

Royal Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 28, No. 4

February 20, 2004

Contents

Act	Reg. No.	Page
Agriculture and Rural Credit Act		
Nova Scotia Farm Loan Board Regulations – amendment	15/2004	58
Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act		
Schedule I (Offshore Area Limits) Amending Regulations	11/2004	54
Dairy Industry Act		
Bulk Haulage Regulations – amendment	14/2004	57
Natural Products Act		
Chicken Farmers of Nova Scotia Regulations – amendment	13/2004	56
Provincial Finance Act		
Designation of Hurricane Juan Recovery Fund as Special Fund	9/2004	48
Provincial Parks Act/Interpretation Act		
Lake George Provincial Park Designation – amendment	12/2004	55
Summary Proceedings Act		
Summary Offence Tickets Regulations – amendment	10/2004	48

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N.S. Reg. 9/2004

Made: October 23, 2003

Filed: January 30, 2004

Designation of Hurricane Juan Recovery Fund as Special Fund

Order in Council 2003-450 dated October 23, 2003
Regulations made by the Governor in Council
pursuant to Section 1 of the *Provincial Finance Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated October 9, 2003, and pursuant to Section 1 of Chapter 365 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act*, is pleased to

- (a) establish the Nova Scotia Hurricane Juan Recovery Fund (the “Fund”) as a Special Fund pursuant to the *Provincial Finance Act* to receive monies by or on behalf of the Province of Nova Scotia in trust for not-for-profit, charitable, volunteer or similar organizations, agencies and groups whose resources have been depleted or otherwise reduced due to the effects of Hurricane Juan and further for the clean up, restoration and maintenance of public places within the Province of Nova Scotia;
- (b) authorize the President of the Executive Council to appoint three administrators (the “administrators”) of the Fund;
- (c) the administrators by accepting their appointment signify their acceptance of the duties and obligations contained herein;
- (d) disbursement of monies from the Fund shall be at the sole discretion of the Fund’s administrators who shall receive applications from organizations in need of assistance and shall pay such sums of monies as they, in their sole discretion, see fit in accordance with the purposes of this Fund, and the receipt of the proper officers for each such payment shall be in absolute discharge to the Minister and administrators;
- (e) the Fund shall continue for a period of 18 months at the conclusion of which the balance of any monies held in the Fund are to be paid to the United Way of the Municipalities of the Province of Nova Scotia on a pro-rated basis; and
- (f) the Minister and administrators shall not be responsible for any error in judgment or for any act of omission or commission not amounting to actual fraud in the management of administration of the Fund. The Minister and administrators shall not be personally liable for any monies to become due from, or by any claims against the Fund, or upon any investment made by the Minister under the provisions hereof. Legal title to the Fund shall be and remain vested in the Minister.

N.S. Reg. 10/2004

Made: January 30, 2004

Filed: February 2, 2004

Summary Offence Tickets Regulations

Order in Council 2004-34 dated January 30, 2004
Amendment to regulations made by the Minister of Justice and 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 December 23, 2003, 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* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to include certain offences under

the *Petroleum Management Regulations* made under the *Environment Act* in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 30, 2004.

Order

I, Michael G. Baker, Q.C., Minister of Justice and Attorney General of Nova Scotia, do 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 any offence set out in the amendments to the Schedules to the *Summary Offence Tickets Regulations* as set forth in Schedule "A", shall be the amount of the out of court settlement set out opposite the description of that offence, and the out of court settlement amount shall include the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

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

Dated and made Dec. 23, 2003, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd: *Michael G. Baker*
Minister of Justice
and Attorney General of Nova Scotia

Schedule "A"

**Amendments 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* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001 is amended by repealing the heading "Petroleum Storage Regulations" and items 1-83 under that heading and adding the following heading and items:

Petroleum Management Regulations

Offence	Section	Out of Court Settlement
1. Failing to meet minimum requirements set forth in Standard (specify requirement)	6(1)	\$675.00
2. Installing underground storage tank system with nominal capacity of less than 2000 L	6(2)	\$675.00
3. Failing to slope land around loading or unloading facilities at bulk plant as required by the regulations	7(1)(a)	\$560.00
4. Failing to have concrete or other impervious flooring surrounding loading or unloading facilities at bulk plant	7(1)(b)	\$560.00
5. Failing to have collecting device in area surrounding loading and unloading facilities at bulk plant sufficient to contain release of petroleum product	7(1)(c)	\$560.00
6. Failing to provide fencing around bulk plant to secure it from public entry	7(2)	\$560.00
7. Failing to close or lock gates at bulk plant when not in use or supervised	7(3)(a)	\$560.00

8. Failing to lock loading valves, filling pipes or gauging pipes at bulk plant when not in use or supervised	7(3)(b)	\$560.00
9. Operating bulk plant without contingency plan	7(5)	\$675.00
10. Operating bulk plant using tank vehicle as aboveground storage tank without approval	7(6)	\$790.00
11. Causing or permitting release of petroleum product	8	\$790.00
12. Transferring petroleum product without supervising transfer at all times	9(1)	\$675.00
13. Causing or permitting overflow of petroleum product	9(2)	\$790.00
14. Failing to immediately follow reporting procedures for spill	10(a)	\$560.00
15. Failing to take steps to end spill or clean or rehabilitate affected area (specify)	10(b)	\$675.00
16. Failing to register underground storage tanks having combined nominal capacity of 2000 L or greater	11(1)(a)	\$675.00
17. Failing to register aboveground storage tanks having combined nominal capacity of 4000 L or greater	11(1)(b)	\$675.00
18. Failing to register aboveground storage tanks at marina having combined nominal capacity of 230 L or greater	11(1)(c)	\$675.00
19. Failing to affix tag, label or similar device in location or manner determined by Minister or Administrator (specify)	11(6)	\$560.00
20. Delivering petroleum product to storage tank system with unregistered tank	11(9)	\$675.00
21. Failing to notify Department within 30 days of sale or transfer of storage tank system	11(10)	\$445.00
22. Failing to remove steel underground storage tank system or underground steel pipeline (specify) 15 years from date of installation	12(1)	\$675.00
23. Failing to meet Class A site requirements in Standard (specify) for underground storage tank system	13(2)	\$675.00
24. Failing to notify Administrator or inspector at least 3 working days prior to starting installation	13(3)	\$445.00
25. Installer failing to provide storage tank system installation report within 30 days of completing installation	13(4)	\$445.00
26. Failing to notify Administrator or inspector at least 3 working days prior to starting alteration	14(1)	\$445.00
27. Installer failing to provide storage tank system alteration report within 30 days of completing alteration	14(3)	\$445.00

28. Failing to provide detailed description to Administrator or inspector within 72 hours of initiating emergency alteration	14(5)	\$445.00
29. Failing to notify Administrator or inspector at least 3 working days prior to starting removal	15(1)	\$445.00
30. Failing to remove associated underground piping and related materials with storage tank system	15(2)	\$675.00
31. Installer failing to provide storage tank system removal report within 30 days of completing removal	15(3)	\$445.00
32. Failing to remediate contamination after storage tank system removal	15(4)	\$675.00
33. Installing, altering or removing storage tank system without certificate of qualification	16(3)	\$790.00
34. Installer failing to be present at all times during installation, alteration or removal of storage tank system	17(1)	\$675.00
35. Installer failing to produce certificate of qualification for inspection	17(2)	\$445.00
36. Failing to conduct maintenance checks on sacrificial anode system as required by the regulations	18(1)(b)	\$560.00
37. Failing to conduct maintenance checks on impressed current system as required by the regulations	18(1)(c)	\$560.00
38. Failing to conduct maintenance checks on all electrical and mechanical leak detection systems as required by the regulations	18(1)(d)	\$560.00
39. Failing to visually inspect aboveground storage tank system as required by the regulations	18(1)(e)	\$560.00
40. Failing to check observation wells for liquid product or vapours as required by the regulations	18(1)(f)	\$560.00
41. Failing to immediately repair storage tank system where there is corrosion failure or mechanical problem or notify Administrator or inspector	18(2)	\$675.00
42. Failing to measure, reconcile and record petroleum product level in underground storage tank each day product is added or removed	19(1)(a)(i)	\$675.00
43. Failing to measure, reconcile and record petroleum product level in underground storage tank at least weekly	19(1)(a)(ii)	\$675.00
44. Failing to reconcile water level in underground storage tank and include in all reconciliations	19(1)(b)	\$675.00
45. Failing to reconcile inventory control measurements for underground storage tank as required by the regulations	19(2)	\$675.00

46. Failing to record and include in monthly summary any gain or loss of petroleum product in underground storage tank	19(3)	\$445.00
47. Failing to notify Department of unexplained loss or gain of 0.5% or more of inventory in underground storage tank system in any month	19(4)(a)	\$445.00
48. Failing to notify Department of 5 or more consecutive days of losses or gains in underground storage tank system	19(4)(b)	\$445.00
49. Failing to notify Department of 18 or more days per month of losses or gains in underground storage tank system (measured daily)	19(4)(c)	\$445.00
50. Failing to notify Department of water level in underground storage tank system exceeding 50 mm	19(4)(d)	\$445.00
51. Failing to measure, reconcile and record petroleum product level in aboveground storage tank at least weekly	20(1)	\$675.00
52. Failing to notify Department of unexplained loss or gain of 1.0% or more of inventory in aboveground storage tank system in any month	20(2)(a)	\$445.00
53. Failing to notify Department of 4 or more consecutive weeks of losses or gains in excess of 1.0% of inventory in aboveground storage tank system for each week	20(2)(b)	\$445.00
54. Failing to provide secondary containment and leak monitoring devices that meet Standard on system connected to heating appliance	21(a)	\$445.00
55. Failing to provide continuous leak detection to equivalent level of safety approved by Administrator on system connected to heating appliance	21(b)	\$445.00
56. Failing to maintain inventory control records and reconciliation data for 2 years	22(1)	\$445.00
57. Failing to make computerized inventory control records and reconciliation data available within 48 hours of request	22(2)	\$445.00
58. Failing to obtain and maintain records of previous owner	22(4)	\$445.00
59. Failing to comply with upgrade requirements (specify) within time frame specified in upgrade program	23(3)	\$675.00
60. Failing to replace, repair or remove storage tank system or portion of it when leak detected within time frame required by Administrator or inspector	24(2)	\$675.00
61. Failing to conduct leak detection test	24(3)	\$675.00
62. Failing to submit results of leak detection test to Administrator or inspector	24(4)	\$560.00

63. Failing to immediately notify Department of leak when system fails leak detection test	24(5)	\$675.00
64. Failing to empty and purge underground storage tank system after unused for 12 consecutive months or more	25(1)(a)	\$560.00
65. Failing to lock all fill and gauged pipe openings in underground storage tank system and block access to aboveground storage tank tops	25(1)(b)	\$560.00
66. Failing to operate and maintain impressed current cathodic protection system when underground storage tank system is unused	25(1)(c)	\$560.00
67. Failing to lock all fill and gauged pipe openings in aboveground storage tank system and block access to aboveground tank tops	25(2)(a)	\$560.00
68. Failing to operate and maintain impressed current cathodic protection system when aboveground storage tank system is unused	25(2)(b)	\$560.00
69. Failing to gauge or dip underground storage tanks on monthly basis after underground storage tank system unused for 6 consecutive months or more	25(3)	\$560.00
70. Failing to perform leak detection test and submit results to Administrator or inspector prior to reuse of underground storage tank system after unused for 12 consecutive months or more	25(4)	\$560.00
71. Failing to replace, repair or remove underground storage tank system or portion of it when leak detected within time frame required by Administrator or inspector	25(5)	\$675.00
72. Failing to remove or abandon storage tank system after non-use for 24 consecutive months or more	26(1)	\$675.00
73. Failing to abandon storage tank system in accordance with Standard	26(3)	\$675.00
74. Failing to decommission removed underground tank at approved facility	27(1)(a)	\$675.00
75. Failing to re-certify removed underground storage tank before reuse as required by the regulations	27(1)(b)	\$675.00
76. Reusing removed underground tank for aboveground storage without approval of Administrator or inspector	27(4)	\$675.00
77. Failing to decommission relocated aboveground storage tank at approved facility	27(5)(a)	\$675.00
78. Failing to re-certify relocated aboveground storage tank before reuse as required by the regulations	27(5)(b)	\$675.00
79. Decommissioning aboveground storage tank at installation site without approval from Administrator or inspector	27(6)	\$675.00

N.S. Reg. 11/2004

Made: January 30, 2004

Filed: February 2, 2004

Schedule I (Offshore Area Limits) Amending Regulations

Order in Council 2004-36 dated January 30, 2004

Regulations made by the Governor in Council pursuant to Section 5 of the
Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act

The Governor in Council on the report and recommendation of the Minister of Energy dated December 2, 2003, and pursuant to Section 5 of Chapter 3 of the Acts of 1987, the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, is pleased to make regulations amending the description of the limits of the offshore area of Nova Scotia set out in Schedule I to the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 30, 2004.

Schedule "A"

Regulations Respecting Amendments to Schedule I Describing the Limits of the Offshore Area made by the Governor in Council pursuant to Section 5 of Chapter 3 of the Acts of 1987, the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*

Citation

1 These regulations may be cited as the *Schedule I (Offshore Area Limits) Amending Regulations*.

Longitude and latitude reference

2 The bracketed portion of Schedule I to the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act* after the title "LIMITS OF THE OFFSHORE AREA" is replaced by the following:

(Except where otherwise indicated, all latitudes and longitudes referred to in this Schedule are determined according to NAD 27)

Amended description

3 The portion of the description of the outer limit of the offshore area set out in Schedule I to the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act* after the words "The outer limit of the offshore area is as follows": beginning with the fifteenth paragraph, which refers to the coordinates "latitude 47E 45' 40" and longitude 60E 24' 17\"", and ending with the eighteenth paragraph, which refers to "an azimuth of 135E00' 00\"", is replaced by the following:

thence northeasterly in a straight line to a point, delimited in the award of the arbitration tribunal in conclusion of the second phase of arbitration between the provinces of Nova Scotia and Newfoundland and Labrador on March 26, 2002, at latitude 47E 45' 41.8" and longitude 60E 24' 12.5" (NAD 83);

thence, as delimited in the award of March 26, 2002, southeasterly along a geodesic line to a point at latitude 47E 25' 31.7" and longitude 59E 43' 37.1" (NAD 83);

thence, as delimited in the award of March 26, 2002, southeasterly along a geodesic line to a point at latitude 46E 54' 48.9" and longitude 59E 00' 34.9" (NAD 83);

thence, as delimited in the award of March 26, 2002, southeasterly along a geodesic line to a point at latitude 46E 22' 51.7" and longitude 58E 01' 20.0" (NAD 83);

thence, as delimited in the award of March 26, 2002, southeasterly along the following geodesic

lines, but only as far as the point of intersection between one of those lines and the outer edge of the continental margin as determined by international law:

along a geodesic line from the previous point to a point at latitude 46E 17' 25.1" and longitude 57E 53' 52.7" (NAD 83),

thence along a geodesic line to a point at latitude 46E 07' 57.7" and longitude 57E 44' 05.1" (NAD 83),

thence along a geodesic line to a point at latitude 45E 41' 31.4" and longitude 57E 31' 33.5" (NAD 83),

thence along a geodesic line to a point at latitude 44E 55' 51.9" and longitude 57E 10' 34.0" (NAD 83),

thence along a geodesic line to a point at latitude 43E 14' 13.9" and longitude 56E 23' 55.7" (NAD 83),

thence along a geodesic line to a point at latitude 42E 56' 48.5" and longitude 56E 16' 52.1" (NAD 83),

thence along a geodesic line to a point at latitude 42E 03' 46.3" and longitude 55E 54' 58.1" (NAD 83),

thence along a geodesic line to a point at latitude 41E 45' 00.8" and longitude 55E 47' 31.6" (NAD 83),

thence along a geodesic line to a point at latitude 41E 42' 24.7" and longitude 55E 46' 23.8" (NAD 83),

thence along a geodesic line to a point at latitude 41E 06' 19.2" and longitude 55E 36' 10.9" (NAD 83),

thence along a geodesic line to a point at latitude 40E 58' 21.7" and longitude 55E 34' 23.3" (NAD 83),

thence along a geodesic line on an azimuth of 166E 19' 50".

N.S. Reg. 12/2004

Made: January 30, 2004

Filed: February 2, 2004

Lake George Provincial Park Designation

Order in Council 2004-39 made January 30, 2004
Amendment to regulations made by the Governor in Council
pursuant to clause 19(f) of the *Interpretation Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated December 16, 2003, and pursuant to clause 19(f) of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to amend Schedule "A" to Order in Council 97-22, made January 14, 1997, which designated Lake George Provincial Park, to correct certain errata in the land description by:

- (a) striking out paragraph 5 and substituting therefor "THENCE continuing N 09E 25⁰⁰6" W, a distance of 30.48 metres, to a point; THENCE northeasterly, 30.48 metres perpendicularly distant from and parallel to the ordinary high water mark of Lake George, a distance of 130 metres more or less, to a

point; THENCE S 57E 51 \cup 3" E, a distance of 31 metres more or less, to the ordinary high water mark of Lake George”;

- (b) striking out “1.421 hectares” from paragraph 18 and substituting therefor “1.841 hectares”; and
- (c) striking out “3.668 hectares” from paragraph 27 and substituting therefor “4.088 hectares”;

effective on and after January 14, 1997, and to authorize the Minister of Natural Resources to execute such documents as may be necessary to achieve the purposes of this Order.

N.S. Reg. 13/2004

Made: January 21, 2004

Filed: February 3, 2004

Chicken Farmers of Nova Scotia Regulations

Order dated January 21, 2004
made by the Natural Products Marketing Council
pursuant to Section 9 of the *Natural Products Act*

I certify that the Natural Products Marketing Council, at its meeting on January 21, 2004 carried a motion to amend the *Chicken Farmers of Nova Scotia Regulations* made by the Council on October 26, 1999, and approved by the Governor in Council by Order in Council 2000-12 dated January 19, 2000, in the manner set out in Schedule “A”.

The amendment referred to in this certificate is effective on and after February 8, 2004.

Signed at Truro in the County of Colchester, Nova Scotia on January 21, 2004.

Sgd: *G. Burris*
George D. Burris
General Manager
Natural Products Marketing Council

Schedule “A”

**Amendment to the *Chicken Farmers of Nova Scotia Regulations*
made pursuant to Section 9 of Chapter 308
of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act***

Subsection 15(1) of the *Chicken Farmers of Nova Scotia Regulations* approved by the Governor in Council by Order in Council 2000-12 dated January 19, 2000, is amended by striking out “\$1.09” and substituting “\$1.29”.

N.S. Reg. 14/2004

Made: December 8, 2003

Filed: February 3, 2004

Bulk Haulage Regulations

Order dated December 8, 2003
Amendment to regulations made by the Dairy Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to subsection 15(1) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia

The Dairy Farmers of Nova Scotia, pursuant to ~~clause~~ [subsection] 15(1) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held on November 27, 2003, amended the *Bulk Haulage Regulations* in the manner set out in the form attached to this certificate as Schedule "A", effective on and after December 1, 2003.

DATED AND SIGNED at Truro, Nova Scotia, December 4, 2003

Sgd: *Brian Cameron*
Brian Cameron
General Manager
Dairy Farmers of Nova Scotia

APPROVED BY the Natural Products Marketing Council at Truro, Nova Scotia, December 8, 2003.

Sgd: *G. Burris*
George D. Burris
General Manager
Natural Products Marketing Council

Schedule "A"**Amendment to the *Bulk Haulage Regulations* made by the Dairy Farmers of Nova Scotia pursuant to clause[s] 15(1)(b) and 15(1)(e) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act***

Clause 7(a) of the *Bulk Haulage Regulations* made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council on August 13, 2002, is amended by

- (a) striking out "\$2.16" directly opposite "Bedford Transport Limited" and substituting "\$2.24";
- (b) striking out "\$2.48" directly opposite "Scotsburn Co-op Services Limited" and substituting "\$2.52";
- (c) striking out "\$1.89" directly opposite "Fisher Transport Limited" and substituting "\$1.78";
- (d) striking out "\$2.48" directly opposite "Rudy Burghardt" and substituting "\$2.48"; [*sic*]
- (e) striking out "\$2.21" directly opposite "Cook's Dairy Farm Limited" and substituting "\$2.13".

N.S. Reg. 15/2004

Made: February 5, 2004

Filed: February 6, 2004

Nova Scotia Farm Loan Board Regulations

Order in Council 2004-56 made February 5, 2004
Amendment to regulations made by the Nova Scotia Farm Loan Board
and approved by the Governor in Council
pursuant to Section 8 of the *Agriculture and Rural Credit Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated December 23, 2003, and pursuant to Section 8 of Chapter 7 of the Revised Statutes of Nova Scotia, 1989, the *Agriculture and Rural Credit Act*, is pleased to approve the making by the Nova Scotia Farm Loan Board of amendments to the Nova Scotia Farm Loan Board Regulations approved by the Governor in Council by Order in Council 92-1162 dated December 1, 1992, to increase the limit of loans that the Nova Scotia Farm Loan Board may make without the approval of the Governor in Council, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 5, 2004.

Schedule "A"

I certify that at a meeting held on November 18, 2003, the Nova Scotia Farm Loan Board, pursuant to Section 8 of Chapter 7 of the Revised Statutes of Nova Scotia, 1989, the *Agriculture and Rural Credit Act*, passed a motion to amend the *Nova Scotia Farm Loan Board Regulations* approved by the Governor in Council by Order in Council 92-1162 dated December 1, 1992, by striking out "1 000 000" and substituting "\$2 000 000" in subsection 10(1).

Nova Scotia Farm Loan Board

Per: Sgd: *Derrick Jamieson*

Derrick Jamieson, Chief Executive Officer

Dated and signed at Truro, Nova Scotia, November 18, 2003.