

# Royal Gazette

## Part II Regulations under the Regulations Act

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N.S. Reg. 147/2001  
Made: June 21, 2000  
Filed: December 7, 2001  
Teachers' Pension Plan Regulations

Order dated June 21, 2000  
made under Section 20 of the  
*Teachers' Pension Act*

**MEMORANDUM OF AGREEMENT  
BETWEEN  
HER MAJESTY THE QUEEN IN THE RIGHT OF THE  
PROVINCE OF NOVA SCOTIA  
AND  
THE NOVA SCOTIA TEACHERS' UNION  
A BODY CORPORATE ESTABLISHED PURSUANT TO THE TEACHING  
PROFESSION ACT, BEING CHAPTER 462 REVISED STATUTES 1989**

Pursuant to the authority provided in the Teachers' Pension Act, being Chapter 26 of the Acts of 1998, the Minister of Finance and the Nova Scotia Teachers' Union do hereby make amendments to the Teachers' Pension Plan Regulations, in the form attached hereto as "Schedule A" effective on from and after July 1, 2000.

Signed and sealed	)	<b>Her Majesty the Queen in the Right</b>
in the presence of	)	<b>of the Province of Nova Scotia</b>
	)	
	)	<u>Sgd. Neil J. LeBlanc</u>
	)	The Honourable Neil J. LeBlanc
	)	Minister of Finance
	)	
<u>Signed</u>	)	<u>June 21/00</u>
Witness	)	Date
	)	
	)	<b>Nova Scotia Teacher's Union</b>
	)	
	)	<u>Sgd. D. G. MacIntyre</u>
	)	Donald G. MacIntyre
	)	President
	)	
	)	<u>Sgd. James MacKay</u>
	)	James MacKay
	)	Executive Director
	)	
<u>Signed</u>	)	<u>June 21/00</u>
Witness	)	Date

**SCHEDULE "A"**

**TO MEMORANDUM OF AGREEMENT  
BETWEEN  
HER MAJESTY THE QUEEN IN THE RIGHT OF THE  
PROVINCE OF NOVA SCOTIA  
AND  
THE NOVA SCOTIA TEACHERS' UNION  
SIGNED ON JUNE 21, 2000**

1. A. In clause (c) of subsection 2 of Section 9, replace the symbol “.” in the sixth line with the symbol “.”.
- B. Add a new clause (d) to subsection (2) of Section 9:

“(d) is at least age 50 and has at least 30 years of pensionable service and in such case the service pension otherwise calculated in accordance with subsections (1) and (2) of Section 12, shall be reduced by 5% for each year, with part years being prorated accordingly, calculated to three decimal places, by which

  - (i) the member’s age is less than 55 or
  - (ii) the member’s pensionable service is less than 35,

whichever is lesser.”
2. A. Add new ~~subsection~~ [clause] (af1) to Section 2:

“(af1) “period of reduced service” means a continuous period in respect of a member for which the member is in receipt of pensionable earnings in each school year in the period in an amount less than the pensionable earnings which the member received in the school year immediately prior to the period and during which the member was employed for a lesser number of days in each school year in the period than in the school year immediately prior to the period;”
- B. Add new subsection (2A) to Section 4:

“(2A) Despite subsection (1), a member who commences a period of reduced service in any school year between August 1, 2000, and July 31, 2004, shall be credited with an amount of pensionable service for each year in the period of reduced service, equal to the amount of pensionable service with which the teacher was credited in the school year immediately prior to the period of reduced service, provided that

  - (a) the member makes the contributions which would otherwise be required to be made if the member were employed on the same basis as he was employed in the school year immediately prior to the period of reduced service;
  - (b) the period of reduced service does not exceed two consecutive school years;

- (c) the period of reduced service ends by July 31, 2004.

3. Add new Section 12A:

- “(12A) A member to whom subsection (2A) of Section 4 applies and who is eligible or will become eligible by the end of the period of reduced service, under Section 9, may receive an amount from the pension fund during the period of reduced service provided that:
- (a) the amount so received, when added to the pensionable earnings received by the member during the period of reduced service is no greater than 90% of the pensionable earnings in the school year immediately prior to the period of reduced service;
  - (b) if the member does not retire immediately upon expiration of the period of reduced service, he shall repay to the fund the amounts received under this Section plus interest as set out in clause (d) of subsection (2) of Section 29, on terms set by the plan administrator;
  - (c) the pension payable upon retirement shall be actuarially adjusted to account for the amount received under this Section.”

1. Add new clause (d) to subsection (2) of Section 29:

- “(d) an amount required to be paid under ~~subsection~~ [clause] (b) of Section 12A,”

**4. Leave of absence with full time credit**

**Summary**

Amendment will permit a teacher to be on a school board approved leave of absence for up to two years and to contribute to the pension plan based on the salary which he or she would have earned had he or she not been on leave. A part time teacher who goes on leave will only be credited with the same part of a year which he or she worked before going on leave. The Province will match the teacher's contributions. The teacher will accrue a full year of service or part year, as the case may be.

**Specific wording**

A. Add new clause (d) to subsection (1) of Section 6:

- “(d) Despite subsection (1) of Section 4, a member who is on a leave of absence shall accrue service on the same basis as he accrued service in the school year immediately prior to the leave of absence provided that
- (i) the leave of absence is no greater than two years in duration;
  - (ii) the leave of absence commences in any school year between August 1, 2000, and July 31, 2004, and ends by July 31, 2004;

- (iii) the member contributes to the pension plan, in a manner prescribed by the plan administrator on the basis of the pensionable earnings which the member would have received had he not been on the leave of absence.”

N.S. Reg. 148/2001

Made: December 7, 2001

Filed: December 10, 2001

Forest Sustainability Regulations

Order in Council 2001-570 made December 7, 2001  
Regulations made by the Governor in Council  
pursuant to Section 40  
of the *Forests Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated October 31, 2001, and pursuant to Section 40 of Chapter 179 of the Revised Statutes of Nova Scotia, 1989, the *Forests Act*, and Section 19 of Chapter 365 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act*, is pleased to:

- (a) repeal the *Forest Sustainability Regulations* made by the Governor in Council and approved by Order in Council 2000-148 dated April 5, 2000, except in so far as is necessary to carry out the intent and purpose of Section 19 of the new regulations referred to in clause (b); and
- (b) make new regulations respecting forest sustainability in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after December 7, 2001.

**Schedule “A”**

**Regulations Respecting Forest Sustainability made by the Governor in Council  
pursuant to Section 40 of Chapter 179 of the Revised Statutes of  
Nova Scotia, 1989, the *Forests Act***

**Citation**

1 These regulations may be cited as the *Forest Sustainability Regulations*.

**Definitions**

2 In these regulations

- (a) “estimated required value” means the total value of a plan calculated pursuant to subsection 10(3) to be included in a proposal;
- (b) “export” means export from the Province;
- (c) “former regulations” means the *Forest Sustainability Regulations* made by Order in Council 2000-148 dated April 5, 2000;
- (d) “Fund” means the Sustainable Forestry Fund established by Section 19A of the *Forests Act*;
- (e) “import” means import into the Province;
- (f) “industrial landowner” means a landowner who owns a wood processing facility that processes primary forest products;
- (g) “industrial lands” means lands owned by an industrial landowner;
- (h) “plan” means a wood acquisition plan as described in Section 3;

- (i) “private landowner” means a landowner who does not own a wood processing facility;
- (j) “private lands” means lands owned by a private landowner;
- (k) “proposal” means a part of a plan submitted pursuant to Section 5;
- (l) “registered buyer” means a person who
  - (i) is an owner or operator of a wood processing facility in the Province that processes primary forest products,
  - (ii) exports primary forest products from the Province,
  - (iii) imports primary forest products into the Province,
  - (iv) sells or acquires for sale more than 1000 m<sup>3</sup> solid primary forest products as a fuel, or
  - (v) acquires primary forest products for producing energy;
- (m) “report” means a part of a plan submitted pursuant to Section 6;
- (n) “required value” means the total value of a plan calculated pursuant to subsection 10(1) to be included in a report;
- (o) “RSR Regulations” means the *Registration and Statistical Returns Regulations* made pursuant to the *Forests Act*;
- (p) “site” means an area where silviculture has been undertaken and completed;
- (q) “third party” means any private landowner, individual, corporation, partnership or organization that administers or implements a silviculture program on behalf of a registered buyer;
- (r) “year-end account” means a statement of credits and deficiencies as calculated in Form D, Part IV.

### **Wood acquisition plan**

**3** A plan shall consist of a proposal and a report.

### **Plan options**

- 4 (1)** The estimated required value and the required value shall be met by either of the following options, or a combination of the following options:
- (a) a silviculture program in accordance with Section 8; or
  - (b) a financial contribution to the Fund in accordance with Section 7.
- (2)** A registered buyer shall specify in a proposal the amount of the estimated required value to be met by each option set out in subsection (1).
- (3)** A registered buyer shall specify in a report the amount of the required value to be met by each option set out in subsection (1).

**Proposal submission requirement**

- 5 (1)** A registered buyer who acquires or intends to acquire in any calendar year primary forest products from within Nova Scotia from industrial landowners or private landowners in an amount equal to or greater than a volume of 5000 m<sup>3</sup> solid shall submit a proposal to the Minister for approval, on or before February 28 of that year.
- (2)** Despite subsection (1), if after February 28 in any year, a person becomes a registered buyer who is required to file a proposal pursuant to subsection (1), the person shall file the proposal within 30 days.
- (3)** A person who was a registered buyer and acquired primary forest products in the previous calendar year in an amount set out in subsection (1) is deemed to intend to acquire primary forest products in the current calendar year and shall submit a proposal in accordance with this Section.
- (4)** A proposal required pursuant to subsection (1) shall be in Form C and shall include
- (a)** a calculation of the estimated required value; and
  - (b)** a selection of options pursuant to subsection 4(2) for meeting the estimated required value.

**Report submission requirement**

- 6 (1)** A registered buyer who acquired in any calendar year primary forest products from within Nova Scotia from industrial landowners or private landowners in an amount equal to or greater than a volume of 5000 m<sup>3</sup> solid shall submit a report to the Minister for approval, on or before February 28 of the year immediately following the year the primary forest products were acquired.
- (2)** Despite subsection (1), if a person who was a registered buyer submitted a plan that reported deficiencies, the person shall meet these deficiencies in the year the deficiencies were reported and shall submit a report to the Minister for approval on or before February 28 of the subsequent year.
- (3)** The report required pursuant to subsections (1) and (2) shall be in Form D and shall
- (a)** include
    - (i)** a calculation of the required value,
    - (ii)** adjustments to the required value using credits and deficiencies from previous year(s),
    - (iii)** a summary of silviculture completed and payments made to the Fund for meeting the required value,
    - (iv)** a summary and details for the silviculture program completed,
    - (v)** a completed year-end account statement; and



- (b) be accompanied, in a form and format specified by the Minister, by accurate and complete information on the following for each site where silviculture has been completed
  - (i) the geographical coordinates circumscribing the aerial extent of each site where silviculture has been completed,
  - (ii) the area in hectares that is covered by the site where silviculture has been completed,
  - (iii) the silviculture category and information as specified in Schedule I that applies to the silviculture completed,
  - (iv) the name of the landowner for the site where silviculture has been completed.

### **Financial contributions to Fund**

- 7 (1) A registered buyer shall make all contributions required to be made to the Fund in accordance with subsection 4(3) no later than at the time of submission of the report for the year for which the contributions apply.
- (2) A registered buyer may make a contribution to the Fund prior to the submission of the report for the year for which the contributions apply.
- (3) If a contribution made to the Fund by a registered buyer prior to the submission of the report exceeds the contribution required to be made by the registered buyer in accordance with subsection 4(3), the registered buyer may request in writing that the excess contribution be returned.
- (4) If a contribution made to the Fund by a registered buyer prior to the submission of the report is less than the contribution required to be made by the registered buyer in accordance with subsection 4(3), the registered buyer shall submit the contribution still owing no later than at the time of submission of the report for the year for which the contributions apply.

### **Silviculture program**

- 8 (1) Where a registered buyer selects the option of a silviculture program pursuant to subsection 4(3), the silviculture program shall
- (a) be administered by one of the following, or a combination of the following:
    - (i) the registered buyer,
    - (ii) a registered bargaining agent under the *Nova Scotia Primary Forest Products Marketing Act* who has a collective agreement pertaining to silviculture programs and is administering the silviculture program on behalf of the registered buyer,
    - (iii) a third party administering the silviculture program on behalf of the registered buyer;
  - (b) be based on the silviculture categories described and set out in Schedule 1;

- (c) have silviculture credit values that are based on the value of individual silviculture credits established by the Minister pertaining to the year for which the report was submitted;
  - (d) be carried out so that the silviculture completed adheres to the technical standards set out in Schedule 1;
  - (e) be carried out so that no one site can be submitted for more than one silviculture category except as noted in Schedule 1; and
  - (f) only include silviculture undertaken subsequent to January 1, 1998.
- (2) The Minister shall allow a credit equivalent to 10% of the amount of the value of the completed silviculture program, as calculated in Form D, in consideration of the costs of administering the silviculture program.
  - (3) The Minister may adjust the value of individual silviculture credits on an annual basis and shall notify registered buyers of any adjustments on or before October 31 of the calendar year immediately before the year in which the adjustment shall apply.
  - (4) A registered buyer shall complete the silviculture program during the calendar year in which the primary forest products are acquired.
  - (5) The Minister shall report periodically on the silviculture completed in association with approved plans.

#### **Monitoring and adherence to technical standards**

- 9 (1) Despite the approval of a registered buyer's plan, the Minister shall conduct a monitoring program to verify that the registered buyer is in compliance with these regulations, including but not limited to adherence to the technical standards set out in Schedule 1.
- (2) A registered buyer shall ensure that the silviculture completed and reported in accordance with Section 6, continues to adhere to the technical standards set out in Schedule 1 for 18 months following the submission of the report.
  - (3) If, as a result of the monitoring program, it is determined that a registered buyer's site with respect to which a report has been submitted has failed to adhere to the technical standards set out in Schedule 1, the silviculture credit calculated for that site in effect for the year for which the report was submitted plus the credit previously allowed for administration costs shall be deemed to be a deficiency applied to the registered buyer's plan for the year following notification.
  - (4) If, as a result of the monitoring program, it is determined that the area in hectares that is covered by a site where silviculture has been completed is less than what was reported by the registered buyer in accordance with Form D, Part V, the Minister shall recalculate the silviculture credit and the difference in silviculture credit calculated for that site plus the credit previously allowed for administration costs shall be deemed to be a deficiency applied to the registered buyer's plan for the year following notification.

- (5) If, as a result of the monitoring program, it is determined that the area in hectares that is covered by a site where silviculture has been completed is larger than what was reported by the registered buyer in accordance with Form D, Part V, the Minister shall recalculate the silviculture credit and the difference in the silviculture credit calculated for that site plus the credit allowed for administration costs in accordance with subsection 8(2) shall be deemed to be a credit applied to the registered buyer's plan for the year following notification.
- (6) The Minister shall give notice of a deficiency applied pursuant to subsection (3) or (4) by personal service on the registered buyer or by registered mail to the address of the registered buyer as noted on Form A of the *RSR Regulations*.

#### **Calculation of required value and estimated required value**

**10 (1)** For the purposes of a report, the required value shall be calculated using the following formula:

$$[(A \times B) + C \times D] = E$$

- (a) where A is the volume of softwood primary forest products acquired in the relevant calendar year by the registered buyer from within Nova Scotia from industrial landowners and private landowners and reported in Form B, Parts II and III of the *RSR Regulations*;
- (b) where B is the rate of \$3.00 per m<sup>3</sup> solid of softwood primary forest products;
- (c) where C is the volume of hardwood primary forest products acquired in the relevant calendar year by the registered buyer from within Nova Scotia from industrial landowners and private landowners and reported in Form B, Parts II and III of the *RSR Regulations*;
- (d) where D is the rate of \$0.60 per m<sup>3</sup> solid of hardwood primary forest products;
- (e) where E is the required value.
- (2) Despite subsection (1), if the actual volume of primary forest products acquired in the relevant calendar year by the registered buyer from within Nova Scotia from industrial landowners and private landowners and reported in Form B, Parts II and III of the *RSR Regulations* is less than 5000 m<sup>3</sup> solid, then E is deemed to be zero.
- (3) For the purposes of a proposal, the value of E is the estimated required value and shall be calculated in accordance with the formula set out in subsection (1) except that the values of A and C shall be based upon estimated volumes of primary forest products intended to be acquired in the current year, instead of actual volumes acquired.
- (4) The rates set out in clauses (1)(b) and (d) shall be reviewed by the Minister at least every 5 years.

#### **Adjustments to required value**

**11** The required value may be decreased

- (a) by applying credits from approved plans submitted by the registered buyer from previous years;
- (b) as a result of a credit identified through monitoring in accordance with Section 9; or
- (c) as a result of a credit for administration costs associated with a silviculture program in accordance with subsection 8(2).

**12** The required value shall be increased by

- (a) adding deficiencies carried forward from the approved plan submitted by the registered buyer for the previous calendar year; or
- (b) adding deficiencies identified through monitoring in accordance with Section 9.

**Carry-forward and deficiency provisions**

**13 (1)** If the total value of credits and payments reported by the registered buyer in Form D, Part IV is less than the total of the required value and any deficiencies from the previous year as calculated in Form D, Part IV, the difference shall be deemed to be a deficiency applied to the registered buyer's plan for the following year.

**(2)** If the total value of credits and payments reported by the registered buyer in Form D, Part IV is more than the total of the required value and any deficiencies from the previous year as calculated in Form D, Part IV, the difference shall be deemed to be a credit applied to the registered buyer's plan for the following year.

**(3)** Carry-forward credits and deficiencies shall be calculated and applied according to the proportion of the volume of primary forest products acquired and reported by the registered buyer in Form D, Part III.

**(4)** Despite subsection (1), no registered buyer shall

- (a) have a deficiency greater than 20% of the required value; or
- (b) carry forward a deficiency for longer than 1 year.

**(5)** A registered buyer may carry forward a non-refundable credit in excess of the required value.

**(6)** If a registered buyer has deficiencies in excess of 20% of the required value, interest shall accrue on the amount due and payable from time to time at the rate of interest published by the Bank of Canada as the Chartered Bank's Administered Interest Rates - Prime Business Loan in effect in the first week of January of the year in which the interest is payable plus 3% compounded monthly commencing February 28 of the year in which the report was due to be submitted.

**Approval of plan**

**14 (1)** A plan shall be approved by the Minister provided that the registered buyer has met the requirements of the regulations.

**(2)** The Minister shall notify a registered buyer within 60 days of the submission of a report as to whether the plan is approved.

- (3) The Minister shall give notice pursuant to subsection (1) by personal service on the registered buyer or by registered mail to the address of the registered buyer as noted on Form A of the *RSR Regulations*.
- (4) The Minister may request additional information from a registered buyer in support of a plan.

**Revocation of registration**

- 15 (1)** The Minister may revoke the registration of a registered buyer under the *RSR Regulations*, where the registered buyer
- (a) fails to submit a plan, or part thereof, as required by these regulations;
  - (b) submits false information in a plan, or part thereof;
  - (c) acquires primary forest products after receiving notice pursuant to Section 14 that a plan has not been approved; or
  - (d) fails to make required payments to the Fund.
- (2) The Minister shall give notice of a revocation made pursuant to subsection (1) by personal service on the registered buyer or by registered mail to the address of the registered buyer as noted on Form A of the *RSR Regulations*.

**Offences**

- 16** Every registered buyer who fails to submit a plan, or part thereof, as required by these regulations, is guilty of an offence.
- 17** Every registered buyer who submits false information in a plan, or part thereof, is guilty of an offence.
- 18** Every registered buyer who acquires primary forest products after receiving notice pursuant to Section 14 that a plan has not been approved, is guilty of an offence.

**Transitional phase-in period**

- 19 (1)** A registered buyer who has submitted a plan for the calendar year 2001 under the former regulations shall
- (a) if the option of a silviculture program was selected, carry out the program in adherence with the technical standards set out in Schedule 1 of those regulations; and
  - (b) be deemed to be in compliance with the requirements to file a proposal for the 2001 calendar year.
- (2) The required value of a report to be submitted for the calendar year 2001 shall be calculated in accordance with Section 10, but using 70% of the volume of primary forest products acquired in the calendar year 2001 specified in clauses 10(1) (a) and (c) for the values A and C.
- (3) For greater certainty, a person who became a registered buyer in 2001 after February 28, 2001, and who is therefore required to file a proposal in accordance with subsection 5(2), shall file the proposal within 30 days of the effective date of these regulations.

- (4) A registered buyer who was required to file a plan for the calendar year 2000 under the former regulations shall continue to be required to comply with those regulations in relation to the requirements for the calendar year 2000, for a period of 2 years after the coming into force of these regulations.

**Schedule 1**  
**Technical Standards**  
**Forest Sustainability Regulations**

**General Requirements for all Silviculture Categories**

- 1 No site where silviculture has been conducted can be submitted under more than one silviculture category in any given year, except for the following silviculture category combinations:

- (a) 1 and 3;
- (b) 2 and 3;
- (c) 6 and 7(b);
- (d) 7(a) and (b);
- (e) or 7(b) and (c),

which can be submitted for the same year.

- 2 Only silviculture undertaken subsequent to January 1, 1998, is eligible.
- 3 No site where silviculture has been conducted and the credit has been claimed can be reclaimed in the same silviculture category during the life of the forest stand on that same site, except for categories 7(a) and (c) where minimum reclaim periods apply.
- 4 For a silviculture program to be considered as a softwood or hardwood program, the following conditions apply:

Hardwood silviculture program

- sites must contain 25% or greater hardwood commercial species of trees on each site
- limited to Silviculture Categories 1, 5, 6, and 7

Softwood silviculture program

- all softwood silviculture program sites must contain 25% or greater softwood commercial species of trees on each site
- all silviculture categories apply to the softwood silviculture program.

Silviculture Category	Technical Standard for Completed Silviculture		
	Minimum	Maximum	Limitations
1. Natural Regeneration Establishment:  a) Regeneration and fill plant less than 500/ha  b) Regeneration and fill plant 500/ha or greater	<p><b>(a) Regeneration and fill plant less than 500/ha</b></p> <ul style="list-style-type: none"> <li>the site must contain at least 1500 commercial crop trees per hectare</li> <li>the minimum acceptable stocking level of commercial crop trees on the site is equivalent to 80% at 2.4 x 2.4 m spacing</li> <li>the height of commercial crop trees must be 10 cm or greater</li> </ul>	<p><b>(a) Regeneration and fill plant less than 500/ha</b></p> <ul style="list-style-type: none"> <li>the average height of commercial softwood species for the site must be 2 m or less</li> <li>the average height of commercial hardwood species for the site must be 6 m or less</li> </ul>	<p><b>(a) Regeneration and fill plant less than 500/ha</b></p> <ul style="list-style-type: none"> <li>commercial crop tree species must be listed by percent for each site</li> <li>average height in meters of the listed commercial crop tree species must be submitted for each site</li> </ul>
	<p><b>(b) Regeneration and fill plant 500/ha or greater</b></p> <ul style="list-style-type: none"> <li>the site must contain at least 1500 commercial crop trees per hectare</li> <li>the minimum acceptable stocking level of commercial crop trees on the site is equivalent to 80% at 2.4 x 2.4 m spacing</li> <li>the height of commercial crop trees must be 10 cm or greater</li> <li>the site must contain at least 500 living planted trees per hectare to qualify under this category</li> </ul>	<p><b>(b) Regeneration and fill plant 500/ha or greater</b></p> <ul style="list-style-type: none"> <li>the average height of commercial softwood species for the site must be 2 m or less</li> <li>the average height of commercial hardwood species for the site must be 6 m or less</li> </ul>	<p><b>(b) Regeneration and fill plant 500/ha or greater</b></p> <ul style="list-style-type: none"> <li>commercial crop tree species must be listed by percent for each site</li> <li>average height in meters of the listed commercial crop tree species must be submitted for each site</li> </ul>
2. Plantation Establishment	<ul style="list-style-type: none"> <li>the site must contain at least 1500 living planted/natural softwood commercial crop trees per hectare</li> <li>the minimum acceptable stocking level of commercial softwood crop trees on the site is equivalent to 85% at 2.4 x 2.4 m spacing</li> <li>the site must contain at least 900 living planted trees per hectare to qualify under this category</li> </ul>	<ul style="list-style-type: none"> <li>the maximum acceptable stocking level of naturally regenerated commercial softwood crop trees on the site is equivalent to 50% at 2.4 x 2.4 m spacing</li> </ul>	<ul style="list-style-type: none"> <li>commercial softwood crop tree species must be listed by percent for each site</li> <li>a plantation establishment site may be submitted for a silviculture credit in the year in which it was planted</li> <li>this category can only be claimed for softwood species</li> </ul>

Silviculture Category	Technical Standard for Completed Silviculture		
	Minimum	Maximum	Limitations
3. Early Competition Control	<ul style="list-style-type: none"> <li>the site must contain at least 1500 living planted/natural commercial softwood crop trees per hectare that are released on the site</li> <li>the minimum acceptable stocking level of commercial crop trees on the site is be equivalent to 80% for natural stands and 85% for plantations, at 2.4 x 2.4 m spacing</li> <li>plantation sites must contain a minimum of 900 planted trees per hectare that are released on each site</li> </ul>		<ul style="list-style-type: none"> <li>commercial softwood crop tree species must be listed by percent for each site</li> <li>this category applies to both natural stands and plantations</li> <li>evidence of manual or chemical treatment is required</li> <li>average height in meters of the listed commercial crop tree species must be submitted for each site</li> </ul>
4. Density Control and Release in Plantations	<ul style="list-style-type: none"> <li>the average height of softwood crop trees on the site must be at least 2 m</li> <li>the number of commercial softwood crop trees on the site must be at least 1500 per hectare</li> <li>the minimum acceptable stocking level for commercial softwood crop trees is equivalent to 85% at 2.4 x 2.4 m spacing</li> <li>the site must have evidence of at least 8000 cut trees per hectare to qualify for this category</li> </ul>	<ul style="list-style-type: none"> <li>the average height of trees on the site must not be greater than 6 m</li> <li>the number of commercial softwood crop trees on the site must not be greater than 3500 per hectare</li> </ul>	<ul style="list-style-type: none"> <li>commercial softwood crop tree species must be listed by percent for each site</li> <li>this category can be claimed for a silviculture credit for softwood plantations only</li> <li>average height in meters of the listed commercial crop tree species must be submitted for each site</li> </ul>
5. Density Control and Release in Natural Stands	<p><b>Tree Height - Softwood:</b></p> <ul style="list-style-type: none"> <li>the average height of crop trees on the site must be at least 2 m</li> </ul> <p><b>Tree Height - Hardwood:</b></p> <ul style="list-style-type: none"> <li>the average height of crop trees on the site must be at least 6 m</li> </ul> <p><b>Stand Density:</b></p> <ul style="list-style-type: none"> <li>the number of commercial crop trees on the site must be at least 1500 per hectare</li> </ul> <p><b>Stocking:</b></p> <ul style="list-style-type: none"> <li>The acceptable level of stocking of commercial crop trees on the site must be equivalent to 80% at 2.4 x 2.4 m spacing</li> </ul>	<p><b>Tree Height - Softwood:</b></p> <ul style="list-style-type: none"> <li>the average height of crop trees on the site must be no greater than 6 m</li> </ul> <p><b>Tree Height - Hardwood:</b></p> <ul style="list-style-type: none"> <li>the average height of crop trees on the site must be no greater than 9 m</li> </ul> <p><b>Stand Density:</b></p> <ul style="list-style-type: none"> <li>the number of commercial crop trees on the site must be less than 3500 per hectare</li> </ul>	<ul style="list-style-type: none"> <li>commercial crop tree species must be listed by percent for each site</li> <li>this category can be claimed for a silviculture credit for naturally established stands only, not previously claimed plantation sites</li> <li>average height in meters of the listed commercial crop tree species must be submitted for each site</li> </ul>



Silviculture Category	Technical Standard for Completed Silviculture		
	Minimum	Maximum	Limitations
6. Commercial Thinning	<ul style="list-style-type: none"> <li>post-treatment residual basal area for softwood silviculture sites must be no less than 20 m<sup>2</sup> per hectare</li> <li>post-treatment residual basal area for hardwood silviculture sites must be no less than 16 m<sup>2</sup> per hectare</li> </ul>	<ul style="list-style-type: none"> <li>post-treatment residual basal area for softwood silviculture sites must be no greater than 30 m<sup>2</sup> per hectare</li> <li>post-treatment residual basal area for hardwood silviculture sites must be no greater than 24 m<sup>2</sup> per hectare</li> </ul>	<ul style="list-style-type: none"> <li>commercial crop tree species must be listed by percent for each site</li> <li>the basal area of remaining commercial crop trees shall comprise not more than 50% of balsam fir, and not more than 25% of poplar and red maple combined</li> <li>average height in meters of the listed commercial crop tree species must be submitted for each site</li> </ul>
7. Forest Quality Improvement:  a) Crop tree release  b) Crop tree pruning  c) Selection management in tolerant softwood, mixed wood or hardwood stands	<p><b>a) Crop trees released</b></p> <ul style="list-style-type: none"> <li>the number of commercial crop trees released must be at least 150 per hectare</li> <li>the average diameter measured at 1.3 m from ground of a released commercial crop tree must be at least 15 cm</li> </ul>		<p><b>a) Crop trees released</b></p> <ul style="list-style-type: none"> <li>commercial crop tree species must be listed by percent for each site</li> <li>acceptable crop tree species include sugar maple, yellow birch, white ash, red oak, eastern white pine, red pine, white birch, red spruce</li> <li>crop tree crowns must be released on at least 3 sides</li> <li>a silviculture credit cannot be claimed for the same site more than once in a 10 year period</li> <li>released crop trees must be marked for identification on each site</li> <li>average height in meters of the listed commercial crop tree species must be submitted for each site</li> </ul>
	<p><b>b) Crop trees pruned</b></p> <ul style="list-style-type: none"> <li>the number of commercial crop trees pruned must be at least 150 per hectare</li> <li>the pruned height of a crop tree must be at least 5 m</li> <li>the average height of commercial crop trees must be at least 8 m</li> </ul>		<p><b>b) Crop trees pruned</b></p> <ul style="list-style-type: none"> <li>commercial crop tree species must be listed by percent for each site</li> <li>acceptable commercial crop tree species include sugar maple, yellow birch, white ash, red oak, eastern white pine, red pine, white birch</li> <li>average height in meters of the listed commercial crop tree species must be submitted for each site</li> </ul>

Silviculture Category	Technical Standard for Completed Silviculture		
	Minimum	Maximum	Limitations
	<p><b>b) Crop trees pruned</b></p> <ul style="list-style-type: none"> <li>the number of commercial crop trees pruned must be at least 150 per hectare</li> <li>the pruned height of a crop tree must be at least 5 m</li> <li>the average height of commercial crop trees must be at least 8 m</li> </ul>		<p><b>b) Crop trees pruned</b></p> <ul style="list-style-type: none"> <li>commercial crop tree species must be listed by percent for each site</li> <li>acceptable commercial crop tree species include sugar maple, yellow birch, white ash, red oak, eastern white pine, red pine, white birch</li> <li>average height in meters of the listed commercial crop tree species must be submitted for each site</li> </ul>
	<p><b>c) Selection management in tolerant softwood, mixed wood or hardwood stands</b></p> <p><b>Post-treatment basal area:</b></p> <ul style="list-style-type: none"> <li>must be more than 15 m<sup>2</sup> per hectare for commercial crop trees on the site</li> </ul> <p><b>Number of height classes post-treatment:</b></p> <ul style="list-style-type: none"> <li>there must be 3 height classes or more on the site with a minimum difference of 3 m in average height between height classes, except for regeneration classes where there must be a difference in average height of at least 2 m</li> </ul> <p><b>Stocking of crop trees:</b></p> <ul style="list-style-type: none"> <li>the minimum acceptable stocking level for commercial crop trees is 80% at 2.4 x 2.4 m or equivalent spacing for each site</li> </ul> <p><b>Spacing of crop trees:</b></p> <ul style="list-style-type: none"> <li>the minimum acceptable spacing for softwood species at a height of 2 m to 6 m or less is 1.8 m</li> <li>the minimum acceptable spacing for hardwood species at a height of 6 m to 9 m or less is 1.8 m</li> </ul>	<p><b>c) Selection management in tolerant softwood, mixed wood or hardwood stands</b></p> <p><b>Post-treatment basal area:</b></p> <ul style="list-style-type: none"> <li>must be less than 26 m<sup>2</sup> per hectare for commercial crop trees on the site</li> </ul>	<p><b>c) Selection management in tolerant softwood, mixed wood or hardwood stands</b></p> <ul style="list-style-type: none"> <li>commercial crop tree species must be listed by percent for each site</li> <li>a silviculture credit cannot be claimed on the same site more than once in a 10 year period</li> <li>average height in meters of the listed commercial crop tree species in the upper canopy must be submitted for each site</li> </ul>



**Form C - Wood Acquisition Plan: Proposal**  
**Part II - Calculation of Estimated Required Value**

<b>Year:</b>	
<b>Registered buyer ID:</b>	
<b>Registered buyer name:</b>	

<b>Calculation of Estimated Required Value Based on Primary Forest Products Intended to be Acquired from within Nova Scotia</b>
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<i>Primary forest products to be acquired from within Nova Scotia</i>		<i>Volume m<sup>3</sup> solid *</i>	<i>Rate</i>	<i>Estimated Required Value</i>
<b>Softwood</b>	Industrial lands		\$3.00	
	Private lands		\$3.00	
<b>Hardwood</b>	Industrial lands		\$0.60	
	Private lands		\$0.60	
Total estimated required				

- Volumes are to be converted to cubic meters solid from other units using conversion factors used under the *Registration and Statistical Returns Regulations*.

**Form C - Wood Acquisition Plan: Proposal**  
**Part III - Selection of Options**

<b>Year:</b>	
<b>Registered buyer ID:</b>	
<b>Registered buyer name:</b>	

**Contributions to Sustainable Forestry Fund (SFF)      Proposed Silviculture Program (PSP)**

<i>Estimated Required Value to SFF</i>		
<b>Softwood</b>	Industrial lands	
	Private lands	
<b>Hardwood</b>	Industrial lands	
	Private lands	
Total estimated required payment		

<i>Estimated Required Value to PSP</i>		
<b>Softwood</b>	Industrial lands	
	Private lands	
<b>Hardwood</b>	Industrial lands	
	Private lands	
Total estimated required value to PSP		

**Form D - Wood Acquisition Plan: Report**  
**Part I - Submission of Plan**

<b>Year:</b>	
<b>Registered buyer ID:</b>	
<b>Registered buyer name:</b>	
<b>Business type:</b>	

**Wood Acquisition Plan Report Submission:**  
 (please mark which forms are included in this submission)

<input type="checkbox"/>	Form D, Part II	Calculation of Required Value
<input type="checkbox"/>	Form D, Part III	Silviculture Program and SFF Payments Completed
<input type="checkbox"/>	Form D, Part IV	Year-end Account Statement
<input type="checkbox"/>	Form D, Part V	Form and Format of Silviculture Site Submissions

**Sustainable Forestry Fund:** (indicate payment(s) submitted)

<input type="checkbox"/>	Payment to Sustainable Forestry Fund included in this submission
<input type="checkbox"/>	Interim payment(s) made prior to submission

***I certify that the information given in this report is correct and complete and fully discloses my wood acquisitions and Wood Acquisition Plan requirements.***

\_\_\_\_\_  
 Signature of registered buyer Date

\_\_\_\_\_  
 Signature of witness Date

***Approval of the wood acquisition plan comprising this report and the proposal in Form C constitutes an agreement between the registered buyer and the Minister***

\_\_\_\_\_  
 Signature of Minister or delegate Date

\_\_\_\_\_  
 Signature of witness Date

**Form D - Wood Acquisition Plan: Report**  
**Part II - Calculation of Required Value**

<b>Year:</b>	
<b>Registered buyer</b>	
<b>Registered buyer</b>	

**Calculation of Required Value Based on Primary Forest Products Acquired from within Nova Scotia**

<i>Primary forest products acquired from within Nova Scotia</i>		<i>Volume m<sup>3</sup> solid *</i>	<i>Rate</i>	<i>Required Value</i>
<b>Softwood:</b>	Industrial lands		\$3.00	
	Private lands		\$3.00	
<b>Hardwood</b>	Industrial lands		\$0.60	
	Private lands		\$0.60	
Total required value				

\* Volumes are to be converted to cubic meters solid from other units using conversion factors used under the *Registration and Statistical Returns Regulations*.

**Adjustments to Required Value Using Credits/Deficiencies from Prior Year(s)**

<i>Credits Carried Forward</i>		<i>Credits Available</i>			<i>Credits Applied Current Year</i>	<i>Remaining Credits Carried Forward</i>
		<i>Carried Forward From Prior Years</i>	<i>From Monitoring</i>	<i>Total</i>		
<b>Softwood</b>	Industrial lands					
	Private lands					
<b>Hardwood</b>	Industrial lands					
	Private lands					

<i>Deficiencies</i>		<i>Deficiencies from Previous Year</i>	<i>Deficiencies from Monitoring</i>	<i>Total Deficiencies Applied</i>
<b>Softwood</b>	Industrial lands			
	Private lands			
<b>Hardwood</b>	Industrial lands			
	Private lands			
Total deficiencies				

**Form D - Wood Acquisition Plan: Report**  
**Part III - Silviculture Program and SFF Payments Completed**

<b>Year:</b>	
<b>Registered buyer ID:</b>	
<b>Registered buyer name:</b>	

**Program Completed: Summary of Completed Silviculture and Payments**

		<i>Total SFF Payments Current Year</i>	<i>Completed Silviculture Credit</i>	<i>Silviculture Credits + 10% Admin</i>
<b>Softwood</b>	Industrial lands			
	Private lands			

<b>Hardwood</b>	Industrial lands			
	Private lands			

**Silviculture Program Completed: Details**

<i>Softwood Program Industrial lands</i>		<i>Area Hectares</i>	<i>Credit/ha</i>	<i>Silviculture Credit</i>
<i>Silviculture Category</i>				
<b>Softwood</b>	1 a) Natural Regeneration + fill plant (< 500/ha)			
	1 b) Natural Regeneration + fill plant (≥ 500/ha)			
	2. Plantation Establishment			
	3. Early Competition Control			
	4. Plantation: Density Control & Release			
	5. Natural: Density Control & Release			
	6. Commercial Thinning			
	7 a) Crop Trees Released			
	7 b) Crop Trees Pruned			
	7 c) Selection Managed			
<b>Sub Total</b>				



**Softwood Program (cont)**

<i>Private lands</i>		<i>Area Hectares</i>	<i>Credit/ha</i>	<i>Silviculture Credit</i>
<i>Silviculture Category</i>				
<b>Softwood</b>	1 a) Natural Regeneration + fill plant (< 500/ha)			
	1 b) Natural Regeneration + fill plant (≥ 500/ha)			
	2. Plantation Establishment			
	3. Early Competition Control			
	4. Plantation: Density Control & Release			
	5. Natural: Density Control & Release			
	6. Commercial Thinning			
	7 a) Crop Trees Released			
	7 b) Crop Trees Pruned			
	7 c) Selection Managed			
			<b><i>Sub Total</i></b>	

<i>Hardwood Program Industrial lands</i>		<i>Area Hectares</i>	<i>Credit/ha</i>	<i>Silviculture Credit</i>
<i>Silviculture Category</i>				
<b>Hardwood</b>	1 a) Natural Regeneration + fill plant (< 500/ha)			
	1 b) Natural Regeneration + fill plant (≥ 500/ha)			
	5. Natural: Density Control & Release			
	6. Commercial Thinning			
	7 a) Crop Trees Released			
	7 b) Crop Trees Pruned			
	7 c) Selection Managed			
				<b><i>Sub Total</i></b>

**Hardwood Program (cont.)**

<i>Private lands</i>		<i>Area Hectares</i>	<i>Credit/ha</i>	<i>Silviculture Credit</i>
<i>Silviculture Category</i>				
<b>Hardwood</b>	1 a) Natural Regeneration + fills (< 500/ha)			
	1 b) Natural Regeneration + fills (≥ 500/ha)			
	5. Natural: Density Control & Release			
	6. Commercial Thinning			
	7 a) Crop Trees Released			
	7 b) Crop Trees Pruned			
	7 c) Selection Managed			
			<b><i>Sub Total</i></b>	

**Form D - Wood Acquisition Plan: Report  
Part IV - Year-end Account Statement**

<b>Year:</b>	
<b>Registered buyer ID:</b>	
<b>Registered buyer name:</b>	

**1. Summary of Credits from Prior Years and Current Year**

		<i>Credits Applied from Prior Years</i>	<i>Total Payments to SFF Current Year</i>	<i>Silviculture Credits + 10% Administration</i>	<i>Total of Credits and Payments</i>
<b>Soft-wood</b>	Industrial lands				
	Private				
<b>Hard-wood</b>	Industrial lands				
	Private lands				
		<i>Total Payment for Current Year</i>			

**2. Statement of Account Balance**

		<i>Total of Credits and Payments to PSP</i>	<i>Total Deficiencies</i>	<i>Remaining Credits Balance</i>	<i>Required Value from Part II</i>	<i>Year-end Account Balance Credit (+ or -) Deficiency</i>
<b>Softwood</b>	Industrial lands					
	Private lands					
<b>Hardwood</b>	Industrial lands					
	Private lands					
		<i>Current Year Credits</i>	<i>Prior Year Unused Credits</i>	<i>Current and Prior Year Credits to Carry Forward</i>	<i>Current Year Deficiencies to Carry Forward (≤ 20% of Required Value)</i>	
<b>Soft-wood</b>	Industrial lands					
	Private lands					
<b>Hard-wood</b>	Industrial lands					
	Private lands					

**Form D - Wood Acquisition Plan: Report**  
**Part V - Form and Format of Silviculture Site Submissions**

<b>Year:</b>	
<b>Registered buyer ID:</b>	
<b>Registered buyer name:</b>	
<b>Data Submitted</b>	
	From <span style="float: right;">To</span>
<b>Period of Silviculture Completed Included in this Report</b>	

	<i>Type</i>	<i>Format</i>	<i>Number Submitted</i>
Form in which data is submitted:	<i>Disk</i>		
Data submitted must include: i) geographical coordinates circumscribing the site ii) area in hectares of each site iii) identification of silviculture category iv) name of landowner	<i>CD</i>		
	<i>E-mail/FTP</i>		
	<i>Tape</i>		
	<i>Other (specify)</i>		

Format of data submitted	Arc/Info Format: e00 (export file)	
	Arc/Info Format: generate files	
	Other digital file format (specify)	

MTM ATS77 <input type="checkbox"/>
UTM NAD83 <input type="checkbox"/>

Signature of registered buyer \_\_\_\_\_ Date \_\_\_\_\_

N.S. Reg. 149/2001

Made: December 7, 2001

Filed: December 10, 2001

Gas Plant Facility Regulations

Order in Council 2001-575 made December 7, 2001  
Amendment to regulations made by the Governor in Council  
pursuant to Section 29 of the *Energy Resources Conservation Act*  
and Section 44 of the *Pipeline Act*

The Governor in Council on the report and recommendation of the Minister responsible for the Petroleum Directorate dated October 18, 2001, and pursuant to Section 29 of Chapter 147 of the Revised Statutes of Nova Scotia, 1989, the *Energy Resources Conservation Act*, and Section 44 of Chapter 345 of the Revised Statutes of Nova Scotia, 1989, the *Pipeline Act*, is pleased to amend the *Gas Plant Facility Regulations* made by the Governor in Council by Order in Council 2000-63 dated February 16, 2000, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 7, 2001.

### Schedule "A"

**Amendments to the *Gas Plant Facility Regulations*  
made by the Governor in Council pursuant to  
Section 29 of Chapter 147 of the Revised Statutes of Nova Scotia, 1989,  
the *Energy Resources Conservation Act*, and  
Section 44 of Chapter 345 of the Revised Statutes of Nova Scotia, 1989,  
the *Pipeline Act***

1 Subsection 2(1) of the *Gas Plant Facility Regulations* made by the Governor in Council by Order in Council 2000-63 dated February 16, 2000, is amended by adding the following clause immediately after clause (f):

- (fa) "fees" include amounts payable to the Board
  - (i) upon application for a permit or licence,
  - (ii) for renewal, amendment, suspension, expansion, consolidation, transfer, assignment, cancellation, reinstatement or abandonment of a permit or licence, and
  - (iii) for the purpose of recovering all or part of such direct and indirect expenses as the Board determines to be attributable to its responsibilities under the Acts or these regulations;

2 The regulations are further amended by adding the following Section immediately after Section 12:

#### **Fees and costs**

- 12A (1)** The Board may set fees and may order that the fees be paid as the Board considers appropriate.
- (2)** The Minister may recover costs for services rendered under the Acts or these regulations by the Minister, the Nova Scotia Petroleum Directorate, or the Administrator.

- (3) If circumstances require, a person who is billed under subsection (1) or (2) may ask the Board or the Minister, as the case may be, for documentation to support the bill.

3 Subsection 22(4) of the regulations is amended by striking out “through a bidding process”.

N.S. Reg. 150/2001

Made: December 4, 2001

Filed: December 11, 2001

Ministerial Order re Frank F. Tibbetts, Tibbetts Paints Limited  
and Goodman Associates Incorporated

Order dated December 4, 2001  
made under subsection 125(1) of the  
*Environment Act*

**22-01**

**IN THE MATTER OF** Chapter 1 of the Statutes of Nova Scotia 1994-95, the  
*Environment Act* (the “*Act*”)

- and -

**IN THE MATTER OF** an Order issued pursuant to the provisions of the Act to **Frank F. Tibbetts** and **Tibbetts Paints Limited**, a body corporate, located at or near New Glasgow, Pictou County, Nova Scotia

#### **AMENDMENT TO MINISTERIAL ORDER**

- I.** **Whereas** the Honourable David Morse, Minister of Environment and Labour issued a Ministerial Order dated June 12, 2001, in respect of Frank F. Tibbetts and Tibbetts Paints Limited and duly filed the Order in the Office of the Registrar of Regulations on June 13, 2001, (Reg. 69/2001) and the Order was published in the Royal Gazette on June 29, 2001, Volume 25 Number 13, at pages 526-529.
- II.** **And Whereas** the Order requires amendment to add Goodman Associates Incorporated, Trustee of the Estate of Tibbetts Paints Limited, of Halifax, Halifax County, Nova Scotia as a party to the Order and to clarify that Frank F. Tibbetts, in his personal capacity, was not the owner of the land and plant located at or near 21 Riverbank Road, Trenton, Pictou County, Nova Scotia.
- III.** **It is Hereby Ordered** that the following amendments be made to the Ministerial Order:
1. The second paragraph of the style of cause commencing “IN THE MATTER OF an Order issued pursuant to the provisions of the said Act” is repealed and replaced with the following paragraph:  
  
IN THE MATTER OF an Order issued pursuant to the provisions of the said Act to **Frank F. Tibbetts**, of New Glasgow, Pictou County, Nova Scotia, **Tibbetts Paints Limited**, a body corporate, located at or near New Glasgow, Pictou County, Nova Scotia and **Goodman Associates Incorporated**, Trustee of the Estate of Tibbetts Paints Limited, of Halifax, Halifax County, Nova Scotia
  2. Paragraph I of the Ministerial Order is revoked and replaced with the following paragraphs:

- I(a).** WHEREAS Tibbetts Paints Limited, owned, occupied, operated or was responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: former paint manufacturing facility located at or near 21 Riverbank Road, Trenton, in the County of Pictou, Province of Nova Scotia, hereafter called the “Site”;
- I(b).** WHEREAS Frank F. Tibbetts was at all material times the President, Registered Agent and a Director of Tibbetts Paints limited;
- I(c).** WHEREAS Tibbetts Paints Limited made an assignment pursuant to the *Bankruptcy and Insolvency Act* on June 19, 2000;
- I(d).** AND WHEREAS the appointment of Goodman Associates Incorporated as Trustee of the estate of Tibbetts Paints Limited was confirmed on July 5, 2000;
3. The heading immediately following the words “TERMS AND CONDITIONS” in Schedule “A” ~~are~~ [is] repealed and the following heading substituted:

Frank F. Tibbetts, Tibbetts Paints Limited and Goodman Associates  
Incorporated

**DATED** at Halifax, Halifax County, Nova Scotia on December 4, 2001.

Sgd. *David Morse*  
The Honourable David Morse  
Minister of Environment and Labour



N.S. Reg. 151/2001

Made: December 14, 2001

Filed: December 18, 2001

Sharing of Health Information Regulations

Order in Council 2001-588 made December 14, 2001  
Regulations made by the Governor in Council  
pursuant to Section 22 of the *Corrections Act*  
and  
Section 15 of the *Court Houses and Lockup Houses Act*

The Governor in Council on the report and recommendation of the Acting Minister of Justice dated November 27, 2001, and pursuant to Section 22 of Chapter 103 of the Revised Statutes of Nova Scotia, 1989, the *Corrections Act*, and Section 15 of Chapter 109 of the Revised Statutes of Nova Scotia, 1989, the *Court Houses and Lockup Houses Act*, is pleased to make regulations respecting the sharing of health information related to individuals in custody during hospital and interfacility transfers in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and from January 1, 2002.

### Schedule “A”

**Regulations Respecting the Sharing of Health Information  
made by the Governor in Council pursuant to Section 22 of Chapter 103  
of the Revised Statutes of Nova Scotia, 1989, the *Corrections Act*, and  
Section 15 of Chapter 109 of the Revised Statutes of Nova Scotia, 1989,  
Court Houses and Lockup Houses Act**

#### Citation

1 These regulations may be cited as the *Sharing of Health Information Regulations*.

#### Definitions

2 In these regulations,

- (a) “facility” means a lock-up facility, lockup house, courthouse or correctional facility;
- (b) “Health Information Transfer Form” means the form prescribed in Form A;
- (c) “hospital” means a hospital as defined by the *Hospitals Act*;
- (d) “officer” means a police officer, sheriff or correctional officer.

#### Health Information Transform Form

3 A person who is in custody and who is transferred

- (a) to a facility from a hospital;
- (b) to a hospital from a facility; or
- (c) between facilities

must be accompanied by a Health Information Transfer Form that has been completed with respect to the person by an attending physician or nurse, or if the person is being transferred from a facility and no physician or nurse is in attendance, by an officer of the facility.

**Obtaining completed form**

**4** It is the duty of an officer transferring a person in custody to obtain a completed Health Information Transfer Form in accordance with Section 3, from the facility or hospital from which the person is being transferred.

**No completed form**

**5 (1)** Despite Sections 3 and 4, if an officer transferring a person in custody is unable to obtain a completed Health Information Transfer Form, the officer shall

- (a) complete the form; and
- (b) immediately make a written report containing
  - (i) the name of the person in custody being transferred,
  - (ii) the name of the facility or hospital from which the person in custody is being transferred,
  - (iii) a summary of the facts relating to the failure to obtain the completed Health Information Transfer Form in accordance with Section 3.

**(2)** An officer who makes a written report pursuant to clause (1)(b) shall immediately forward the report,

- (a) where the officer is a police officer or sheriff, to their officer in charge; or
- (b) where the officer is a correctional officer, to the superintendent of corrections.

**Report sent to Ministers**

**6** A person who receives a report pursuant to subsection 5(2) shall, as soon as practicable, forward copies of the report to the Minister of Health and the Minister of Justice.

**Form A****Health Information Transfer Form**

Name of person in custody: \_\_\_\_\_

Health card number: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Next of kin: \_\_\_\_\_ Telephone number: \_\_\_\_\_

**TRANSFERRING FACILITY/HOSPITAL**

Date of transfer: \_\_\_\_\_ Time of transfer: \_\_\_\_\_

Health care provider (name): \_\_\_\_\_

Professional designation: \_\_\_\_\_ Phone number: \_\_\_\_\_

Principal/provisional diagnosis: \_\_\_\_\_

**Conditions requiring ongoing attention:**

- aggression towards others
- potential for self harm

**Other conditions requiring ongoing attention:**

- epilepsy
- high blood pressure
- drug/alcohol seizures
- diabetes
- suicidal thoughts
- contact lenses
- heart problems
- breathing problems
- other prosthesis
- orthodontic appliances

**Medications:** *(include dose, frequency and time last administered):* \_\_\_\_\_

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**Medications transported with person in custody?** Yes  No

**Known allergies:** \_\_\_\_\_

**Upcoming appointments:** \_\_\_\_\_

**Reason(s) for arrest:** \_\_\_\_\_

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\_\_\_\_\_  
**Signature - Transferring Facility/Hospital**

**RECEIVING FACILITY/HOSPITAL**

**Date of arrival:** \_\_\_\_\_ **Time of arrival:** \_\_\_\_\_

\_\_\_\_\_  
**Signature - Receiving Facility/Hospital**

*To be completed each time an individual is transferred to or from a hospital or to, from or between facilities. All forms should accompany the person. Where applicable, attach this form to the warrant.*