

Royal Gazette

Part II Regulations under the Regulations Act

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

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

N.S. Reg. 265/2009

Made: July 13 and July 17, 2009

Filed: August 21, 2009

Teachers' Pension Plan Regulations

Order dated July 13 and July 17, 2009
made by the Minister of Finance and the Nova Scotia Teachers' Union
pursuant to Sections 14 and 20 of the *Teachers' Pension Act*

Memorandum of Agreement
Between
Her Majesty the Queen in the Right of the Province of Nova Scotia
Represented by the Minister of Finance
And
The Nova Scotia Teachers' Union
A Body Corporate Established Pursuant to the *Teaching Profession Act*,
Being Chapter 462 Revised Statutes 1989

Whereas Sections 14 and 20 of Chapter 26 of the Acts of 1998, the *Teachers' Pension Act* provides that the Minister of Finance ("Minister") and the Nova Scotia Teachers' Union ("Union") may make regulations setting out the terms of the Teachers' Pension Plan ("Pension Plan");

And whereas the *Teachers' Pension Plan Regulations* ("Regulations") were made as of March 31, 1999, as Nova Scotia Regulation 88/99;

And whereas the By-laws of the Union, as amended by Resolution 2000-15, authorize the Executive of the Union to exercise on behalf of the Union the powers of the Union under the *Teachers' Pension Act*;

And whereas by resolution of the Executive of the Union dated July 10, 2009, the Executive approved the amendments to the Regulations (subsections 6(1)(a), 8(1), and 8(2)) as set out in Schedule "A" attached hereto and authorized the President of the Union to sign the amendments to the Regulations on behalf of the Executive;

The Minister and the Union hereby make the amendments to the Regulations in the form and manner attached hereto as Schedule "A", effective on and after the 26th day of June, 2009.

Signed and sealed in the presence of :

Sgd.: <i>Joan Collier</i>	)	Sgd.: <i>Graham Steele</i>
Witness	)	Honourable Graham Steele
	)	Minister of Finance
)	
	)	<u>July 17/09</u>
	)	Date
)	
Sgd.: William Redden	)	Sgd.: <i>Alexis Allen</i>
Witness	)	Alexis Allen
	)	President, Nova Scotia Teachers' Union
)	
	)	<u>July 13/09</u>
	)	Date

Schedule "A"
Amendment to the Teachers' Pension Plan Regulations
(Subsections 6(1)(a), 8(1), and 8(2))
made pursuant to Sections 14 and 20
of the Acts of 1998, c. 26,
the *Teachers' Pension Act*

1 Amend subsection 6(1)(a) to read:

"6 (1) (a) Despite subsections 3(1), 5(1), and 5(2), a member shall not contribute to the Fund after

- (i) the member has accumulated 35 years of pensionable service; or
- (ii) the end of the calendar year in which the member attains the age at which a service pension must begin to be paid as specified in regulations prescribed under the *Income Tax Act* (Canada)."

2 Amend subsection 8(1) to read:

"8 (1) A member employed after the normal retirement date shall contribute to the Fund until

- (i) the member has accumulated 35 years of pensionable service; or
- (ii) the end of the calendar year in which the member attains the age at which a service pension must begin to be paid as specified in regulations prescribed under the *Income Tax Act* (Canada)."

3. Amend subsection 8(2) to read:

"8 (2) Payment of a service pension to a member employed after the normal retirement date shall commence not later than the end of the calendar year in which the employment terminates or the member attains the age at which a service pension must begin to be paid as specified in regulations prescribed under the *Income Tax Act* (Canada)."

N.S. Reg. 266/2009

Made: August 20, 2009

Filed: August 26, 2009

Prescribed Petroleum Products Prices

Order dated August 20, 2009
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act*

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

- and -

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

- and -

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

Order

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

- (a) repeal the Order dated August 13, 2009, which prescribed prices August 14, 2009; 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 August 21, 2009.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on August 20, 2009.

Sgd.: *Ramona Jennex*
Honourable Ramona Jennex
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on August 21, 2009**

Table 1: Benchmark Prices for Regulated Petroleum Products (cents/litre)	
Regular unleaded gasoline	57.5
Mid-grade unleaded gasoline	60.5
Premium unleaded gasoline	63.5
Ultra-low-sulfur diesel oil	55.6

Table 2: Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products (cents/litre)									
	Fixed Wholesale Price (excludes GST)	Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
		Min	Max	Min	Max	Min	Max	Min	Max
Zone 1									
Regular Unleaded	89.3	4.0	5.5	4.0	999.9	105.4	107.1	105.4	999.9
Mid-Grade Unleaded	92.3	4.0	5.5	4.0	999.9	108.8	110.5	108.8	999.9
Premium Unleaded	95.3	4.0	5.5	4.0	999.9	112.2	113.9	112.2	999.9
Ultra-Low-Sulfur Diesel	81.3	4.0	5.5	4.0	999.9	96.4	98.1	96.4	999.9
Zone 2									
Regular Unleaded	89.7	4.0	5.5	4.0	999.9	105.9	107.6	105.9	999.9
Mid-Grade Unleaded	92.7	4.0	5.5	4.0	999.9	109.3	111.0	109.3	999.9
Premium Unleaded	95.7	4.0	5.5	4.0	999.9	112.7	114.4	112.7	999.9
Ultra-Low-Sulfur Diesel	81.7	4.0	5.5	4.0	999.9	96.8	98.5	96.8	999.9
Zone 3									
Regular Unleaded	90.2	4.0	5.5	4.0	999.9	106.4	108.1	106.4	999.9
Mid-Grade Unleaded	93.2	4.0	5.5	4.0	999.9	109.8	111.5	109.8	999.9
Premium Unleaded	96.2	4.0	5.5	4.0	999.9	113.2	114.9	113.2	999.9
Ultra-Low-Sulfur Diesel	82.2	4.0	5.5	4.0	999.9	97.4	99.1	97.4	999.9
Zone 4									
Regular Unleaded	90.2	4.0	5.5	4.0	999.9	106.4	108.1	106.4	999.9
Mid-Grade Unleaded	93.2	4.0	5.5	4.0	999.9	109.8	111.5	109.8	999.9
Premium Unleaded	96.2	4.0	5.5	4.0	999.9	113.2	114.9	113.2	999.9
Ultra-Low-Sulfur Diesel	82.2	4.0	5.5	4.0	999.9	97.4	99.1	97.4	999.9
Zone 5									
Regular Unleaded	90.2	4.0	5.5	4.0	999.9	106.4	108.1	106.4	999.9
Mid-Grade Unleaded	93.2	4.0	5.5	4.0	999.9	109.8	111.5	109.8	999.9
Premium Unleaded	96.2	4.0	5.5	4.0	999.9	113.2	114.9	113.2	999.9
Ultra-Low-Sulfur Diesel	82.2	4.0	5.5	4.0	999.9	97.4	99.1	97.4	999.9
Zone 6									
Regular Unleaded	91.0	4.0	5.5	4.0	999.9	107.4	109.0	107.4	999.9
Mid-Grade Unleaded	94.0	4.0	5.5	4.0	999.9	110.7	112.4	110.7	999.9
Premium Unleaded	97.0	4.0	5.5	4.0	999.9	114.1	115.8	114.1	999.9
Ultra-Low-Sulfur Diesel	83.0	4.0	5.5	4.0	999.9	98.3	100.0	98.3	999.9

N.S. Reg. 267/2009

Made: August 26, 2009

Filed: August 26, 2009

Retail Business Designated Day Closing Regulations

Order in Council 2009-351 dated August 26, 2009
Regulations made by the Governor in Council
pursuant to Section 10 of the *Retail Business Designated Day Closing Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Workforce Development dated July 23, 2009, and pursuant to Section 10 of Chapter 32 of the Acts of 2007, the *Retail Business Designated Day Closing Act*, is pleased to make regulations respecting retail business designated day closing, to clarify the exemption for liquor licensed establishments, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 26, 2009.

Schedule "A"

**Regulations Respecting Retail Business Designated Day Closing
made by the Governor in Council pursuant to Section 10 of
Chapter 32 of the Acts of 2007,
the *Retail Business Designated Day Closing Act***

Citation

1 These regulations may be cited as the *Retail Business Designated Day Closing Regulations*.

Definitions

2 In these regulations, "Act" means the *Retail Business Designated Day Closing Act*.

Prescribed goods and services

3 Selling liquor or offering liquor for sale by a retail business under the authority of a permanent license issued under the *Liquor Licensing Regulations* made under the *Liquor Control Act* are prescribed as goods and services for the purposes of an exemption from subsection 3(1) of the Act under clause 3(3)(q) of the Act.

N.S. Reg. 268/2009

Made: August 26, 2009

Filed: August 26, 2009

Summary Offence Tickets Regulations

Order in Council 2009-354 dated August 26, 2009
Amendment to regulations made 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 July 16, 2009, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia 1989, the *Summary Proceedings Act*, is pleased to amend Schedule 9A of 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 designate certain offences under the *Well Construction Regulations*, N.S. Reg. 382/2007, 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 August 26, 2009.

Order

I, Ross Landry, 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 in, 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 July 16, 2009, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Ross Landry*
Honourable Ross Landry
Minister of Justice and Attorney General of Nova Scotia

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***

Schedule 9A of 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 is amended by repealing items 1 to 79 under the heading "Well Construction Regulations" and substituting the following items:

- | | | |
|---|---------|----------|
| 1. Holding oneself out as well driller without well driller certificate of qualification | 4(1)(a) | \$682.00 |
| 2. Drilling or operating machine for purpose of drilling well without well driller certificate of qualification | 4(1)(b) | \$682.00 |

3.	Constructing drilled well without well driller certificate of qualification	4(1)(c)	\$682.00
4.	Repairing drilled well without well driller certificate of qualification	4(1)(d)	\$682.00
5.	Modifying drilled well without well driller certificate of qualification	4(1)(e)	\$682.00
6.	Decommissioning drilled well without well driller certificate of qualification	4(1)(f)	\$682.00
7.	Failing to ensure drilled well is constructed and casing, liner or screen (specify) is installed in accordance with Act, regulations or guidelines (specify)	4(5)	\$682.00
8.	Holding oneself out as well digger without well digger certificate of qualification	5(1)(a)	\$682.00
9.	Digging or operating machinery to dig well without well digger certificate of qualification	5(1)(b)	\$682.00
10.	Constructing dug well without well digger certificate of qualification	5(1)(c)	\$682.00
11.	Repairing dug well without well digger certificate of qualification	5(1)(d)	\$682.00
12.	Modifying dug well without well digger certificate of qualification	5(1)(e)	\$682.00
13.	Decommissioning dug well without well digger certificate of qualification	5(1)(f)	\$682.00
14.	Failing to ensure dug well is constructed and well casing installed (specify) in accordance with Act, regulations or guidelines (specify)	5(5)	\$682.00
15.	Failing to mark name in conspicuous place on each piece of machinery used for drilling or digging well (specify)	6(1)(a)	\$279.50
16.	Failing to mark address in conspicuous place on each piece of machinery used for drilling or digging well (specify)	6(1)(b)	\$279.50
17.	Failing to mark certificate of qualification number in conspicuous place on each piece of machinery used for drilling or digging well (specify)	6(1)(c)	\$279.50
18.	Marking machinery with figure or letter less than 50 mm in height	6(2)	\$279.50
19.	Holding oneself out as Class II well pump installer without Class I or Class II well pump installer certificate of qualification	7(1)(a)	\$682.00

20.	Installing pump with single-phase motor drive 1.5 HP or less without Class I or II well pump installer certificate of qualification	7(1)(b)	\$682.00
21.	Repairing pump with single-phase motor drive 1.5 HP or less without Class I or II well pump installer certificate of qualification	7(1)(c)	\$682.00
22.	Modifying pumping equipment for pump with single-phase motor drive 1.5 HP or less without Class I or II well pump installer certificate of qualification	7(1)(d)	\$682.00
23.	Modifying well during installation of pumping equipment for pump with single-phase motor drive 1.5 HP or less without Class I or II well pump installer certificate of qualification	7(1)(e)	\$682.00
24.	Failing to perform Class II well pump installer tasks in accordance with Act, regulations or guidelines (specify)	7(6)	\$682.00
25.	Holding oneself out as Class I well pump installer without Class I well pump installer certificate of qualification	8(1)(a)	\$682.00
26.	Installing pump with single-phase motor drive over 1.5 HP or multi-phase motor drive (specify) without Class I well pump installer certificate of qualification	8(1)(b)	\$682.00
27.	Repairing pump with single-phase motor drive over 1.5 HP or multi-phase motor drive (specify) without Class I well pump installer certificate of qualification	8(1)(c)	\$682.00
28.	Modifying pumping equipment for pump with single-phase motor drive over 1.5 HP or multi-phase motor drive (specify) without Class I well pump installer certificate of qualification	8(1)(d)	\$682.00
29.	Modifying well during installation of pumping equipment for pump with single-phase motor drive over 1.5 HP or multi-phase motor drive (specify) without Class I well pump installer certificate of qualification	8(1)(e)	\$682.00
30.	Failing to perform Class I well pump installer tasks in accordance with Act, regulations or guidelines (specify)	8(4)	\$682.00
31.	Failing to carry valid certificate of qualification while performing task requiring certificate	13(1)	\$452.00
32.	Failing to present certificate of qualification on request to inspector or property owner (specify) where certificate holder is working	13(2)	\$452.00
33.	Failing to notify department in writing of change in address or other information (specify) no later than 14 days after change	13(3)	\$279.50

34.	Constructing well in manner or location that could allow surface water to enter well or aquifer	14(1)	\$682.00
35.	Failing to fill area surrounding well with clay or clean earth at least 4.5 m in all directions from well	14(2)(a)	\$452.00
36.	Failing to grade area immediately surrounding well to elevation at least 610 mm above highest surface water level	14(2)(b)	\$452.00
37.	Failing to locate and maintain well so it can be accessed according to regulations (specify)	15	\$452.00
38.	Failing to construct well away from source of contamination to prevent contamination of well	16(1)	\$452.00
39.	Constructing well closer than minimum distances from source of contamination as set out in regulations (specify)	16(2)	\$452.00
40.	Constructing well in basement of building	17	\$682.00
41.	Failing to notify department of intent to drill, dig, construct, repair or modify (specify) well no later than 24 hours before work when requested	19(1)	\$452.00
42.	Failing to include all required information in notice required by subsection 19(1)	19(2)	\$279.50
43.	Failing to notify department of intent to drill, dig or construct (specify) well on lands owned or leased no later than 24 hours before beginning work	19(3)	\$452.00
44.	Failing to include all required information in notice required by subsection 19(3)	19(4)	\$279.50
45.	Constructing well so that it causes or may cause adverse effect	20	\$682.00
46.	Failing to install well casing in drilled well	21(1)	\$682.00
47.	Installing casing less than 6.1 m long in drilled well	21(2)(a)	\$452.00
48.	Installing casing that does not extend at least 152 mm above ground in completed drilled well	21(2)(b)	\$452.00
49.	Installing casing or liner (specify) in drilled well with less than 25 mm of annular spacing	21(2)(c)	\$452.00
50.	Installing casing in drilled well without sealing to prevent leaking from annular space, drive shoe or casing interface (specify)	21(2)(d)	\$682.00
51.	Installing steel well casing in drilled well without attaching and sealing drive shoe (specify)	21(2)(e)	\$682.00
52.	Installing casing, liner or screen (specify) in drilled well without sealing in accordance with regulations	21(2)(f)	\$682.00

53.	Installing liner to repair or modify drilled well without sealing in accordance with regulations	21(2)(g)	\$682.00
54.	Installing casing, liner or screen (specify) in drilled well without filling remaining volume of borehole in accordance with regulations	21(2)(h)	\$452.00
55.	Installing casing in drilled well without welding or connecting to well screen	21(2)(i)	\$452.00
56.	Installing screen in drilled well using filter pack contrary to regulations	21(2)(j)	\$452.00
57.	Installing casing, liner or screen (specify) in drilled well using additives containing toxic substances	21(2)(k)	\$452.00
58.	Constructing drilled well using water from supply other than as prescribed by regulations (specify)	21(3)	\$682.00
59.	Failing to keep test records for non-registered drinking water supply at registered address of well driller for 2 years	21(4)	\$279.50
60.	Failing to use well casing made of new material free of contamination in drilled well	22(a)	\$452.00
61.	Failing to use well casing made of steel or thermoplastic in drilled well	22(b)	\$452.00
62.	Failing to use well casing with minimum inside diameter of 152 mm in drilled well	22(c)	\$452.00
63.	Failing to use carbon steel well casing that conforms to standard in drilled well	22(d)(i)	\$452.00
64.	Failing to use steel pipe well casing that conforms to standard in drilled well	22(d)(ii)	\$452.00
65.	Failing to use casing with minimum wall thickness of 4.7 mm in drilled well with steel well casing having inside diameter of 152 mm	22(e)	\$452.00
66.	Failing to use casing with minimum wall thickness of 7.1 mm and conforming to standard (specify) in drilled well with thermoplastic well casing having inside diameter of 152 mm	22(f)	\$452.00
67.	Failing to use casing with wall thickness that meets or exceeds specification or standard (specify) in drilled well with thermoplastic well casing having inside diameter exceeding 152 mm	22(g)	\$452.00
68.	Failing to use well liner made of new material and free of contamination (specify) in drilled well	23(a)	\$452.00
69.	Failing to use well liner made of steel or thermoplastic in drilled well	23(b)	\$452.00

70.	Failing to use well liner with minimum inside diameter of 102 mm in drilled well	23(c)	\$452.00
71.	Failing to use steel well liner that conforms to standard for carbon steel well casing in drilled well	23(d)(i)	\$452.00
72.	Failing to use steel well liner that conforms to standard for steel pipe in drilled well	23(d)(ii)	\$452.00
73.	Failing to use liner with minimum wall thickness of 3.6 mm in drilled well with steel well liner having inside diameter of 102 mm	23(e)	\$452.00
74.	Failing to use liner with minimum wall thickness of 6.0 mm and conforming to standard (specify) in drilled well with thermoplastic well liner having inside diameter of 102 mm	23(f)	\$452.00
75.	Failing to use liner with wall thickness that meets or exceeds specification or standard (specify) in drilled well with thermoplastic well liner having inside diameter exceeding 102 mm	23(g)	\$452.00
76.	Failing to use well screen of proper design in drilled well	24(a)	\$452.00
77.	Failing to use well screen manufactured from material designed for use in potable water supplies in drilled well	24(b)	\$452.00
78.	Failing to use well cap made of suitable material in drilled well	25(1)(a)	\$452.00
79.	Failing to use well cap fitted with gasket to prevent entry into drilled well	25(1)(b)	\$452.00
80.	Failing to use vermin-proof well cap in drilled well	25(1)(c)	\$452.00
81.	Failing to use well cap with vent at least 12 mm in diameter	25(1)(d)(i)	\$452.00
82.	Failure to use well cap with vent that is shielded and screened to prevent any substance from entering well	25(1)(d)(ii)	\$452.00
83.	Failing to use well cap with sealing device for power cables in drilled well	25(1)(e)	\$452.00
84.	Failing to use well cap made of suitable material in flowing drilled well	25(2)(a)	\$452.00
85.	Failing to use well cap fitted with gasket to prevent entry into flowing drilled well	25(2)(b)	\$682.00
86.	Failing to use vermin-proof well cap in flowing drilled well	25(2)(c)	\$452.00
87.	Failing to install well casing in dug well	26(1)	\$682.00

88.	Constructing dug well with well casing less than 1.8 m long	26(2)(a)	\$452.00
89.	Constructing dug well with well casing less than 152 mm above ground surface	26(2)(b)	\$452.00
90.	Failing to construct dug well with surface drainage away from well head	26(2)(c)	\$452.00
91.	Failing to construct dug well with apron at least 152 mm thick below the frost line but above water table	26(2)(d)(i)	\$452.00
92.	Failure to construct dug well with apron extending at least 914 mm from perimeter and with minimum slope of 21 mm/m	26(2)(d)(ii)	\$452.00
93.	Constructing dug well without filling remaining annular space in accordance with regulations	26(2)(e)	\$452.00
94.	Failing to construct dug well with well joints that are water-tight and sealed with suitable non-toxic sealer (specify) in accordance with regulations	26(2)(f)	\$452.00
95.	Failing to construct dug well with annular space above apron filled to ground surface to prevent entry in accordance with regulations	26(2)(g)	\$452.00
96.	Failing to construct dug well with piping connections that are water-tight and sealed with suitable non-toxic sealer (specify) and in accordance with regulations	26(2)(h)	\$452.00
97.	Failing to construct dug well with piping excavations filled to prevent surface water from entering well in accordance with regulations	26(2)(i)	\$452.00
98.	Using additives containing toxic substances in dug well	26(2)(j)	\$452.00
99.	Constructing dug well using water from supply other than as prescribed by regulations	26(3)	\$452.00
100.	Failing to keep test records for non-registered drinking water supply at registered address of well digger for 2 years	26(4)	\$279.50
101.	Failing to use casing made of materials suitable for potable water application in dug well with well casing made of precast concrete rings with grooved joints	27(a)	\$452.00
102.	Failing to use casing that meets requirements of Section 22 in dug well with steel or thermoplastic well casing	27(b)	\$452.00
103.	Failing to use filter pack material in dug well as prescribed by regulations	28	\$452.00
104.	Failing to use sealing material for joints in dug well as prescribed by regulations	29	\$682.00

105.	Failing to use material for apron used in dug well as prescribed [by] regulations	30	\$452.00
106.	Failing to use well cap made of reinforced concrete at least 75 mm thick in dug well with concrete well casing	31(1)(a)	\$452.00
107.	Failing to use well cap that meets requirements of regulations in dug well with steel or plastic casing	31(1)(b)	\$452.00
108.	Failing to use well cap made of suitable material in flowing dug well	31(2)(a)	\$452.00
109.	Failing to use well cap fitted with gasket to prevent entry in flowing dug well with steel or plastic casing	31(2)(b)	\$682.00
110.	Failing to use vermin-proof well cap in flowing dug well	31(2)(c)	\$452.00
111.	Failing to immediately remove and properly dispose of (specify) all debris from in and around well when finished drilling, digging, constructing, repairing or modifying well (specify)	32(a)	\$452.00
112.	Failing to immediately conduct yield test if required under Section 33 when finished drilling, digging, constructing, repairing or modifying well (specify)	32(b)	\$279.50
113.	Failing to immediately disinfect well when finished drilling, digging, constructing, repairing or modifying well (specify)	32(c)	\$682.00
114.	Failing to immediately seal upper open end of casing with cap or hand pump to prevent entry of substance when finished drilling, digging, constructing, repairing or modifying well (specify)	32(d)	\$682.00
115.	Failing to immediately create mounded ground surface in accordance with regulations (specify) when finished drilling, digging, constructing, repairing or modifying well (specify)	32(e)	\$452.00
116.	Failing to immediately complete well construction record in accordance with Section 46 (specify) when finished drilling, digging, constructing, repairing or modifying well (specify)	32(f)	\$279.50
117.	Failing to perform yield test for new well before finishing construction	33(1)(a)	\$279.50
118.	Failing to perform yield test for modified or repaired well before finishing construction	33(1)(b)	\$279.50
119.	Failing to perform yield test in accordance with regulations	33(2)	\$279.50
120.	Failing to monitor and record for yield test in accordance with regulations	33(3)	\$279.50

121.	Failing to meet regulations when repairing or modifying well to prevent or stop adverse effect	34	\$682.00
122.	Failing to complete modification to satisfaction of inspector by date specified in written notice	35(3)	\$1142.00
123.	Failing to notify department of intent to install pumping equipment no later than 24 hours before beginning work when requested by inspector or department	36(1)	\$452.00
124.	Failing to include all required information in notice	36(2)	\$452.00
125.	Failing to install, repair or modify (specify) pumping equipment in accordance with Act	37(1)(a)	\$682.00
126.	Failing to install, repair or modify (specify) pumping equipment in accordance with regulations	37(1)(b)	\$682.00
127.	Failing to install, repair or modify (specify) pumping equipment in accordance with plumbing code	37(1)(c)	\$682.00
128.	Failing to install, repair or modify (specify) pumping equipment in accordance with electrical code	37(1)(d)	\$682.00
129.	Failing to assess well in accordance with regulations (specify) before pumping equipment is installed	37(2)	\$452.00
130.	Failing to install pumping equipment with diameter at least 25 mm smaller than diameter of borehole, casing and screen (specify)	37(3)	\$452.00
131.	Failing to install hand pump in manner that seals casing or sleeve (specify)	37(4)	\$452.00
132.	Failing to install sampling port or tap between pump and treatment device	37(5)	\$452.00
133.	Failing to install pitless adaptor in new drilled well without hand pump	38(1)	\$452.00
134.	Failing to install pitless adaptor so that different metals are not in contact	38(2)	\$452.00
135.	Failing to create watertight seal in hole cut in casing for pitless adaptor	38(3)	\$682.00
136.	Installing pitless adaptor that does not meet requirements of regulations (specify)	38(4)	\$452.00
137.	Failing to use plastic pipe and fitting for installing pumping equipment that conforms to specified standard	39	\$452.00
138.	Failing to immediately remove all debris from within and around well after installing or repairing (specify) pumping equipment	40(a)	\$452.00
139.	Failing to immediately disinfect well after installing or repairing (specify) pumping equipment	40(b)	\$682.00

140.	Failing to immediately seal upper open end of casing with cap or hand pump to prevent entry after installing or repairing (specify) pumping equipment	40(c)	\$682.00
141.	Failing to immediately complete pump installation record for each pump installed as required by Section 48 after installing or repairing (specify) pumping equipment	40(d)	\$452.00
142.	Failing to maintain well so that it does not cause adverse effect	42(1)	\$682.00
143.	Allowing substance (specify) that may cause adverse effect to be placed in or to spill into well	42(2)	\$682.00
144.	Failing to ensure certificate holder installs well modifications, grouting, pumping systems, packers or caps (specify) to stop and control water flow from discharging immediately around well head	43	\$452.00
145.	Failing to ensure well is capped in accordance with Section 25 and 31 and clause 32(1)(d) (specify)	44	\$452.00
146.	Failing to ensure well is immediately decommissioned by sealing the well in accordance with guidelines	45(2)	\$682.00
147.	Failing to complete well decommissioning record as required in Section 47 (specify)	45(3)	\$452.00
148.	Failing to complete well construction record with all required information in accordance with regulations	46(1)	\$279.50
149.	Failing to sign well construction record	46(2)	\$279.50
150.	Failing to complete well decommissioning record with all required information in accordance with regulations	47(1)	\$279.50
151.	Failing to sign well decommissioning record	47(2)	\$279.50
152.	Failing to complete pump installation record with all required information in accordance with regulations	48(1)	\$279.50
153.	Failing to sign pump installation record	48(2)	\$279.50
154.	Failing to deliver copy of record (specify) to owner after well construction, well decommissioning or pump installation (specify) is completed	49(a)	\$279.50
155.	Failing to deliver copy of well construction, well decommissioning or pump installation record (specify) to department after completion on request or by January 31 of calendar year following installation (specify)	49(b)	\$279.50
156.	Failing to keep copy of well construction, well decommissioning or pump installation record (specify) for at least 2 years after date of completion	49(c)	\$279.50

N.S. Reg. 269/2009

Made: August 26, 2009

Filed: August 26, 2009

Summary Offence Tickets Regulations

Order in Council 2009-355 dated August 26, 2009
Amendment to regulations made 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 July 16, 2009, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend Schedule 9A of 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 designate certain offences under the *Solid Waste-Resource Management Regulations*, N.S. Reg. 25/96, 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 August 26, 2009.

Order

I, Ross Landry, 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 in, 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 July 16, 2009, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Ross Landry*
Honourable Ross Landry
Minister of Justice and Attorney General of Nova Scotia

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***

Schedule 9A of 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 is amended by striking out items 1 through 55 under the heading "Solid Waste-Resource Management Regulations" and substituting the following items:

- | | | |
|--|-------|----------|
| 1. Selling beverage container that is not refillable or recyclable | 14(1) | \$682.00 |
| 2. Selling, manufacturing, distributing, offering to sell or permitting to be sold (specify) beverage in container that is subject to deposit-refund system that is not labelled "Return for Refund" or words to like effect | 14(3) | \$682.00 |
| 3. Failing to collect cash deposit and show amount of deposit on receipt for redeemable beverage container | 15(2) | \$452.00 |

4. Failing to provide cash refund of 100% of full cash deposit on receipt of refillable beverage container	15(3)(a)	\$452.00
5. Failing to provide cash refund of 50% of full cash deposit on receipt of non-refillable beverage container	15(3)(b)	\$452.00
6. Failing to register with Board all beverage containers distributed and designate each container registered by beverage product, container size and container type	16(3)	\$682.00
7. Failing to file with Board report of all units sold, remittance due, and any cash deposits collected as required by regulations	16(5)	\$682.00
8. Failing to file at request of Board report of all units sold, remittance due, and any cash deposits collected as required by regulations	16(5A)	\$682.00
9. Failing to report tax status as required by regulations	16(5B)	\$452.00
10. Failing to accept intact and reasonably clean redeemable beverage container	17(6)	\$682.00
11. Failing to clearly display notice indicating deposit charged, refund available, location of nearest depot for redeeming beverage container and hours of operation as required by regulations	18(a)-(d)	\$279.50
12. Supplying new tire without being registered with Administrator	18A(5)	\$682.00
13. Supplying new tire without entering into industry stewardship agreement with Administrator	18A(6)(a)	\$682.00
14. Failing to comply with industry stewardship agreement on breach or default by agent	18A(6)(c)	\$682.00
15. Falsifying, rendering misleading, unlawfully altering or failing to provide (specify) report or record required by Minister or Administrator	18A(7)	\$1142.00
16. Selling, offering for sale or distributing consumer paint product without being registered with Board	18D(1)(a)	\$682.00
17. Selling, offering for sale or distributing consumer paint product without operating consumer paint product stewardship program or entering into industry stewardship agreement with Board (specify)	18D(1)(b)	\$682.00
18. Selling, offering for sale or distributing consumer paint product without consumer paint product stewardship program authorized by Minister	18D(1)(c)	\$682.00
19. Selling, offering for sale or distributing consumer paint product acquired from brand owner who is not registered with Board	18D(2)	\$682.00
20. Failing to submit proposal for consumer paint product stewardship program to Minister for authorization	18E(1)	\$452.00
21. Failing to operate consumer paint product stewardship program in accordance with terms and conditions of authorization	18E(4)	\$682.00
22. Failing to provide annual report to Administrator with information respecting total amount of consumer paint products sold and post-consumer paint products collected	18F(1)(a)	\$452.00
23. Failing to provide annual report to Administrator with information respecting total amount of post-consumer paint products processed or in storage (specify)	18F(1)(b)	\$452.00

24. Failing to provide annual report to Administrator with information respecting percentage of post-consumer paint products that were treated or contained, reduced, reused, recycled or recovered (specify)	18F(1)(c)	\$452.00
25. Failing to provide annual report to Administrator with information respecting efforts taken through marketing strategies to reduce post-consumer paint products and packaging waste	18F(1)(d)	\$452.00
26. Failing to provide annual report to Administrator with information respecting types of processes used to reduce, reuse, recycle or recover (specify) as set out in regulations	18F(1)(e)	\$452.00
27. Failing to provide annual report to Administrator with information respecting location of return collection facilities or depots	18F(1)(f)	\$452.00
28. Failing to provide annual report to Administrator with information respecting location of any long-term containment, treatment or processing facilities (specify) for post-consumer paint products	18F(1)(g)	\$452.00
29. Failing to provide annual report to Administrator with information respecting types of educational information and programs provided	18F(1)(h)	\$452.00
30. Failing to provide annual report to Administrator with information respecting process of internal accountability to monitor effectiveness	18F(1)(i)	\$452.00
31. Failing to provide in annual report any information requested by Administrator (specify)	18F(1)(j)	\$452.00
32. Failing to provide return collection facility at premises of retailer or enter into industry stewardship agreement with Board to operate collection depot for post-consumer paint products (specify)	18G(1)(a)	\$682.00
33. Failing to implement education and awareness program for consumers of consumer paint products as specified in subclauses 18G(1)(b)(i) to (iii)	18G(1)(b)	\$452.00
34. Failing to confirm post-consumer paint products are recycled or reused	18G(1)(c)	\$452.00
35. Failing to ensure 70% of post-consumer paint product collected at return collection facility is reused or recycled	18G(1)(d)	\$452.00
36. Failing to provide at point of sale or display place for display of education and awareness program information	18G(3)	\$279.50
37. Failing to accept post-consumer paint product	18H(1)	\$682.00
38. Failing to comply with rules and standards set forth by Board	18H(2)	\$682.00
39. Failing to operate facility or depot (specify) during regular business hours	18H(3)(a)	\$452.00
40. Failing to accept quantity of post-consumer paint products that does not exceed the maximum allowable daily quantity as authorized by Administrator	18H(3)(b)	\$682.00
41. Charging fee for accepting post-consumer paint product	18H(3)(c)	\$682.00
42. Falsifying, rendering misleading, unlawfully altering or failing to provide (specify) information	18I	\$1142.00
43. Failing to affix brand name, logo or image in plain view on electronic product	18L(1)	\$452.00
44. Brand owner selling, offering for sale or distributing electronic product (specify) without authorized electronic product stewardship program	18L(2)	\$682.00
45. Retailer selling, offering for sale or distributing electronic product (specify) without authorized electronic product stewardship program	18L(4)	\$682.00
46. Failing to submit electronic product stewardship program to Minister for approval 6 months before date specified in Schedule "B"	18M(1)	\$682.00

47. Brand owner failing to comply with terms and conditions of electronic product stewardship program authorization	18M(3)	\$682.00
48. Failing to provide all education and awareness program information at point of display or sale (specify)	18N(2)	\$279.50
49. Failing to inform Administrator in writing on or before June 30 or date set by Administrator (specify) of total quantity of electronic products collected	18O(1)	\$682.00
50. Failing to provide any information specified in clauses 18O(2)(a) to (e) (specify) on request of Minister	18O(2)	\$452.00
51. Failing to submit revised electronic product stewardship program for authorization by Minister	18O(3)	\$682.00
52. Charging fee for accepting electronic products	18P	\$682.00
53. Submitting false or misleading information	18Q	\$1142.00
54. Releasing or causing litter to be released (specify) into environment contrary to regulations	19	\$452.00
55. Permitting release of litter from commercial outlet, service outlet, plant, building, facility or thing (specify)	20(1)	\$452.00
56. Failing to clean up litter discharged from commercial outlet, service outlet, plant, building, facility or thing (specify)	20(2)	\$452.00
57. Permitting release of litter at construction or demolition site (specify)	21(1)	\$682.00
58. Failing to clean up discharged litter from construction or demolition site (specify)	21(2)	\$682.00
59. Failing to provide and service, maintain or empty (specify) receptacles for litter and recyclable materials	22(1)	\$452.00
60. Failing to keep property or lands within 15 m of property boundaries (specify) free from litter	22(2)	\$452.00
61. Failing to collect and dispose of discarded materials as prescribed in regulations	22(3)	\$452.00
62. Failing to provide adequate receptacles for litter and recyclable materials at public or private event	23(1)(a)	\$452.00
63. Failing to service, maintain and empty receptacles for litter and recyclable materials at public or private event	23(1)(b)	\$452.00
64. Failing to ensure property where event is held or lands within 15 m of property boundaries (specify) are free from litter within 24 hours after event	23(2)	\$452.00
65. Attaching flyer, advertisement or other literature to utility pole, structure, fence or thing (specify) without approval of owner or local authority	24(1)	\$452.00
66. Failing to put posting date on flyer, advertisement or other literature	24(2)(a)	\$452.00
67. Failing to remove flyer, advertisement or other literature within 30 days after event	24(2)(b)	\$452.00
68. Failing to dispose of flyer, advertisement or other literature as prescribed in the regulations	24(2)(c)	\$452.00
69. Distributing flyer, advertisement or other literature by placing it on parked vehicle	24(3)	\$452.00
70. Abandoning structure, vehicle or thing (specify) on frozen watercourse	25(a)	\$452.00
71. Failing to remove structure, vehicle or thing (specify) from frozen watercourse	25(b)	\$452.00

72. Constructing, operating, expanding or modifying (specify) a composting facility without approval	27	\$797.00
73. Failing to supply additional information required for approval to operate composting facility	28	\$682.00
74. Failing to maintain composting facility in clean and orderly condition	29(a)	\$682.00
75. Failing to remove all material from property where composting facility has ceased operation and recycle or dispose of it as required by the regulations	29(b)	\$682.00
76. Disposing of designated material banned from landfills and incinerators	30(1)	\$797.00
77. Accepting for disposal a designated material banned from landfills and incinerators	30(2)	\$797.00
78. Failing to provide plan for implementing ban of designated materials from landfills and incinerators	30(3)	\$682.00
79. Owning, constructing, managing, operating, altering or modifying (specify) landfill without approval	31(1)	\$797.00
80. Owning, constructing, managing, operating, altering or modifying (specify) disposal site for construction and demolition debris without approval	31(2)	\$797.00
81. Owning, constructing, managing, operating, altering or modifying (specify) incinerator for disposal of municipal solid waste without approval	31(3)	\$797.00
82. Owning or constructing (specify) or managing, operating, altering or modifying operation of (specify) ash disposal site without approval	31(4)	\$797.00
83. Failing to supply additional information required for approval to operate landfill or incinerator (specify) for disposal of municipal solid waste	32(1)	\$797.00
84. Failing to supply additional information required for approval to operate landfill for municipal solid waste	33	\$682.00
85. Failing to supply additional information required for approval to operate incinerator for municipal solid waste	34	\$682.00
86. Failing to keep books, records and accounts of landfill or incinerator (specify) operations	35(1)	\$682.00
87. Failing to submit to Administrator data about materials received at landfill or incinerator (specify)	35(2)	\$682.00
88. Permitting, carrying out or being responsible for (specify) open burning of municipal solid waste	36	\$797.00
89. Owning, operating or managing (specify) incinerator for municipal solid waste that fails to meet national standards or standards prescribed by Minister (specify)	37	\$682.00
90. Owning, operating or managing (specify) incinerator that exceeds stack discharge limits prescribed in regulations	38(1)	\$682.00
91. Failing to use test method as prescribed by regulations or in writing by Administrator (specify)	38(2)	\$682.00
92. Failing to prepare and submit regional solid waste-resource management plan	40(1)(a)	\$682.00
94. Failing to implement regional solid waste-resource management plan in specified time frame	40(1)(b)	\$682.00
95. Failing to prepare and submit reports respecting progress towards achieving 50% solid waste diversion	40(1)(c)	\$682.00

N.S. Reg. 270/2009

Made: August 26, 2009

Filed: August 26, 2009

Criminal Injuries Compensation Regulations

Order in Council 2009-356 dated August 26, 2009
Amendment to regulations made by the Governor in Council
pursuant to Section 14 of the *Victims' Rights and Services Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated July 16, 2009, and pursuant to Section 14 of Chapter 14 of the Acts of 1989, the *Victims' Rights and Services Act*, is pleased to amend the *Criminal Injuries Compensation Regulations*, N.S. Reg. 24/94, made by the Governor in Council by Order in Council 94-119 dated February 15, 1994, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 26, 2009.

Schedule "A"

**Amendment to the *Criminal Injuries Compensation Regulations*
made by the Governor in Council pursuant to Section 14
of Chapter 14 of the ~~Revised Statutes of Nova Scotia~~, [Acts of] 1989,
the *Victims' Rights and Services Act***

- 1 The *Criminal Injuries Compensation Regulations*, N.S. Reg. 24/94, made by the Governor in Council by Order in Council 94-119 dated February 15, 1994, are ~~amending~~ [amended] by renumbering subsection 5(1) as subsection 5(1A) and adding the following subsection immediately before subsection (1A):
 - (1) This Section applies to compensation for counselling services other than for victims of homicide provided for in Section 5A.
- 2 The regulations are further amended by renumbering Section 5A as Section 5B and adding the following Section immediately after Section 5:

5A (1) Compensation for the following counselling services may be awarded by the Director to an immediate family member of a victim of an offence that falls within the definition of homicide in the *Criminal Code* (Canada) and is prescribed in the Schedule to the Act, to a maximum of \$85.00 per hour to a total of \$4000.00 over a maximum period of 2 years from the date of the award:

 - (a) individual counselling by a counsellor approved by the Director;
 - (b) group counselling and alternative therapeutic approaches as approved by the Director, and when recommended by an approved counsellor as a component of the approved counsellor's treatment plan.

(2) If the prosecution of a person or persons accused of committing a homicide is not completed 1 year from the date of the award, and the maximum total of \$4000.00 has not been expended, the Director may continue to provide compensation for the counselling services in subsection (1) for 1 year from the date the prosecution is completed.