hear and determine an appeal made under subsection (1);
 - (b) make a decision or order that the Board considers just; and
 - (c) communicate the Board's decision and the reasons for the decision in writing to the person who appealed the order or decision and to the inspector who made the order.
- (4) Any decision or order of the Board is final and cannot be appealed.

General Prohibitions

Conversion without approved kit

60 A person must not convert an appliance from one fuel to another without using a conversion kit approved by the Chief Inspector for conversion of the appliance.

Contravention of regulations

61 A person must not contravene, neglect, refuse, omit or fail to observe any provision of these regulations.

False statement

62 A person must not make a false statement respecting information required by these regulations.

Contravention of order

63 A person must not contravene or fail to comply with an order of an inspector.

Failure to comply with Codes

64 A person must not fail to comply with the Codes adopted by these regulations.

Part 4 - Fees

Gas business licence fees

65 (1) The yearly rates for gas business licence fees are as set out in the following table:

Gas Business Licence	Yearly Rate for Licence Fee
Class 1 (Gas Distribution)	
- bulk plant/dispenser (aggregate storage capacity)	\$0.0426/USWG (minimum \$106.50)
- cylinder handling only	\$106.50
- bulk transporter only	\$106.50
Class 2 (Contractor)	\$106.50
Class 3 (Industrial)	\$106.50
Class 4 (Dispensing Station)	\$106.50

(2) The fees set out in subsection (1) include the cost of any inspections carried out under Section 10.

Gas technician licence fee

66 The yearly rate for a gas technician licence fee is \$26.62.

Certification fees

67 (1) The fees for certificates are as set out in the following table:

Certificate	Initial Fee	Yearly Renewal Fee
Other than Class F	\$53.25	\$42.60
Class F	\$26.62	\$26.62

(2) The fee for a duplicate certificate of any class is \$15.98.

- (3) The fees set out in subsection (1) do not include applicable training fees.

Permit fees

68 The fees for permits are as set out in the following table:

Activity Allowed by Permit	Fee
Installation with total load of 3 000 000 BTU/h or less	\$25.81
Installation with total load of more than 3 000 000 BTU/h	
- new installation	\$.062/1000 BTU/h of total load (max. \$10 650)
- addition or alteration to existing installation	\$.062/1000 BTU/h of alteration (minimum \$106.50 - maximum \$10 650)
Installation or alteration of digester gas or landfill gas installation	as determined and charged by certification agency
Installation or alteration of propane dispenser with less than 5000 USWG aggregate capacity	\$53.25
Building new propane bulk plant	\$.0052/USWG of total storage
Altering propane bulk plant	\$51.63
Install or alter natural gas vehicle refuelling station	\$51.63

Registration fees

69 The fee for registering a domestic 1-family or 2-family dwelling unit installation with a total load of 250 000 BTU/h or less is \$25.81.

Special inspection fee

70 The fee for a special inspection requested under Section 53 is calculated at a rate of \$106.50 per hour or part of an hour of time required by the inspector to make the special inspection.