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Please note: Nova Scotia Regulations 45/2004 to 126/2004 were published in a Special Issue dated April 6, 2004.

N.S. Reg. 38/2004

Made: March 25, 2004

Filed: March 30, 2004

Proclamation, S. 50, S.N.S. 2002, c. 10

Order in Council 2004-132 made March 25, 2004
 Proclamation made by the Governor in Council
 pursuant to Section 50
 of the *Justice Administration Amendment (2002) Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated February 26, 2004, pursuant to Section 50 of Chapter 10 of the Acts of 2002, the *Justice Administration Amendment (2002) Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Section 38 and clause (a) of Section 41 in Part VIII of Chapter 10 of the Acts of 2002, the *Justice Administration Amendment (2002) Act*, come into force on and not before April 1, 2004.

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 50 of Chapter 10 of the Acts of 2002, the *Justice Administration Amendment (2002) Act*, it is enacted as follows:

50 Parts V, VII, VIII and IX come into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Section 38 and clause (a) of Section 41 in Part VIII of Chapter 10 of the Acts of 2002, the *Justice Administration Amendment (2002) Act*, come into force on and not before April 1, 2004;

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 Section 38 and clause (a) of Section 41 in Part VIII of Chapter 10 of the Acts of 2002, the *Justice Administration Amendment (2002) Act*, come into force on and not before April 1, 2004, 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 25th day of March, in the year of Our Lord two thousand and four and in the fifty-third year of Our Reign.

BY COMMAND:

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

N.S. Reg. 39/2004

Made: March 25, 2004

Filed: March 30, 2004

Small Claims Court Forms and Procedures Regulations

Order in Council 2004-133 dated March 25, 2004
Amendment to regulations made by the Governor in Council
pursuant to Section 33 of the *Small Claims Court Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated March 17, 2004, and pursuant to Section 33 of Chapter 430 of the Revised Statutes of Nova Scotia, 1989, the *Small Claims Court Act* is pleased, effective April 1, 2004, to amend clause 2(b) of the regulations respecting Small Claims Court forms and procedures made by the Governor in Council by Order in Council 93-110 dated February 2, 1993, by striking out "\$10 000.00" and substituting "\$15 000.00".

N.S. Reg. 40/2004

Made: March 25, 2004

Filed: March 30, 2004

Designation of Persons Who May Access Records

Order in Council 2004-134 dated March 25, 2004
Regulations made by the Governor in Council
pursuant to Section 119 of the *Youth Criminal Justice Act* (Canada)

The Governor in Council on the report and recommendation of the Minister of Justice dated March 17, 2004, and pursuant to Section 119 of Chapter 1 of the Statutes of Canada, 2002, the *Youth Criminal Justice Act*, is pleased to designate employees, contractors and agents of the Research and Statistics Division, Department of Justice (Canada), engaged for the purpose of the assessment for research and statistical purposes, as a class of persons who may have access to records kept pursuant to Sections 114 to 116 of the *Youth Criminal Justice Act* including police, youth court, youth custody facilities and youth probation records, commencing April 1, 2004, to December 31, 2005.

N.S. Reg. 41/2004

Made: March 25, 2004

Filed: March 30, 2004

Dispensing Opticians Regulations

Order in Council 2004-136 dated March 25, 2004
Amendment to regulations made by the Board of Dispensing Opticians
and approved by the Governor in Council
pursuant to Section 20 of the *Dispensing Opticians Act*

The Governor in Council on the report and recommendation of the Minister of Health dated March 16, 2004, and pursuant to Section 20 of Chapter 131 of the Revised Statutes of Nova Scotia, 1989, the *Dispensing Opticians Act*, is pleased to approve the making by the Board of Dispensing Opticians of amendments to the regulations respecting dispensing opticians approved by the Governor in Council by Order in Council 70-940 dated October 6, 1970, to increase registration fees and provide for provisional licences in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 1, 2004.

Schedule "A"

I certify that the Board of Dispensing Opticians at its meetings on November 20, 2002, and March 12, 2003, carried motions to amend the Dispensing Opticians Regulations made by the Board on August 28, 1970, and approved by the Governor in Council by Order in Council 70-940 on October 6, 1970, in the manner attached.

Signed in Halifax, in the Halifax Regional Municipality, Nova Scotia on the 10th day of July, 2003.

Board of Dispensing Opticians

Per: Sgd: *Marlene Bayers*

Marlene Bayers, Board Chair

**Amendments to the Regulations Respecting Dispensing Opticians
made by the Board of Dispensing Opticians pursuant to Section 20 of
Chapter 131 of the Revised Statutes of Nova Scotia, 1989, the *Dispensing Opticians Act***

- 1 The regulations respecting dispensing opticians made by the Board of Dispensing Opticians and approved by the Governor in Council by Order in Council 70-940 dated October 6, 1970, are amended by adding the following Section immediately after Section VI:

Provisional licence

VII (1) The Registrar shall maintain a special register entitled the "Provisional Licence Register".

- (2) The Registrar shall enter the name of a person on the Provisional Licence Register where that person has completed the Board-approved education program but has not successfully completed the Board examinations.
- (3) A person's name shall remain on the Provisional Licence Register until the earliest of the following events:
- (a) successful completion of the Board examinations;
 - (b) the candidate has failed the Board examinations 3 times; or

- (c) the expiration of 3 offerings of the Board examinations following the eligibility of the person to write the examinations.
- (4) The Registrar shall issue a provisional licence to each person whose name appears on the Provisional Licence Register.
- (5) A person who holds a provisional licence may only dispense under the direct and constant supervision of an approved dispensing optician or an optometrist.
- (6) An approved dispensing optician or optometrist may sponsor only one person who is named on the Provisional Licence Register at a time and may not concurrently sponsor a student optician.
- (7) All provisions of the Act and these regulations pertaining to supervisors or sponsors apply *mutatis mutandis* to supervisors or sponsors for persons holding provisional licences.

2 Schedule "A" of the regulations is amended by:

- (a) striking out "\$425.00" in clause (f) and substituting "\$450.00"; and
- (b) adding the following clauses immediately after clause (m):
 - (n) Registration of a candidate as a contact lens fitter \$200.00
 - (o) Annual renewal for certificate of registration of a contact lens fitter \$ 50.00
 - (p) Annual provisional licence fee \$ 50.00

N.S. Reg. 42/2004

Made: March 25, 2004

Filed: March 30, 2004

Insured Optometric Services Tariff Regulations

Order in Council 2004-137 dated March 25, 2004

Amendment to regulations made by the Minister of Health and the Governor in Council pursuant to 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 March 16, 2004, 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, effective on and after April 1, 2004,

- (a) amend the *Insured Optometric Services Tariff Regulations* made by the Minister of Health and the Governor in Council by Order in Council 2002-255 dated May 31, 2002, 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).

**In the matter of the *Insured Optometric Services Tariff Regulations*
made 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***

-and-

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

ORDER

I, Angus MacIsaac, 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 of fees to be paid in respect of insured optometric services is increased as set forth in Schedule "A" and I hereby authorize payments in respect of the tariff.

This Order is effective on and after the making by the Governor in Council of the regulations respecting insured optometric services set forth in Schedule "A".

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, March , 2004.

Sgd: *Angus MacIsaac*
Honourable Angus MacIsaac
Minister of Health

Schedule "A"

**Amendments to the *Insured Optometric 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 Optometric Services Tariff Regulations* made by the Minister of Health and the Governor in Council by Order in Council 2002-255 dated May 31, 2002, are amended by striking out Section 3 and substituting the following Section:

Tariff of fees

- 3 (1)** The tariff of fees for insured optometric services is as follows:
- (a) effective April 1, 2004, the Medical Service Unit (MSU) is \$2.17;
 - (b) effective April 1, 2005, the MSU is increased to \$2.22; and
 - (c) effective April 1, 2006, the MSU is increased to \$2.26.
- (2)** The tariff of fees for insured optometric services is in effect from April 1, 2004, to March 31, 2007.

N.S. Reg. 43/2004

Made: March 30, 2004

Filed: April 1, 2004

Equity Tax Credit Regulations

Order in Council 2004-152 dated March 30, 2004
Regulations made by the Governor in Council
pursuant to Section 27 of the *Equity Tax Credit Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated March 4, 2004, and pursuant to Section 27 of Chapter 3 of the Acts of 1993, the *Equity Tax Credit Act*, is pleased to amend the *Equity Tax Credit Regulations* made by Order in Council 94-86 dated February 24, 1994, to clarify the application of Section 10 of the regulations, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after March 30, 2004.

Schedule "A"

**Amendments to the *Equity Tax Credit Regulations*
made by the Governor in Council pursuant to
Section 27 of Chapter 3 of the Acts of 1993, the *Equity Tax Credit Act***

- 1 Subsection 10(1) of the *Equity Tax Credit Regulations* made by the Governor in Council by Order in Council 94-86 dated February 2, 1994, is amended by adding "and clause 18A(2)(b)" immediately after "9(2)(b)".
- 2 Clause 10(1)(a) of the regulations is amended by
 - (a) adding "or clause 18A(2)(a)" immediately after "9(2)(a)";
 - (b) striking out "or" at the end of subclause (iii);
 - (c) striking out the semi-colon at the end of subclause (iv) and substituting ", or"; and
 - (d) adding the following subclause immediately after subclause (iv):
 - (v) a result of an exchange of a share of one series in a class of shares for a share of a different series in the same class of shares, if each series of shares within the class meets the eligibility requirements of the Act;
- 3 Clause 10(1)(b) of the regulations is amended by
 - (a) striking out "9(2)(a)" and substituting "18A(2)(a)"; and
 - (b) striking out ", with respect to a labour-sponsored venture-capital corporation,".
- 4 Section 10 of the regulations is further amended by adding the following subsection immediately after subsection (1):
 - (1A) A share acquired in accordance with subclause (1)(a)(v) is deemed to have been acquired on the date on which the original share that was held before the exchange was acquired.
- 5 Subsection 10(2) of the regulations is amended by adding "or subsection 18A(2)" immediately after "9(2)".

N.S. Reg. 44/2004

Made: March 30, 2004

Filed: April 1, 2004

Fisheries and Aquaculture Loans Regulations

Order in Council 2004-154 dated March 30, 2004
Amendment to regulations made by the Governor in Council
pursuant to Section 42 of the *Fisheries and Coastal Resources Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated January 28, 2004, and pursuant to Section 42 of Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, is pleased to, effective on and after March 30, 2004, amend the regulations respecting fisheries and aquaculture loans made by the Governor in Council by Order in Council 80-1707 dated December 16, 1980, for the purpose of reducing the required deposit on an approved loan, by:

- (a) striking out “20%” in subsection 5(1) and substituting “a minimum of 10%”; and
- (b) striking out “not less than 20%” in subsection 5(2) and substituting “a minimum of 10%”.

N.S. Reg. 127/2004

Made: March 30, 2004

Filed: April 2, 2004

Ambulance Fees Regulations

Order dated March 30, 2004
made by the Minister of Health
pursuant to Section 17A of the *Health Services and Insurance Act*

In the matter of: Section 17A of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*

-and-

In the matter of: amendments to the *Ambulance Fee Regulations* made by the Minister of Health pursuant to [Section] 17A of the *Health Services and Insurance Act*

ORDER

I, Angus MacIsaac, Minister of Health for the Province of Nova Scotia, pursuant to Section 17A of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, hereby amend the *Ambulance Fee Regulations* made by order of the Minister of Health dated October 24, 2002, to increase the fee for medically essential transportation for a resident by striking out “\$105.00” in Section 4 and substituting “\$120.00”, effective on and after April 1, 2004.

Dated and made at Halifax, in the Halifax Regional Municipality, Province of Nova Scotia, on March 30, 2004.

Sgd: *Angus MacIsaac*
Honourable Angus MacIsaac
Minister of Health

N.S. Reg. 128/2004

Made: April 1, 2004

Filed: April 2, 2004

Insured Dental Services Tariff Regulations

Order in Council 2004-158 dated April 1, 2004

Amendment to regulations made by the Minister of Health and the Governor in Council pursuant to 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 March 24, 2004, 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, effective on and after April 1, 2004, 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).

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, Angus MacIsaac, 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 insured dental services is increased as set forth in Schedule "A" and I hereby authorize payments in respect of the tariff in accordance with the amendments as set forth in Sections 2, 3, and 4 of Schedule "A".

This Order is effective on and after the making by the Governor in Council of the amendments to the *Insured Dental Services Tariff Regulations* set forth in Schedule "A".

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, March 24, 2004.

Sgd: *Angus MacIsaac*
Honourable Angus MacIsaac
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***

1 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 adding the following subsections immediately after subsection 2(2):

(3) The tariff of fees referred to in subsection (1) for insured dental services set out in Schedules "A", "B", "C", "E", and "F" shall be increased effective April 1 of each year from 2004 to 2006, as follows:

- (a) effective on and after April 1, 2004, an increase of 2%;
- (b) effective on and after April 1, 2005, a further increase of 2%; and
- (c) effective on and after April 1, 2006, a further increase of 2%.

(4) The tariff of fees referred to in subsection (1) for insured dental services set out in Schedule "D" shall be increased effective April 1 of each year from 2004 to 2006, as follows:

- (a) effective on and after April 1, 2004, an increase of 6%;
- (b) effective on and after April 1, 2004, a further increase of 6%; and
- (c) effective on and after April 1, 2006, a further increase of 2%.

2 The regulations are further amended by adding the following Sections immediately after Section 4:

Cleft Palate/Craniofacial Program - limited coverage

5 (1) Effective April 1, 2004, no amount shall be paid for services rendered to a resident in accordance with Schedule "A" that are services rendered pursuant to the Children's Oral Health Program to whom or for whom a benefit in respect of those services has been paid or would be payable if claimed under any contract or plan of insurance that applies to that resident.

(2) For further clarification, where a partial benefit for services rendered to a resident in accordance with Schedule "A" has been paid or would be payable if claimed under any contract or plan of insurance that applies to that resident, any outstanding costs shall be billed directly to the Province and will be paid for by the Province.

Mentally Challenged Program - limited coverage

6 (1) Effective April 1, 2004, no amount shall be paid for services rendered to a resident in accordance with Schedule "E" to whom or for whom a benefit in respect of those services has been paid or would be payable if claimed under any contract or plan of insurance that applies to that resident.

(2) For further clarification, where a partial benefit for services rendered to a resident in accordance with Schedule "E" has been paid or would be payable if claimed under any contract or plan of insurance that applies to that resident, any outstanding costs shall be billed directly to the Province and will be paid for by the Province.

- 3 Schedule "D" of the regulations is amended by striking out "\$32.31" in the second paragraph and substituting "\$37.20".
- 4 Schedule "E" to the regulations is amended by striking out the first paragraph and replacing it with the following paragraphs:

The Mentally Challenged Program provides insured dental services based on the services and fees set out in the fee schedule for the Children's Oral Health Program (Schedule "B") for residents (as defined in the M.S.I. Regulations) who are considered by a physician to be severely mentally handicapped.

The fee for an insured dental service provided under this Schedule to a severely mentally handicapped resident is the fee set out in Schedule "B" for the service,

- (a) plus 10%, if the service is provided in a dentist's office; and
- (b) plus 30%, if the service is provided in a hospital.

In order for an insured dental service to be provided in a hospital, a physician must indicate that a hospital setting is required to meet the resident's dental needs.