



Part II Regulations under the Regulations Act

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* This amendment is reprinted here because some of the text was missing from it as originally published in Volume 26, No. 16 dated August 9, 2002.

N.S. Reg. 100/2002
Made: July 18, 2002
Filed: July 22, 2002

REPRINT

Civil Service General Regulations

Order in Council 2002-333 made July 18, 2002
Amendment to regulations made by the Governor in Council
pursuant to Section 45
of the *Civil Service Act*

The Governor in Council on the report and recommendation of the Minister of the Public Service Commission dated July 11, 2002, and pursuant to Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, is pleased, effective July 18, 2002, to:

- (a) amend the regulations under the *Civil Service Act* made by the Civil Service Commission and approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) approve "at risk" pay for performance for Management Classification and Pay Plan employees who are at the top of their salary range.

Schedule "A"

Amendments to the Regulations under the *Civil Service Act* made pursuant to Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*

The regulations under the *Civil Service Act* approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981, are amended by adding the following Section immediately following Section 24:

- 24A (1)** Despite Sections 17 to 22, the Commission, on the recommendation of the Head or Deputy Head of a Department may, on April 1 of each year, grant an increment for meritorious service to an employee paid under the Management Classification and Pay Plan.
- (2)** The annual increment shall be determined in accordance with policies established by the Commission.
- (3)** This Section does not apply to
- (a) solicitors employed in the Department of Justice Legal Services Division or with the Public Prosecution Service and civil service government lawyers in positions located outside of the Legal Services Division and the Public Prosecution Service who have been identified by the Public Service Commission to receive the same rates of compensation as the solicitors in the Legal Services Division; and
 - (b) persons employed in positions designated by the Governor in Council as being eligible for "at risk" performance pay for senior officials.

N.S. Reg. 105/2002
Made: August 15, 2002
Filed: August 15, 2002

Dangerous Goods Transportation Regulations

Order in Council 2002-361A made August 15, 2002
Amendment to regulations made by the Governor in Council
pursuant to subsection 16(3)
of the *Dangerous Goods Transportation Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Public Works dated August 1, 2002, and pursuant to subsection 16(3) of Chapter 119 of the Revised Statutes of Nova Scotia, 1989, the *Dangerous Goods Transportation Act*, is pleased to amend the regulations respecting the transportation of dangerous goods made by the Governor in Council by Order in Council 85-1013 dated September 17, 1985, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 15, 2002.

Schedule "A"

Amendment to the Regulations Respecting the Transportation of Dangerous Goods made by the Governor in Council pursuant to subsection 16(3) of Chapter 119 of the Revised Statutes of Nova Scotia, 1989, the *Dangerous Goods Transportation Act*

- 1 The regulations respecting the transportation of dangerous goods made by the Governor in Council by Order in Council 85-1013 dated September 17, 1985, are amended by renumbering Section 1 as 1A and adding the following Section immediately before 1A:
 - 1 These regulations may be cited as the *Dangerous Goods Transportation Regulations*.
- 2 Clause 1A(b) of the regulations is repealed and the following clause substituted:
 - (b) "Federal Regulations" means the English version, exclusive of the provisions dealing with radioactive materials, of the *Transportation of Dangerous Goods Regulations (Canada)*, SOR/2001-286 as amended from time to time, made under the *Transportation of Dangerous Goods Act (Canada)*;

N.S. Reg. 106/2002
Made: August 16, 2002
Filed: August 19, 2002

Private Career Colleges General Regulations

Order in Council 2002-363 made August 16, 2002
Amendment to regulations made by the Governor in Council
pursuant to Section 37 of the *Private Career Colleges Regulation Act*

The Governor in Council on the report and recommendation of the Minister of Education dated July 26, 2002, and pursuant to Section 37 of Chapter 23 of the Acts of 1998, the *Private Career Colleges Regulation Act*, is pleased to amend the *Private Career Colleges General Regulations* made by the Governor in Council by Order in Council 1999-482 dated October 6, 1999, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 16, 2002.

Schedule "A"

Amendments to the *Private Career Colleges General Regulations* made by the Governor in Council pursuant to Section 37 of Chapter 23 of the Acts of 1998, the *Private Career Colleges Regulation Act*

- 1 The *Private Career Colleges General Regulations* made by the Governor in Council by Order in Council 1999-482 dated October 6, 1999, are amended by adding the following Section immediately after Section 10:

Payment of tuition fees

10A (1) No private career college may require or accept payment of a tuition fee for a program in fewer than 2 reasonably equal instalments.

(2) For each program, the dates on which the tuition instalments become due must be fixed so that they fall approximately at the beginning of each equal portion of the duration of the program, calculated in months, lessons or credits.
- 2 Schedule "A" to the regulations (Tuition Refund Policy) is amended by
 - (a) repealing clause 4(b) and substituting the following clause:
 - (b) the proportion of the tuition instalments paid that the part of the program taken to the date of termination bears to the part of the program that is covered by the paid instalments.
 - (b) repealing clause 5(b) and substituting the following clause:
 - (b) the proportion of the tuition instalments paid that the part of the program taken to the date of termination bears to the part of the program that is covered by the paid instalments; and
 - (c) repealing clause 8(b) and substituting the following clause:
 - (b) the proportion of the tuition instalments paid that the part of the program taken to the date of dismissal bears to the part of the program that is covered by the paid instalments; and

N.S. Reg. 107/2002

Made: August 16, 2002

Filed: August 19, 2002

Prevention and Control of Apple Maggot Regulations

Order in Council 2002-373 made August 16, 2002
Regulations made by the Governor in Council
pursuant to Section 124
of the *Agriculture and Marketing Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated July 31, 2002, and pursuant to Section 124 of Chapter 6 of the Revised Statutes of Nova Scotia, 1989, the *Agriculture and Marketing Act*, is pleased, effective on and after August 16, 2002, to:

- (a) repeal the regulations respecting the Apple Maggot Control Board approved by the Governor in Council by Order in Council dated September 15, 1958; and
- (b) make new regulations respecting the prevention and control of apple maggot in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

Schedule “A”

Regulations Respecting the Prevention and Control of Apple Maggot made by the Governor in Council pursuant to Section 124 of Chapter 6 of the Revised Statutes of Nova Scotia, 1989, the *Agriculture and Marketing Act*

Citation

- 1 These regulations may be cited as the *Prevention and Control of Apple Maggot Regulations*.

Definition

- 2 In these regulations “apple maggot” means *Rhagoletis pomonella* (Walsh).

Registration and inspection of control zone for exporting orchard

- 3 If apples from a commercial apple orchard are to be exported, the control zone with respect to the orchard shall be
- (a) registered with the agrologist; and
 - (b) inspected annually by an inspector.
- 4 The procedure for the annual inspection required pursuant to Section 3 shall
- (a) be determined by the agrologist; and
 - (b) be at a time and to a standard that will qualify the inspection as the pre-harvest inspection required by the Canadian Food Inspection Agency to certify apples for export.

Methods of control

- 5 (1) If apple maggot is found on or in any vegetation within a control zone, the owner or occupant of the land shall implement a method or methods of control set out in subsection (2), as determined by the inspector.

- (2) The methods of control of apple maggot shall be implemented using proven procedures as determined by the agrologist, and are as follows:
- (a) removal or destruction of any vegetation and its root system, including any infested tree and root system;
 - (b) treatment with an insecticide registered under the *Pest Control Products Act* (Canada), applied by a certified person at the appropriate application rate and dates;
 - (c) intensive use of appropriate apple maggot traps;
 - (d) destruction of the infested fruit;
 - (e) removal of the infested fruit from the control zone; or
 - (f) using the infested fruit for animal feed.

Issuance of destruction order

- 6 (1) If an inspector issues a destruction order to destroy vegetation infested with apple maggot, the destruction shall be in a manner that is reasonable and efficient for the control of apple maggot for the particular situation.
- (2) If a method of control referred to in clauses 5(2)(b) to (f) is implemented and the inspector, conferring with the owner or occupant, determines that it is not effective in the control of apple maggot, the inspector may issue a destruction order.
- (3) A destruction order shall be in Form 1.

Infestation outside control zone

- 7 If an inspector determines that there is an apple maggot infestation in an area that is outside of a control zone and it has the potential to infest vegetation within a control zone, the inspector may
- (a) conduct an inspection in accordance with the inspection procedure determined by the agrologist; or
 - (b) require the owner or occupant to implement a method of control set out in subsection 5(2).

Cost of prevention and control

- 8 The cost for the prevention and control of apple maggot shall be paid by the owner or occupant of the land.

Inspector’s remuneration

- 9 (1) The remuneration to be paid to an inspector by the Minister for performing the duties of an inspector shall be \$100.00 per day.
- (2) In addition to the remuneration set out in subsection (1), reasonable travelling and related expenses that are necessarily incurred by an inspector in carrying out the duties of an inspector shall be paid to the inspector in accordance with the established guidelines approved for civil servants pursuant to the *Civil Service Act*.

**Form 1
Destruction Order
for Vegetation Infested with Apple Maggot**

(Part XIII, *Agriculture and Marketing Act*)

To _____
(full name of owner/occupant of land)

_____ (mailing address/province/postal code)

Copy to _____
(full name of land owner - assessment roll, if different from above)

_____ (mailing address/province/postal code)

Under Part XIII of the *Agriculture and Marketing Act*, you are hereby ordered to destroy the infested vegetation, described as follows:

_____ found on the land owned or occupied by you located at _____
(civic address) (name of municipality)

The destruction must be carried out no later than _____, 20____, _____ (insert number not less than 7) days from the date of this Order.

Dated at _____, _____, 20____.

(telephone number) (signature of inspector)

Inspector's name: _____

Mailing address: _____ Postal code _____

N.S. Reg. 108/2002

Made: August 23, 2002

Filed: August 26, 2002

Proclamation, S. 12, S.N.S. 2001, c. 44 - S. 2, 3, 5 and 11

Order in Council 2002-377 made August 23, 2002

Proclamation made by the Governor in Council pursuant to Section 12 of

An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, and Chapter 371 of the Revised Statutes, 1989, the Public Highways Act

The Governor in Council on the report and recommendation of the Minister of Transportation and Public Works dated July 11, 2002, pursuant to Section 12 of Chapter 44 of the Acts of 2001, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, and Chapter 371 of the Revised Statutes, 1989, the Public Highways Act*, and subsection 3(7) of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 2, 3, 5 and 11 of Chapter 44 of the Acts of 2001, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, and Chapter 371 of the Revised Statutes, 1989, the Public Highways Act*, come into force on and not before August 23, 2002.

PROVINCE OF NOVA SCOTIA

Sgd: Myra A. Freeman

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 12 of Chapter 44 of the Acts of 2001, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, and Chapter 371 of the Revised Statutes, 1989, the Public Highways Act*, it is enacted as follows:

12 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 2, 3, 5 and 11 of Chapter 44 of the Acts of 2001, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, and Chapter 371 of the Revised Statutes, 1989, the Public Highways Act*, come into force on August 23, 2002;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 2, 3, 5 and 11 of Chapter 44 of the Acts of 2001, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, and Chapter 371 of the Revised Statutes, 1989, the Public Highways Act*, come into force on August 23, 2002, of which all persons concerned are to take notice and govern themselves accordingly.

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

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

AT Our Government House in the Halifax Regional Municipality, this 23rd day of August, in the year of Our Lord two thousand and two and in the fifty-first year of Our Reign.

BY COMMAND:

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

N.S. Reg. 109/2002

Made: August 23, 2002

Filed: August 26, 2002

Insured Dental Services Tariff Regulations

Order in Council 2002-382 made August 23, 2002
Amendment to regulations made by the Minister of Health
and the Governor in Council
pursuant to Section 13 and subsection 17(2)
of the *Health Services and Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Health dated July 12, 2002, and pursuant to subsection 17(2) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, is pleased to

- (a) amend the *Insured Dental Services Tariff Regulations* made by the Minister of Health and the Governor in Council by Order in Council 2001-327 dated July 5, 2001, in accordance with the increased tariff amounts established by the Minister of Health pursuant to clause 13(1)(c) of the Act, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) approve the authorization by the Minister of Health of payments in respect of the increased tariff amounts referred to in clause (a),

effective on and after April 1, 2001.

In the matter of the *Insured Dental Services Tariff Regulations* made pursuant to Section 13 and subsection 17(2) of the *Health Services Insurance Act*

- and -

In the matter of an increase to the tariff of fees established by the Minister of Health pursuant to clause 13(1)(c) of the *Health Services Insurance Act* with respect to insured dental services

ORDER

I, Jamie Muir, Minister of Health for the Province of Nova Scotia, pursuant to clause 13(1)(c) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, do hereby establish that the tariff to be paid in respect of the *Insured Dental Services Tariff Regulations* shall be increased as set forth in Schedule "A".

This Order is effective on and after April 1, 2001.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, July 12, 2002.

Sgd. *Jamie Muir*
Honourable Jamie Muir
Minister of Health

Schedule “A”

**Amendments to the *Insured Dental Services Tariff Regulations* made by the
Minister of Health and the Governor in Council pursuant to Section 13
and subsection 17(2) of Chapter 197 of the Revised Statutes of
Nova Scotia, 1989, the *Health Services and Insurance Act***

The *Insured Dental Services Tariff Regulations* made by the Minister of Health and the Governor in Council by Order in Council 2001-327 dated July 5, 2001, are amended by

- (a) renumbering Section 2 as subsection 2(1); and
- (b) adding the following subsection immediately after subsection 2(1):
 - (2) The tariff of fees referred to in subsection (1) shall be increased effective April 1 of each year from 2001 to 2003, as follows:
 - (a) effective on and after April 1, 2001, an increase of 3.97%;
 - (b) effective on and after April 1, 2002, a further increase of 3.97%;
and
 - (c) effective on and after April 1, 2003, a further increase of 3.97%.