

Royal Gazette

Part II Regulations under the Regulations Act

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

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

N.S. Reg. 80/2006

Made: June 16, 2006

Filed: June 19, 2006

Residential and Resource Property Taxation Assessment Regulations

Order in Council 2006-258 dated June 16, 2006
Amendment to regulations made by the Governor in Council
pursuant to Section 179 of the *Assessment Act*

The Governor in Council on the report and recommendation of [the] Minister of Service Nova Scotia and Municipal Relations dated May 10, 2006, and pursuant to Section 179 of Chapter 23 of the Revised Statutes of Nova Scotia, 1989, the *Assessment Act*, is pleased, effective on and after June 16, 2006, to amend the *Residential and Resource Property Taxation Assessment Regulations*, N.S. Reg. 219/2004, made by the Governor in Council by Order in Council 2004-415 dated October 28, 2004, by

- (a) striking out the period at the end of clause 6(e) and substituting a semi-colon; and
- (b) adding the following clause immediately after clause 6(e):
 - (f) 10% for the municipal taxation year 2007-2008.

N.S. Reg. 81/2006

Made: June 16, 2006

Filed: June 19, 2006

Determination of Boundaries Between the Town of Bridgetown
and the Municipality of the County of Annapolis

Order dated June 16, 2006
made by the Utility and Review Board
pursuant to Section 357 of the *Municipal Government Act*

Decision and Order

**NSUARB-MB-06-04
2006 NSUARB 61**

Nova Scotia Utility and Review Board**In the Matter of the Municipal Government Act****- and -**

In the Matter of an Application by the **Town of Bridgetown** and the **Municipality of the County of Annapolis** for a change in their mutual boundary

Before: Roland A. Deveau**Decision and Order**

Whereas the Town of Bridgetown and the **Municipality of the County of Annapolis** have applied to the Nova Scotia Utility and Review Board for a change in their mutual boundary;

And whereas Notice of the Proposed Change to the Town and Municipal Boundary was advertised in the **Chronicle Herald** on Thursday, May 11, 2006, and the **Annapolis County Spectator**, a newspaper circulating in the area, on Thursday, May 18, 2006; and the advertisement invited objectors to advise the Board of their objections;

And whereas proof of the advertising has been provided to the Board;

And whereas the Board has received no objections to the application, within thirty (30) days after the first advertisement;

It is hereby ordered pursuant to **Section 357** of the **Municipal Government Act** that the Board confirms the change to the mutual boundary between the Town of Bridgetown and the Municipality of the County of Annapolis by adding the following area to the Town:

Beginning at a point where the north boundary of the Town of Bridgetown intersects the west side line of the Bay Road;

Thence north 22 degrees 53 minutes 41 seconds west a distance of 148.62 feet to a point;

Thence south 53 degrees 45 minutes 49 seconds west a distance of 253.21 feet to a point;

Thence south 36 degrees 14 minutes 11 seconds east a distance of 92.1 feet to the north boundary of the Town of Bridgetown;

Thence south 67 degrees 15 minutes 14 seconds east along the north boundary of the Town of Bridgetown 225.1 feet to the Place of Beginning.

The same containing an area of 28,358 square feet and comprising about two thirds of an acre.

It is further ordered that the amended mutual boundary for the Town's northern boundary is described in Schedule "A" attached hereto and forming part of this Order.

Dated at Halifax, Nova Scotia this 16th day of June, 2006.

Sgd.: *Elaine Wagner*
Clerk of the Board

Schedule "A"

The Town of Bridgetown northern boundary is described as follows:

Thence running west on the same course as the north line of lands formerly owned by Gilbert Gibson to the west side of the Bay or Inglewood Road;

Thence north 22 degrees 53 minutes 41 seconds west along the west side of the Bay or Inglewood Road a distance of 148.62 feet;

Thence south 53 degrees 45 minutes 49 seconds west a distance of 253.21 feet to a point;

Thence south 36 degrees 14 minutes 11 seconds east a distance of 92.1 feet to the westerly extension of the north line of lands formerly owned by Gilbert Gibson;

Thence westerly on the same course as the north line of lands formerly owned by Gilbert Gibson to the west line of lands formerly owned and occupied by L.A. Dickie, later owned and occupied by “The Valley Park Farm Limited”.

N.S. Reg. 82/2006

Made: June 16, 2006

Filed: June 20, 2006

Standard Expenditure per Dwelling Unit (2006-2007) Regulations

Order dated June 16, 2006
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 11 of the *Municipal Grants Act*

**Regulation made by the Minister of Service Nova Scotia and
Municipal Relations pursuant to Section 11 of Chapter 302 of the Revised
Statutes of Nova Scotia, 1989, the Municipal Grants Act**

Standard Expenditure per Dwelling Unit

- 1 The standard expenditure per dwelling unit for the purpose of calculating the grant referred to in Section 11 of the *Municipal Grants Act*, for the 2006-2007 fiscal year, shall be as follows:

Class	I	II
Standard Expenditure	1103	443

Sgd.: *Richard Hurlburt*
Honourable Richard Hurlburt
Minister of Service Nova Scotia and Municipal Relations

Halifax, Nova Scotia
June 16, 2006

N.S. Reg. 83/2006

Made: June 16, 2006

Filed: June 20, 2006

Land Registration Administration Regulations

Order dated June 16, 2006
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 94 of the *Land Registration Act*

**In the matter of Section 94 of Chapter 6 of the Acts of 2001,
the *Land Registration Act***

- and -

In the matter of an amendment to the *Land Registration Administration Regulations*

Order

I, Richard Hurlburt, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, under Section 94 of Chapter 6 of the Acts of 2001, the *Land Registration Act*, am pleased to amend the *Land Registration Administration Regulations*, N.S. Reg. 225/2004, made by order of the Minister of Service Nova Scotia and Municipal Relations dated November 8, 2004, in the manner set forth in the attached Schedule "A", effective on and after June 19, 2006.

Dated and made at Halifax, Halifax Regional Municipality, Nova Scotia, June 16, 2006.

Sgd.: *Richard Hurlburt*
Honourable Richard Hurlburt
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"
Amendment to the *Land Registration Administration Regulations*
made by the Minister of Service Nova Scotia and Municipal Relations
under Section 94 of Chapter 6 of the Acts of 2001,
the *Land Registration Act*

Section 2 of the *Land Registration Administration Regulations*, N.S. Reg. 225/2004, made by the Minister of Service Nova Scotia and Municipal Relations on November 8, 2004, is amended by adding the following subsection immediately after subsection (2):

- (3) Wherever there is a requirement to file an abstract of title or supporting materials under the Act or regulations, compliance shall be deemed to be satisfied if the eligible lawyer who is required to file them retains the abstract of title, any supporting materials and any associated forms required by the Act or the regulations, and makes them available for review by the Registrar General and audit by the Nova Scotia Barristers' Society.

N.S. Reg. 84/2006

Made: June 22, 2006

Filed: June 26, 2006

Proclamation, S. 28, S.N.S. 2005, c. 35

Order in Council 2006-261 dated June 22, 2006
Proclamation made by the Governor in Council
pursuant to Section 28
of the *Certified Management Accountants of Nova Scotia Act*

The Governor in Council on the report and recommendation of the Acting Minister of Finance dated May 15, 2006, pursuant to Section 28 of Chapter 35 of the Acts of 2005, the *Certified Management Accountants of Nova Scotia Act*, is pleased to order and declare by proclamation that Chapter 35 of the Acts of 2005, the *Certified Management Accountants of Nova Scotia Act*, do come into force on and not before June 23, 2006.

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 28 of Chapter 35 of the Acts of 2005, the *Certified Management Accountants of Nova Scotia Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 35 of the Acts of 2005, the *Certified Management Accountants of Nova Scotia Act*, come into force on and not before June 23, 2006;

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 Chapter 35 of the Acts of 2005, the *Certified Management Accountants of Nova Scotia Act*, come into force on and not before June 23, 2006, 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 22nd day of June, in the year of

Our Lord two thousand and six and in the fifty-fifth year of Our Reign.

BY COMMAND:

Sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 85/2006

Made: June 22, 2006

Filed: June 26, 2006

Sales Tax Act Regulations

Order in Council 2006-264 dated June 22, 2006
Amendment to regulations made by the Governor in Council
pursuant to Section 13 of the *Sales Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated June 21, 2006, and pursuant to Section 13 of Chapter 31 of the Acts of 1996, the *Sales Tax Act*, is pleased to amend the regulations respecting sales tax, N.S. Reg. 33/97, made by the Governor in Council by Order in Council 97-208 dated April 1, 1997, [in the manner] set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 1, 2006.

Schedule "A"

**Amendment to the *Sales Tax Act Regulations*
made by the Governor in Council pursuant to
Section 13 of Chapter 31 of the Acts of 1996,
the *Sales Tax Act***

1 Section 9 of the *Sales Tax Act Regulations*, N.S. Reg. 33/97, made by the Governor in Council by Order in Council 97-208 dated April 1, 1997, is repealed and the following Section substituted:

- 9 (1) The Minister may, upon application, authorize a rebate of an amount equal to the lesser of \$300 and the amount of tax paid by the applicant under subsection 165(2) of the *Excise Tax Act* (Canada) on the purchase of a computer if
- (a) the applicant is visually impaired, hearing impaired or physically or mentally challenged; or
 - (b) the applicant purchased the computer on behalf of a visually impaired, hearing impaired or physically or mentally challenged person.
- (2) Every application for a rebate under subsection (1) shall be accompanied by
- (a) a copy of the agreement under which the computer was purchased, showing the total purchase price and the amount of tax paid on the purchase; and

(b) a statement from a registered medical practitioner certifying that the applicant or the person who will use or primarily benefit from the use of the computer is visually impaired, hearing impaired or physically or mentally challenged.

(3) No rebate shall be made under subsection (1) unless the application for the rebate is made within 24 months after the payment of tax in respect of which the rebate is claimed.

2 Subsection 10(1) of the regulations is repealed and the following subsection substituted:

10 (1) The Minister may, upon application, authorize a rebate of an amount equal to the lesser of \$3000 and the amount of tax paid under subsection 165(2) of the *Excise Tax Act* (Canada) by the applicant on

(a) the purchase of a passenger vehicle, a truck having a load capacity not exceeding 3/4 of a ton or a van, if

(i) the applicant

(A) has a physiological impairment that deprives the applicant of the use of both lower limbs,

(B) has a valid motor vehicle driver's license, and

(C) primarily uses the vehicle for personal transportation, and

(ii) the vehicle is the only vehicle currently registered in the applicant's name with Service Nova Scotia and Municipal Relations, Registry of Motor Vehicles; or

(b) the purchase of a passenger vehicle, a truck having a load capacity not exceeding 3/4 of a ton or a van, if

(i) the vehicle is equipped with a device used primarily to enable wheelchairs to enter and leave the vehicle,

(ii) the vehicle is used primarily for the transportation of a person who has a physiological impairment that deprives the person of the use of both lower limbs,

(iii) the vehicle is not operated or permitted to be used for profit or as part of any undertaking carried on for gain, and

(iv) there is no other vehicle registered in the applicant's name with Service Nova Scotia and Municipal Relations, Registry of Motor Vehicles, for which a rebate has been granted under subsection (1).

3 Subsection 10(3) of the regulations is repealed and the following subsection substituted:

(3) No rebate shall be made under subsection (1) unless the application for the rebate is made within 24 months after the payment of tax in respect of which the rebate is claimed.

4 Subsection 10(4) of the regulations is amended by striking out "pursuant to Part IX" and substituting "under subsection 165(2)".

N.S. Reg. 86/2006

Made: June 22, 2006

Filed: June 26, 2006

Employment Support and Income Assistance Regulations

Order in Council 2006-270 dated June 22, 2006
Amendment to regulations made by the Governor in Council
pursuant to Section 21 of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated May 26, 2006, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased, effective on and after June 22, 2006, to amend the *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, by adding “the Universal Child Care Benefit,” immediately after “the Nova Scotia Child Benefit,” in Section 52.

N.S. Reg. 87/2006

Made: June 22, 2006

Filed: June 26, 2006

Personal Property Security Act General Regulations

Order in Council 2006-271 dated June 22, 2006
Amendment to regulations made by the Governor in Council
pursuant to Section 72 of the *Personal Property Security Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated May 2, 2006, pursuant to Section 72 of Chapter 13 of the Acts of 1995-96, the *Personal Property Security Act*, is pleased to amend the *Personal Property Security Act General Regulations*, N.S. Reg. 129/97, made by the Governor in Council by Order in Council 97-621 dated October 1, 1997, to strike out provisions setting fees that now are set by legislation and to make a related amendment, and to make amendments to permit the Director of Maintenance Enforcement to register a notice of maintenance obligation, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after June 22, 2006.

Schedule “A”

**Amendment to the *Personal Property Security Act General Regulations*
made pursuant to Section 72 of Chapter 13 of the Acts of 1995-96,
the *Personal Property Security Act***

- 1 (1) Section 2 of the *Personal Property Security Act General Regulations* made by the Governor in Council by Order in Council 97-621 dated October 1, 1997, is renumbered as subsection 2(1).
- (2) Subsection 2(1) of the regulations is amended by
 - (a) striking out “and” at the end of subclause (f)(i) and adding the following subclause immediately after subclause (f)(i):

- (ia) where the registration is in respect of a notice of maintenance obligation, a payor under the *Maintenance Enforcement Act*, and
 - (b) adding “or the Director of Maintenance Enforcement,” immediately after “venture” in clause (g), and
 - (c) adding “except the Director of Maintenance Enforcement” immediately after “individual” in clause (g).
- (3) Section 2 of the regulations is further amended by adding the following subsection immediately after subsection 2(1):
- (2) In the Act and these regulations, for the purpose of the registration of interests or notices authorized by any Act other than the *Personal Property Security Act* to be registered in the Registry,
 - (a) “financing statement” is redefined to include a notice of maintenance obligation being registered under the *Maintenance Enforcement Act*;
 - (b) “secured party” is redefined to include the Director of Maintenance Enforcement, if the security interest is a notice of maintenance obligation;
 - (c) “Director of Maintenance Enforcement” means the Director of Maintenance Enforcement appointed under the *Maintenance Enforcement Act*;
 - (d) “notice of maintenance obligation” means a notice of maintenance obligation under the *Maintenance Enforcement Act*.
- 2 Clause 4(1)(a) of the regulations is amended by adding “or taxes under the Act” immediately after “regulations”.
- 3 Section 15 of the regulations is amended by adding “and a financing statement that is a notice of maintenance obligation” immediately after “law”.
- 4 Section 16 of the regulations is amended by adding “or a financing statement that is a notice of maintenance obligation” immediately after “Act”.
- 5 Section 22 of the regulations is amended by
- (a) striking out “Where the secured party is an enterprise,” in subsection (3) and substituting “Except as provided in subsection (3A), where the secured party is an enterprise,”.
 - (b) adding the following subsection immediately after subsection (3):
 - (3A) Where the secured party is the Director of Maintenance Enforcement making a registration under the *Maintenance Enforcement Act*, the registrant shall indicate that the secured party is an enterprise and enter the title “Director of Maintenance Enforcement” as the name of the secured party.
- 6 Subsection 83(1) of the regulations is amended by repealing clauses (a), (b), (c), (d), (g) and (h).

N.S. Reg. 88/2006

Made: June 22, 2006

Filed: June 26, 2006

General Wildlife Regulations

Order in Council 2006-273 dated June 22, 2006
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 1, 2006, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *General Wildlife Regulations*, N.S. Reg. 205/87, made by the Governor in Council by Order in Council 87-1181 dated September 29, 1987, to make housekeeping changes related to the sale of wildlife, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 22, 2006.

Schedule "A"

**Amendment to the *General Wildlife Regulations*
made by the Governor in Council
pursuant to Section 113 of Chapter 504 of
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

The *General Wildlife Regulations*, N.S. Reg. 205/87, made by the Governor in Council by Order in Council 87-1181 dated September 29, 1987, are amended by repealing subsection 9(1) and substituting the following subsection:

- 9 (1)** Subject to the Act and the regulations made under the Act, any person may sell, expose for sale, offer for sale, process for sale, possess for sale, trade, barter or purchase any wildlife or parts of wildlife taken in accordance with the Act and the regulations made under the Act, except that it shall be an offence to sell, expose for sale, offer for sale, process for sale, possess for sale, trade, barter or purchase any of the following:
- (a) the meat of white-tailed deer, moose, bullfrogs, snapping turtles or game birds, unless permitted by regulation or licence;
 - (b) the pelts of fur-bearing animals, except to a licensed fur buyer, unless the pelts are sold to a purchaser for the personal use or purposes of the purchaser;
 - (c) the green hides of white-tailed deer or moose, except to a licensed hide dealer, unless the hides are sold to a purchaser for the personal use or purposes of the purchaser;
 - (d) the green hides, galls, paws, claws or teeth of a bear, except to a licensed fur buyer, unless the hides, galls, paws, claws or teeth are sold to a purchaser for the personal use or purposes of the purchaser;
 - (e) the gallbladder of a bear, unless the bear gallbladder is sealed.

N.S. Reg. 89/2006

Made: June 22, 2006

Filed: June 26, 2006

Hunter Education, Safety and Training Regulations

Order in Council 2006-274 dated June 22, 2006
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 1, 2006, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Hunter Education, Safety and Training Regulations*, N.S. Reg. 208/87, made by the Governor in Council by Order in Council 87-1184 dated September 29, 1987, to accommodate safety issues for additional seasons when deer hunting is permitted with a rifle, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 22, 2006.

Schedule "A"

**Amendment to the *Hunter Education, Safety and Training Regulations*
made by the Governor in Council
pursuant to subsection 113(1) of Chapter 504 of
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

Subsection 13(2) of the *Hunter Education, Safety and Training Regulations*, N.S. Reg. 208/87, made by the Governor in Council by Order in Council 87-1184 dated September 29, 1987, is amended by

- (a) adding "during a season when deer hunting with a rifle is not permitted" immediately after "site" in clause (i); and
- (b) repealing clause (k) and substituting the following clause:
 - (k) a person in a tree stand or in a blind while bow hunting deer during a season when deer hunting with a rifle is not permitted; or

N.S. Reg. 90/2006

Made: June 22, 2006

Filed: June 26, 2006

Deer Hunting Regulations

Order in Council 2006-275 dated June 22, 2006
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 1, 2006, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Deer Hunting Regulations*, N.S. Reg. 59/88, made by the Governor in

Council by Order in Council 88-348 dated March 29, 1988, to make housekeeping changes and to authorize a two-day youth-only deer hunt, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 22, 2006.

Schedule "A"

**Amendment to the *Deer Hunting Regulations*
made by the Governor in Council pursuant to
subsection 113(1) of Chapter 504 of the
Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

1 The *Deer Hunting Regulations*, N.S. Reg. 59/88, made by the Governor in Council by Order in Council 88-348 dated March 29, 1988, are amended by adding the following heading and Section immediately after Section 7:

Special youth season for hunting deer

7A (1) The special youth season for hunting deer is defined as the 2-day period comprising the second-last Friday in October and the immediately following Saturday.

(2) Despite subsections 6(2) and (4) of these regulations and subsection 4(1) and clause 4(2)(b) of the *Firearm and Bow Regulations* made under the Act, a person who is 16 or 17 years of age and who meets the other requirements of the Act and the regulations made under the Act may, without acquiring a Bowhunter Stamp, hunt deer with any of the weapons specified in clauses 4(1)(a), (b) and (c) of the *Firearm and Bow Regulations* during the special youth season for hunting deer.

2 Subsection 10(4) of the regulations is repealed and the following subsection substituted:

(4) No person shall possess more than 15 pounds of the meat of a deer that they did not kill unless the person has been issued a valid storage permit.

3 Section 11 of the regulations is amended by

(a) striking out "by post"; and

(b) striking out "attached to the Deer Hunting License".

N.S. Reg. 91/2006

Made: June 22, 2006

Filed: June 26, 2006

Summary Offence Tickets Regulations

Order in Council 2006-280 dated June 22, 2006

Amendment to regulations made by the Minister of Justice and by the Governor in Council pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated April 13, 2006, 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*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to include certain offences under the *Building Code Act* as summary offence ticket offences and set the out-of-court settlement amounts for the offences in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 1, 2006.

Order

I, Murray Scott, 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 an offence set out in amendments to the Schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule "A", is the amount of the out-of-court settlement set out opposite the description of that offence, and the out-of-court settlement amount includes the charge provided for, and in accordance with, Sections 8 and 9 of the Act.

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

Dated and made April 13, 2006, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Murray Scott*
Honourable Murray Scott
Minister of Justice and Attorney General of Nova Scotia

Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*
made by the Governor in Council pursuant to Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

The *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, are amended by repealing Schedule 17 and substituting the following Schedule:

**Schedule 17
Building Code Act**

Offence	Section	Out of Court Settlement
1 Individual constructing or demolishing building (specify) without permit	8(a)	\$675.00
2 Corporation constructing or demolishing building (specify) without permit	8(a)	\$1250.00
3 Individual occupying or changing class of occupancy (specify) of building without permit	8(b)	\$675.00
4 Corporation occupying or changing class of occupancy (specify) of building without permit	8(b)	\$1250.00
5 Individual furnishing false information	19(1)(a)	\$675.00
6 Corporation furnishing false information	19(1)(a)	\$1250.00

Schedule 17
Building Code Act

Offence	Section	Out of Court Settlement
7 Individual failing to comply with any order, direction or requirement of Act or regulations (specify)	19(1)(b)	\$675.00
8 Corporation failing to comply with any order, direction or requirement of Act or regulations (specify)	19(1)(b)	\$1250.00
9 Individual contravening Act or regulations (specify)	19(1)(c)	\$675.00
10 Corporation contravening Act or regulations (specify)	19(1)(c)	\$1250.00
11 Individual failing to comply with court order made under subsection 19(4) or subsection 19(5) (specify)	19(6)	\$675.00
12 Corporation failing to comply with order made under subsection 19(4) or subsection 19(5) (specify)	19(6)	\$1250.00

N.S. Reg. 92/2006

Made: June 22, 2006

Filed: June 26, 2006

Summary Offence Tickets Regulations

Order in Council 2006-285 dated June 22, 2006
Amendment to regulations made by the Governor in Council
pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated June 21, 2006, 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*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to replace offences designated under the *Motor Vehicle Act* and to amend the regulations so that out of court settlement amounts do not have to be listed in the applicable Schedule and a designation may be made for an offence to indicate no out of court settlement is available, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 1, 2006.

Order

I, Murray Scott, 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 an offence set out in amendments to the Schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule "A", is the amount of the out-of-court settlement set out opposite the description of that offence or corresponding to the category letter set out opposite the description of that offence, and the out-of-court settlement amount includes the charge provided for, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule “A”.

Dated and made June 21, 2006, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Murray Scott*
Honourable Murray Scott
Minister of Justice and Attorney General of Nova Scotia

Schedule “A”

**Amendment to the *Summary Offence Tickets Regulations*
made by the Governor in Council pursuant to
Section 8 of Chapter 450 of the
Revised Statues of Nova Scotia, 1989,
the *Summary Proceedings Act***

- 1 Section 5 of the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is repealed and the following Section substituted:
- 5 (1)** An offence charged in a summary offence ticket or a parking-infraction ticket is one for which the penalty may be paid out of court if
- (a) there is an amount listed in the out of court settlement column opposite the description of the offence in the applicable schedule; or
 - (b) there is a category letter listed in the out of court settlement column opposite the description of the offence in the applicable Schedule.
- (2)** If “Nil” appears in the out of court settlement column opposite the description of the offence in the applicable schedule, the offence cannot be paid out of court.
- 2 The regulations are further amended by adding the following Section immediately after Section 5:

Out of court settlement amount

- 5A (1)** The amount to be paid for out of court settlement for an offence listed in a schedule to these regulations is
- (a) the amount that is listed in the out of court settlement column opposite the description of the offence in the schedule; or
 - (b) for an offence that is punishable under an enactment as a category offence under Section 4B of the Act, the amount listed in the following table for the offence category letter that appears opposite the description of the offence in the applicable schedule and for the incidence of the offence:

Category	Offence	Out of Court Settlement
A	first offence second offence third or subsequent offence	\$128.75 \$157.50 \$215.00
A (parking)	first offence second offence third or subsequent offence	\$ 55.00* \$ 80.00* \$130.00*
B	first offence second offence third or subsequent offence	\$157.50 \$215.00 \$330.00
B (parking)	first offence second offence third or subsequent offence	\$ 80.00* \$130.00* \$230.00*
C	first offence second offence third or subsequent offence	\$215.00 \$330.00 \$560.00
C (parking)	first offence second offence third or subsequent offence	\$130.00* \$230.00* \$430.00*
D	first offence second offence third or subsequent offence	\$272.50 \$445.00 \$790.00
E	first offence second offence third or subsequent offence	\$330.00 \$560.00 \$790.00
F	first offence second offence third or subsequent offence	\$387.50 \$675.00 \$1250.00
G	first offence second offence third or subsequent offence	\$675.00 \$1250.00 \$2400.00
H	first offence second offence third or subsequent offence	\$1250.00 \$2400.00 \$5850.00
I	first offence second offence third or subsequent offence	\$1250.00 \$2400.00 \$4700.00
J	first offence second offence third or subsequent offence	\$1825.00 \$2975.00 \$5850.00
(*The amount to be paid for out of court settlement of a parking offence is reduced by \$30 if it is paid during the first 60 days after the ticket is issued.)		

- (2) Despite subsection (1), the amount to be paid for out of court settlement for an offence listed in Schedule PT is the minimum amount set out in subsection (1) for the category of the offence, regardless of the incidence of the offence.
- 3 (1) The regulations are further amended by striking out the heading immediately preceding Section 6 and substituting “**Components of out of court settlement amount**”.
- (2) Subsection 6(1) of the regulations is amended by striking out “listed in a Schedule”.
- 4 Section 7 of the regulations is repealed and the following Section substituted:
- 7 In accordance with subsections 8(5) and (6) of the Act, a ticket may be indorsed by a peace officer by entering one of the following, as applicable, on the summons portion of the summary offence ticket or the parking-infraction ticket:
- (a) the out of court settlement amount listed opposite the description of the offence in the applicable Schedule;
- (b) the out of court settlement amount set out in Section 5A that corresponds to the offence category listed opposite the description of the offence in the applicable Schedule and to the incidence of the offence.
- 5 The regulations are further amended by repealing Schedule PT and substituting the attached Schedule PT.
- 6 The regulations are further amended by repealing Schedule 4 and substituting the attached Schedule 4.
- 7 (1) Schedule 4A of the regulations is amended by adding the following heading and items immediately before the heading “Regulations Respecting the Use of Metal Studded Tires Regulations (RRMST)”:

Number Plates Regulations

1. Failing to display single license plate at rear of passenger or light commercial motor vehicle, for	2(1)	
first or second offence		\$128.75
third or subsequent offence		\$157.50
2. Failing to display single license plate at front of heavy commercial motor vehicle, for	2(2)	
first or second offence		\$128.75
third or subsequent offence		\$157.50
3. Failing to display single personalized license plate at rear of motor vehicle, for	2(3)	
first or second offence		\$128.75
third or subsequent offence		\$157.50
4. Failing to display license plates at both front and rear of vehicle, for	2(4)	
first or second offence		\$128.75
third or subsequent offence		\$157.50

- (3) [(2)] Schedule 4A is further amended by adding the following heading and items immediately before the heading “Weights and Dimensions of Vehicles Regulations (WDVR)”:

Securing of Loads on Vehicles Regulations

1. Consignor of goods, agent or employee failing to secure load, for	1	
first offence		\$117.25
second offence		\$128.75
third or subsequent offence		\$157.50
2. Owner, operator or lessee failing to provide load securing devices or post requirements of regulations (specify), for	2	
first offence		\$117.25
second offence		\$128.75
third or subsequent offence		\$157.50
3. Carrier, agent or employee failing to inspect and maintain security of the load, for	3	
first offence		\$117.25
second offence		\$128.75
third or subsequent offence		\$157.50

**Schedule PT
Parking-Infraction Ticket Offences**

Offence	Section	Offence Category or Out of Court Settlement*
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(*The amount to be paid for out of court settlement of a parking offence is reduced by \$30 if it is paid during the first 60 days after the ticket is issued.)

Motor Vehicle Act

1. Parking on left-hand roadway of divided highway	112(1)(a)	C
2. Parking when less than 4.5 m width of roadway remains for traffic	138(1)	B
3. Parking when vehicle cannot be viewed clearly from 60 m away	138(1)	B
4. Parking in manner that might interfere with snow removal or winter maintenance	139(1)	B
5. Stopping or parking in intersection	143(a)	A
6. Stopping or parking on or within 5 m of crosswalk	143(b)	A
7. Stopping or parking within 7.5 m of intersection of curb lines	143(d)	A
8. Stopping or parking within 10 m of traffic sign or signal	143(e)	A
9. Stopping or parking within 5 m of fire station driveway	143(f)	A
10. Stopping or parking within 5 m of fire hydrant	143(g)	A
11. Stopping or parking in front of driveway	143(h)	A

Offence	Section	Offence Category or Out of Court Settlement*
12. Stopping or parking on sidewalk	143(i)	A
13. Stopping or parking where traffic would be obstructed	143(j)	A
14. Stopping or parking on roadway side of other stopped or parked vehicle	143(k)	A
15. Stopping or parking where prohibited by sign	143(l)	A
16. Stopping or parking within 15 m of railway crossing	143(m)	A
17. Stopping or parking on crest of grade where view obstructed	143(n)	A
18. Stopping or parking in passenger zone for longer than necessary for loading or unloading	144(3)	A
19. Stopping or parking in loading zone for longer than 30 minutes	144(4)	A
20. Stopping or parking in passenger zone or loading zone when not loading or unloading	144(5)	A
21. Stopping or parking in accessible-parking zone without mobility-disabled identification permit	145(3)	C
22. Stopping or parking on private property marked for use by mobility-disabled person without mobility-disabled identification permit	145(4)	C
23. Stopping or parking at bus stop or taxi stand	146(2)	A
24. Bus or taxicab driver (specify) stopping or parking at other than designated stop	146(3)	A
25. Stopping or parking in business or residence area when less than 3 m width of roadway remains for traffic	148(1)	A
26. Parking in alley when less than 3 m width of roadway remains for traffic	148(2)	A
27. Parking on private property without consent of owner	149(1)	A
28. Stopping or parking in fire lane	150	C
29. Failing to obey parking sign (specify)	151	B
30. Parking vehicle on highway for longer than 24 hours	155(1)	A
31. Parking commercial vehicle on highway for longer than 2 consecutive hours	155(2)	A
32. Stopping or parking vehicle in direction other than direction of traffic	156(1)	A

Offence	Section	Offence Category or Out of Court Settlement*
33. Stopping or parking vehicle other than parallel or with curb-side wheels more than 150 mm from edge of roadway	156(1)	A
34. Abandoning motor vehicle for more than 24 hours	158(1)	A
35. Parking vehicle displayed for sale on highway	159(1)	A
36. Parking vehicle on highway for displaying advertising	159(2)	A
37. Failing to set brakes and stop motor of parked vehicle	160(1)	A
38. Failing to turn front wheels to curb when parked on grade	160(1)	A
39. Parking within 150 m of fire apparatus stopped in response to fire alarm	161(1)	B
Bedford By-Pass and Highway No. 101 Parking Regulations		
1. Parking on Bedford By-pass	1(a)	\$45.00
2. Parking on Highway 101	1(b)	\$45.00
Town of Bridgewater Parking Lots By-law		
1. Violating parking sign	3(2)	\$45.00
Cape Breton Regional Municipality By-law T5 - Parking Meters		
1. Meter violation	3(1)	\$45.00
2. Overtime at meter	3(2)	\$45.00
3. Depositing slug	6	\$45.00
Halifax Regional Municipality By-law P-500 - Parking Meters		
1. Meter feeding	12(1)	\$55.00
2. Overtime at meter	12(1)	\$55.00
3. Commercial vehicle left at meter over 30 minutes	13	\$55.00
4. Meter violation	14	\$55.00
5. Depositing slug	15	\$55.00
Halifax Regional Municipality Winter Parking Ban Regulations		
1. Parking during winter ban (1 am - 7 am)	1(a)	\$55.00
2. Parking on street during snow storm	1(b)	\$55.00
Town of Lunenburg By-law No. 20 - Parking Meters		
1. Meter violation	11(2)	\$40.00
2. Depositing slug	13	\$40.00

Offence	Section	Offence Category or Out of Court Settlement*
Town of Lunenburg Winter Parking Ban Regulations		
1. Parking during winter ban (1 am - 7 am)	1(a)	\$45.00
2. Parking on street during snow storm	1(b)	\$45.00
Queens Regional Municipality Parking Lot By-law		
1. Parking over 3 hours	4(c)	\$55.00
2. Parking in reserved space	4(d)	\$55.00
3. Parking over 1 hour	5	\$55.00
Queens Regional Municipality Parking Meter By-law		
1. Meter violation	6	\$45.00
2. Overtime at meter	7	\$45.00
3. Depositing slug	8	\$45.00
Town of Truro Parking Meter Regulations		
1. Overtime at meter	9	\$40.00
2. Meter violation	10	\$40.00
3. Depositing slug	11	\$40.00
Provincial Winter Parking Regulations		
1. Parking during winter ban (1 am - 7 am)	2(1)(a)	\$45.00
2. Hindering snow removal	2(1)(b)	\$45.00
3. Parking on highway/street during snowstorm	2(1)(c)	\$45.00

**Schedule 4
Motor Vehicle Act**

Offence	Section	Offence Category
1. Failing to comply with request of motor vehicle inspector or misleading or obstructing inspector	6(4)	D
2. Operating prohibited vehicle on highway	11	D
3. Operating vehicle without registration	13	D
4. Applying for vehicle registration contrary to Act	14	A
5. Operating vehicle contrary to special conditions stated on permit	16(1)	B
6. Failing to have in possession or carry in vehicle unexpired vehicle permit	18(1)	A
7. Improperly secured license plate	20(2)	C
8. Improperly positioned license plate	20(2)	C
9. License plate not clearly legible	20(2)	C
10. Failing to complete notice of sale portion of certificate of registration and immediately forward to Department on sale of vehicle	23(4)	C
11. Dealer failing to give notice of transfer to Department	24	C
12. Dealer causing or permitting vehicle to be operated without number plate displayed	26(2)	C
13. Failing to attach dealer number plate to rear of vehicle	26(4)	C
14. Operating vehicle with dealer number plate attached in transporting persons or goods or when vehicle being rented (specify)	27(1)	C
15. Using dealer plates without proof of ownership	27(3)	C
16. Failing to produce dealer's permit bearing same number as license plate	28(2)	B
17. Using dealer plates for transporting vehicles contrary to dealer's permit	29(4)	C
18. Failing to comply with conditions stated on temporary numbers (specify)	30(1)	A
19. Failing to properly display in-transit permit	30(5)	A
20. Failing to remove and destroy in-transit permit	30(5)	A
21. Failing to comply with provisions of in-transit permit (specify)	30(6)	A

	Offence	Section	Offence Category
22.	Failing to comply with regulations respecting dealers' licenses	32(3)	F
23.	Offering for sale or selling new vehicle that does not conform to <i>Motor Vehicle Safety Act</i> (Canada) standards	33	F
24.	Failing to return defective license plate to Department	34(1)	A
25.	Failing to return defective permit to Department	34(1)	A
26.	Failing to notify Department of number plates no longer in possession	34(2)	A
27.	Failing to apply for replacement of lost or damaged number plates (specify)	34(3)	A
28.	Failing to deliver found current year number plate to Registrar or peace officer	35(1)	A
29.	Failing to display number plates for current registration year	37(1)(a)	B
30.	Operating unregistered vehicle	37(1)(a)	B
31.	Displaying cancelled, revoked or suspended (specify) permit or number plate (specify)	37(1)(b)	B
32.	Displaying number plate issued for another vehicle	37(1)(c)	B
33.	Lending permit or number plate (specify) to one not entitled	37(1)(d)	B
34.	Failing to surrender permit or number plate (specify) on demand	37(1)(e)	B
35.	Making false statement on application for registration	37(1)(f)	B
36.	Displaying fictitious, defaced or altered number plate or number plate other than as provided in the Act (specify)	37(1)(g)	B
37.	Operating vehicle without attached identification or proof of registration	38(2)	B
38.	Operating or permitting operation of motor vehicle (specify) without certificate of registration	40(2)	B
39.	Operating motor vehicle while having reason to believe owner does not have certificate of registration	40(2)	B
40.	Making false statement on application for registration certificate	41(3)	G
41.	Failing to obtain certificate of registration before sale	43(1)	G
42.	Failing to execute assignment of interest on certificate of registration	43(2)	G
43.	Making false statement in assignment of interest	43(6)	G

	Offence	Section	Offence Category
44.	Altering certificate of registration or assignment of certificate of registration (specify)	46	NIL
45.	Knowingly holding or using altered or falsified certificate of registration or assignment (specify)	46	NIL
46.	Operating altered motor vehicle without permission of Department	47	E
47.	Altering serial number of vehicle or placing serial number on vehicle (specify)	49	NIL
48.	Altering serial number on bicycle	50	B
49.	Operating, possessing or dealing with (specify) motor vehicle when attempt has been made to alter identification	51(1)	NIL
50.	Failing to have dealer license	53(1)	G
51.	Making false statement in application for dealer's license	53(4)	G
52.	Licensed dealer failing to maintain dealer record as required	56(1)	G
53.	Licensed dealer failing to have in dealer's name and possession certificate of registration for each motor vehicle in dealer's possession	56(2)	G
54.	Garage keeper failing to transmit report of motor vehicles to Department	58	A
55.	Renter permitting operation of rented vehicle without permission of owner	62(3)	B
56.	Conducting driver training school contrary to regulations	63(3)(a)	E
57.	Providing or offering to provide (specify) instruction in operation of motor vehicle contrary to regulations	63(3)(b)	E
58.	Operating motor vehicle without valid driver's license	64	D
59.	Operating motor vehicle without proper class of driver's license for type of vehicle	64	D
60.	Non-resident operating motor vehicle with suspended driver's license	65(2)	C
61.	Person under 19 operating passenger carrying vehicle for hire	69(1)	B
62.	Person 65 or older operating bus	69(2)	B
63.	Licensed learner operating motor vehicle contrary to conditions in Act (specify)	70(2)	C
64.	Licensed learner driving motor vehicle with approved instructor with more than 3 passengers in back seat	70(4)	C

	Offence	Section	Offence Category
65.	Licensed learner operating motorcycle on highway when out of sight of examiner or for purpose other than being examined by examiner (specify)	70(5)	C
66.	Failing to produce valid license when accompanying licensed learner on highway	70(9)	C
67.	Person accompanying licensed learner pretending to be experienced driver	70(10)	C
68.	Person accompanying licensed learner pretending to be licensed for type or class of vehicle being operated	70(10)	C
69.	Licensed learner permitting other person to use their learner's license	70(11)	C
70.	Newly licensed driver failing to comply with provisions of Section (specify)	70A(8)	C
71.	Holder of motorcycle learner's license driving motorcycle with another person on motorcycle	70B(2)(a)	C
72.	Holder of motorcycle learner's license driving motorcycle during period from half hour after sunset to half hour before sunrise	70B(2)(b)	C
73.	Licensed driver failing to notify Registrar of change in address	71(3)	A
74.	Failing to comply with special conditions on license (specify)	75(5)	D
75.	Operating motorcycle on highway without motorcycle license	76	D
76.	Failing to display driver's license on demand of peace officer	78(2)	A
77.	Displaying fictitious or cancelled license (specify)	80(a)	G
78.	Licensed driver lending their driver's license	80(b)	G
79.	Displaying another person's driver's license	80(c)	G
80.	Failing to surrender suspended, cancelled or revoked driver's license (specify)	80(d)	G
81.	Making false statement on application for driver's license	80(e)	G
82.	Attempting to mislead peace officer by pretending to be licensed	80(f)	G
83.	Permitting unlicensed driver to operate motor vehicle	82	D
84.	Failing to obey peace officer (specify)	83(1)	C
85.	Commercial driver failing to obey peace officer (specify)	83(1)	C

	Offence	Section	Offence Category
86.	Failing to obey traffic sign or signal (specify)	83(2)	B
87.	Commercial driver failing to obey traffic sign or signal (specify)	83(2)	B
88.	Participating in parade, procession or walkathon (specify) without permit	90(9)	B
89.	Failing to yield right of way to pedestrian on green or flashing green light	93(2)(a)	B
90.	Failing to proceed in direction of arrow on green arrow light	93(2)(b)	B
91.	Failing to yield right of way to pedestrian on green arrow light	93(2)(b)	B
92.	Failing to stop at amber light when able to stop safely	93(2)(c)	B
93.	Failing to stop at red light	93(2)(e)	B
94.	Failing to yield to pedestrian on turn at red light	93(2)(e)	B
95.	Failing to stop before entering intersection at flashing red light	93(2)(f)	B
96.	Failing to yield to pedestrian or other vehicle (specify) at flashing red light	93(2)(f)	B
97.	Failing to proceed with caution at flashing amber light	93(2)(g)	B
98.	Failing to yield to traffic within or approaching intersection at flashing amber light	93(2)(g)	B
99.	Failing to yield to pedestrian at walk light	93(2)(h)	B
100.	Pedestrian failing to proceed in crosswalk at walk light	93(2)(h)	B
101.	Pedestrian proceeding across intersection or highway at don't walk light	93(2)(i)	B
102.	Driving in lane marked with red X traffic lane signal	93(4)(b)	B
103.	Displaying unofficial sign, signal or device resembling official sign or signal (specify)	94(1)	C
104.	Placing commercial advertising on official sign or signal (specify)	94(1)	C
105.	Placing or maintaining (specify) glaring light near highway	95(1)	A
106.	Interfering with official traffic sign or signal (specify)	96	C
107.	Failing to immediately stop at scene of accident	97(1)	NIL

	Offence	Section	Offence Category
108.	Failing to give name, address and registration number of vehicle or exhibit driver's license to person struck, to driver or occupants of vehicle collided with, or to witness (specify)	97(3)	NIL
109.	Failing to render reasonable assistance to person injured in accident	97(3)	NIL
110.	Failing to take reasonable steps to locate and notify owner of, or person who has control over, unattended vehicle or property damaged in accident (specify) of circumstances of accident	97(4)	NIL
111.	Failing to give name, address, registration number of vehicle and number of driver's license to owner of, or person who has control over, unattended vehicle or property damaged in accident	97(4)	NIL
112.	Failing to provide particulars of accident to police	97(5)	NIL
113.	Failing to report accident resulting in injury or death or property damage of over \$1000 (specify) to police	98(10)	D
114.	Making false statement in report of accident	98(11)	G
115.	Person in charge of garage failing to report damaged vehicle	99	D
116.	Failing to report information relating to salvage vehicle or non-repairable vehicle	99A	D
117.	Failing to drive or operate motor vehicle in careful and prudent manner	100(2)	NIL
118.	Newly licensed driver operating or having care and control of motor vehicle with alcohol in blood	100A(1)	F
119.	Licensed learner or newly licensed driver failing or unreasonably refusing to comply with demand of peace officer for blood or breath sample (specify)	100A(4)	F
120.	Failing to drive or operate vehicle at a careful and prudent speed for existing conditions	101	F
121.	Driving at speed that exceeds 50 km/h when passing school while children present	102(2)(a)	D
122.	Driving at speed that exceeds 50 km/h when passing church while congregation present	102(2)(b)	D
123.	Driving at speed that exceeds 50 km/h in posted danger zone	102(2)(d)	D
124.	Driving at speed that exceeds 50 km/h in business district	102(2)(e)	D

	Offence	Section	Offence Category
125.	Driving at speed that exceeds 50 km/h in residence district	102(2)(g)	D
126.	Driving at speed that exceeds 50 km/h in public park	102(2)(h)	D
127.	Driving at speed that exceeds 50 km/h in designated school area when children present	103(1)	D
128.	Failing to stop for stopped school bus exhibiting flashing red lights	103(3)	F
129.	Failing to proceed with caution when passing school bus exhibiting flashing amber lights	103(4)	D
130.	Driving at speed that exceeds posted speed limit or other maximum speed limit in Act by 1 to 15 km/h, inclusive	106A(a)	C
131.	Driving at speed that exceeds posted speed limit or other maximum speed limit in Act by 16 to 30 km/h, inclusive	106A(b)	D
132.	Driving at speed that exceeds posted speed limit or other maximum speed limit in Act by 31 km/h or more	106A(c)	F
133.	Unnecessary slow driving	107(1)	D
134.	Slow driver failing to pull over	107(2)	D
135.	Driving slower than posted minimum speed limit	107(3)	D
136.	Failing to stop and remain stopped when approaching Department vehicle exhibiting flashing red lights and "stop do not pass" sign	107A	D
137.	Failing to obey traffic control person directing traffic in temporary work area	107B	F
138.	Operating vehicle over 11 000 kg on bridge when other heavy vehicle on bridge	108(1)	E
139.	Failing to obey stop or speed sign (specify) on bridge or causeway	108(3)	E
140.	Failing to drive on right side of highway	110(1)	C
141.	Failing to drive to right when approaching intersection, railroad right of way or narrow bridge or tunnel (specify)	110(2)	C
142.	Failing to drive to right on one-way street	110(4)	C
143.	Failing to drive in right-hand lane	111(a)	C
144.	Changing lanes unsafely	111(b)	C
145.	Driving in centre lane on 3-lane highway	111(c)	C
146.	Failing to follow posted lane speeds	111(d)	C
147.	Driving on left-hand roadway of divided highway	112(1)(a)	C
148.	Parking on left-hand roadway of divided highway	112(1)(a)	C (parking)

	Offence	Section	Offence Category
149.	Crossing between separate roadways of divided highway other than at intersection	112(1)(b)	C
150.	Failing to pass vehicle proceeding in opposite direction on right and give half of roadway	113	B
151.	Failing to give audible signal before passing	114(a)	D
152.	Failing to pass on left of overtaken vehicle	114(a)	D
153.	Driving to right after passing when unsafe to do so	114(a)	D
154.	Failing to yield to overtaking vehicle	114(b)	D
155.	Passing in face of oncoming traffic	115(1)(a)	D
156.	Driving to left of centre line when approaching crest of grade with less than 150 m visibility	115(1)(b)	D
157.	Driving to left of centre line when approaching curve with less than 150 m visibility	115(1)(c)	D
158.	Driving to left of solid double line	115(2)(a)	D
159.	Driving to left of broken line and solid line when not passing	115(2)(b)(i)	D
160.	Driving to left of solid line and broken line	115(2)(b)(ii)	D
161.	Driving to left of broken or solid single line (specify) when not passing	115(2)(c)	D
162.	Passing vehicle contrary to sign or mark prohibiting passing	116	C
163.	Following too closely	117(1)	C
164.	Commercial vehicle following within 60 m	117(2)	C
165.	Farm tractor failing to exhibit slow movement emblem	117(3)	C
166.	Failing to exhibit slow movement emblem on motor vehicle	117(4)	C
167.	Failing to make right turn at intersection from right-hand lane to right-hand lane	118(1)(a)	B
168.	Failing to make proper left-hand turn at intersection	118(1)(b)	B
169.	Failing to make proper left-hand turn at intersection of one-way highway	118(1)(c)	B
170.	Failing to obey special left turn marked within intersection	118(2)	B
171.	Failing to signal	119(1)	B
172.	Failing to properly signal	119(2)	B
173.	Failing to properly hand signal	119(3)	B

	Offence	Section	Offence Category
174.	Backing vehicle when unsafe	120(1)	B
175.	Turning vehicle to proceed in opposite direction when visibility less than 150 m	120(2)	B
176.	Unsafely turning vehicle to proceed in opposite direction in business or residence district (specify)	120(3)	B
177.	Failing to obey sign prohibiting turns (specify)	120(4)	B
178.	Making prohibited turn at exit ramp	121	C
179.	Failing to yield to vehicle already in intersection	122(1)	B
180.	Failing to yield to vehicle on right at intersection	122(1)	B
181.	Failing to yield at through highway	122(2)	B
182.	Failing to yield to vehicle already in intersection when making left turn	122(3)	B
183.	Failing to yield to vehicle already in intersection making lawful left turn	122(3)	B
184.	Failing to yield when making left turn on highway	122(4)	B
185.	Failing to yield to vehicle making lawful left turn	122(4)	B
186.	Failing to yield to highway traffic when entering highway	123(1)	B
187.	Failing to yield to emergency vehicle giving audible and visible signals	123(2)	B
188.	Failing to drive to right-hand side of highway and stop on approach of emergency vehicle giving audible signals	124	C
189.	Failing to yield to pedestrian in crosswalk	125(1)	F
190.	Passing stopped vehicle at crosswalk	125(2)	F
191.	Pedestrian not in crosswalk failing to yield to vehicle	125(3)	F
192.	Failing to obey crossing guard directing children in a crosswalk	125A(4)	F
193.	Pedestrian failing to obey traffic signal	126	B
194.	Failing to move on right half of crosswalk	127(1)	A
195.	Failing to use sidewalk	127(2)	A
196.	Failing to walk on left side of highway	127(3)	A
197.	Soliciting ride from driver while in roadway	128(1)	A
198.	Permitting person to board or alight from (specify) vehicle other than at curb or roadside	129(1)	B
199.	Permitting person to board or alight from (specify) vehicle in motion (specify)	129(1)	B

	Offence	Section	Offence Category
200.	Boarding or alighting from (specify) vehicle in motion	129(2)	B
201.	Riding or permitting person to ride (specify) on portion of vehicle not designed for passenger	129(3)	B
202.	Riding or permitting person to ride (specify) in travel trailer or mobile home on highway	129(5)	B
203.	Riding or permitting person to ride (specify) in truck camper on highway	129(6)	B
204.	Driving while view or control obstructed by passengers or load (specify)	129(7)	B
205.	Passenger interfering with driver's view or control	129(8)	B
206.	Operating bus with door open	130	C
207.	Driving through safety zone	131	F
208.	Failing to stop at railway crossing	132(1)	C
209.	Blocking railroad crossing	132(2)	C
210.	Failing to stop at stop sign	133(1)	B
211.	Failing to obey yield sign	134(3)	B
212.	Driver entering rotary or roundabout failing to yield to traffic already in circle	135(1)	B
213.	Failing to drive in counter-clockwise direction in rotary or roundabout	135(2)	B
214.	Failing to stop at sidewalk when emerging from driveway	136(1)	B
215.	Failing to yield to pedestrian on sidewalk when emerging from driveway	136(2)	F
216.	Failing to park as far as possible off roadway	138(1)	B (parking)
217.	Parking when less than 4.5 m width of roadway remains for traffic	138(1)	B (parking)
218.	Parking when vehicle cannot be viewed clearly from 60 m away	138(1)	B (parking)
219.	Parking in manner that might interfere with snow removal or winter maintenance	139(1)	B (parking)
220.	Failing to place and maintain flares at front and rear of disabled commercial vehicle, travel trailer or motorized home (specify)	140(1)	B
221.	Failing to carry flares in working order in commercial vehicle, travel trailer or motorized home (specify)	140(2)	B

	Offence	Section	Offence Category
222.	Failing to have 4 retro-reflective pylons at front and rear of service truck, as required by Act	141	B
223.	Stopping or parking in intersection	143(a)	A (parking)
224.	Stopping or parking on or within 5 m of crosswalk	143(b)	A (parking)
225.	Stopping or parking between safety zone and adjacent curb or within 10 m of safety zone	143(c)	A (parking)
226.	Stopping or parking within 7.5 m of intersection of curb lines	143(d)	A (parking)
227.	Stopping or parking within 5 m of intersection of property lines	143(d)	A (parking)
228.	Stopping or parking within 10 m of traffic sign or signal (specify)	143(e)	A (parking)
229.	Stopping or parking within 5 m of fire station driveway	143(f)	A (parking)
230.	Stopping or parking within 5 m of fire hydrant	143(g)	A (parking)
231.	Stopping or parking in front of driveway	143(h)	A (parking)
232.	Stopping or parking on sidewalk	143(i)	A (parking)
233.	Stopping or parking where traffic would be obstructed	143(j)	A (parking)
234.	Stopping or parking on roadway side of other stopped or parked vehicle	143(k)	A (parking)
235.	Stopping or parking where prohibited by sign	143(l)	A (parking)
236.	Stopping or parking within 15 m of railway crossing	143(m)	A (parking)
237.	Stopping or parking on crest of grade where view obstructed	143(n)	A (parking)
238.	Stopping or parking in passenger zone for longer than necessary for loading or unloading	144(3)	A (parking)
239.	Stopping or parking in loading zone for longer than 30 minutes	144(4)	A (parking)
240.	Stopping or parking in passenger zone or loading zone when not loading or unloading	144(5)	A (parking)
241.	Stopping or parking in accessible-parking zone without mobility-disabled identification permit	145(3)	C (parking)
242.	Stopping or parking on private property marked for use by mobility-disabled person without mobility-disabled identification permit	145(4)	C (parking)
243.	Stopping or parking at bus stop or taxi stand	146(2)	A (parking)
244.	Bus or taxicab driver (specify) stopping or parking at other than designated stop	146(3)	A (parking)

	Offence	Section	Offence Category
245.	Stopping or parking in business or residence area when less than 3 m width of roadway remains for traffic	148(1)	A (parking)
246.	Parking in alley when less than 3 m width of roadway remains for traffic	148(2)	A (parking)
247.	Parking on private property without consent of owner	149(1)	A (parking)
248.	Stopping or parking in fire lane	150	C (parking)
249.	Failing to obey parking sign (specify)	151	B (parking)
250.	Parking vehicle on highway for longer than 24 hours	155(1)	A (parking)
251.	Parking commercial vehicle on highway for longer than 2 consecutive hours	155(2)	A (parking)
252.	Stopping or parking vehicle in direction other than direction of traffic	156(1)	A (parking)
253.	Stopping or parking vehicle other than parallel or with curb-side wheels more than 150 mm from edge of roadway	156(1)	A (parking)
254.	Abandoning motor vehicle for more than 24 hours	158(1)	A (parking)
255.	Parking vehicle displayed for sale on highway	159(1)	A (parking)
256.	Parking vehicle on highway for displaying advertising	159(2)	A (parking)
257.	Failing to set brakes and stop motor of parked vehicle	160(1)	A (parking)
258.	Failing to turn front wheels to curb when parked on grade	160(1)	A (parking)
259.	Following fire apparatus responding to fire alarm within 150 m	161(1)	B
260.	Parking within 150 m of fire apparatus stopped in response to fire alarm	161(1)	B (parking)
261.	Driving over fire hose without consent of official	161(2)	B
262.	Coasting down grade in neutral	162	A
263.	Operating motor vehicle on highway in race or on wager (specify)	163(1)	NIL
264.	Driving on sidewalk other than at driveway	164(1)	C
265.	Driving through or into (specify) lawful procession	165(1)	B
266.	Failing to obey traffic sign in park (specify)	166	A
267.	Leaving horse unattended on highway	167(1)	A
268.	Having unbitted horse not secured by halter on highway	167(2)	A
269.	Failing to unhitch horse from vehicle when required by Act	167(3)	A

	Offence	Section	Offence Category
270.	Fastening horse so that rope, reins or lines obstruct sidewalk or crosswalk (specify)	167(4)	A
271.	Hitching horse to tree, horse box or hydrant in highway	167(5)	A
272.	Racing horse on highway	167(6)	A
273.	Riding or leading (specify) horse on sidewalk other than when crossing	167(7)	A
274.	Owner permitting unattended domestic animal on highway	168(1)	A
275.	Riding on handlebar or frame of bicycle or motorcycle (specify)	169(1)	A
276.	Clinging or permitting clinging (specify) to moving vehicle	169(2)	A
277.	Failing to wear adequate protective headgear on motorcycle	170(1)	C
278.	Riding on or operating (specify) bicycle without wearing bicycle helmet complying with regulations or with chin strap of helmet not securely fastened under chin (specify)	170A(2)	A
279.	Parent or guardian (specify) authorizing or permitting (specify) person under 16 to ride on or operate (specify) bicycle without wearing bicycle helmet as required by Act	170A(3)	A
280.	Person 16 or older riding or operating scooter, skateboard, in-line skates, roller skates or other prescribed device (specify) without wearing helmet complying with regulations or with chin strap of helmet not securely fastened under chin (specify)	170B(4)	\$128.75
281.	Trick riding of bicycle, riding bicycle with both hands removed from handlebars or riding bicycle with feet removed from pedals (specify)	171(1)	A
282.	Riding bicycle on sidewalk	171(2)	A
283.	Failing to ride bicycle on extreme right of highway	171(3)	A
284.	Riding bicycle parallel to another bicycle on highway	171(3)	A
285.	Roller skating or skateboarding (specify) on roadway	172	A
286.	Throwing object at motor vehicle	173(1)	F
287.	Depositing material that may damage tires (specify) on highway	173(2)	F
288.	Littering from vehicle on highway	173(4)	F
289.	Driving without lighted head lamps	174(1)	B

	Offence	Section	Offence Category
290.	Failing to have 2 head lamps	174(2)	B
291.	Driving motorcycle without head lamp that complies with requirements (specify)	174(3)	B
292.	Operating vehicle with rear lamps that do not comply with Act (specify)	174(4)	B
293.	Operating vehicle without clearance lamps as required (specify)	174(5)	B
294.	Operating bicycle without required front and rear lighting (specify)	174(6)	B
295.	Operating unspecified vehicle without required lighting (specify)	174(7)	B
296.	Failing to display lights as required when parked on highway	174(10)	B
297.	Failing to display marker lights or reflectors as required (specify)	174(11)	B
298.	Operating motor vehicle while not wearing available seat belt	175(2)	B
299.	Operating motor vehicle while passenger under 16 not secured in prescribed manner in child restraint system or wearing available seatbelt (specify)	175(3)	B
300.	Passenger 16 or older not wearing available seat belt	175(4)	B
301.	Owner of motor vehicle failing to maintain all seat belts in good condition	175(5)	B
302.	Removing seat belt or modifying in way that reduces its effectiveness	175(6)	B
303.	Motor vehicle equipped with more than 2 spot lamps	177(1)	A
304.	Motorcycle equipped with more than 1 spot lamp	177(1)	A
305.	Motor vehicle or motorcycle equipped with improperly aimed spot lamps	177(1)	A
306.	Motor vehicle equipped with auxiliary driving lamps not in compliance with Act (specify)	177(2)	A
307.	Motor vehicle not equipped with electric turn signals	177(3)	A
308.	Front signal light not mounted as required (specify)	177(4)	A
309.	Front signal light emitting incorrect colour	177(4)	A
310.	Rear signal light not mounted as required (specify)	177(5)	A
311.	Rear signal light emitting incorrect colour	177(5)	A
312.	Signal light on wide vehicle not visible for 150 m	177(6)	A

	Offence	Section	Offence Category
313.	Signal light on standard vehicle not visible for 100 m	177(7)	A
314.	Motor vehicle not equipped with functioning red brake lights, visible for 100 m, at rear of vehicle	177(9)	A
315.	Motor vehicle equipped with lighting device that projects intense beam more than 15 m from vehicle	177(10)	A
316.	Head lamp producing glaring light	178(1)	B
317.	Head lamp failing to produce colourless light or sufficient illumination for 60 m (specify)	178(1)	B
318.	Failing to dim headlights when within 150 m of oncoming traffic	178(4)	B
319.	Failing to dim headlights when within 60 m of followed vehicle	178(5)	B
320.	Red light on front of vehicle other than authorized vehicle	179(1)	B
321.	Blue light on vehicle other than authorized vehicle	179(3)	B
322.	Flashing or revolving light on vehicle other than authorized vehicle	179(7)	B
323.	Operating motor vehicle on highway with inadequate brakes	181(1)	C
324.	Motorcycle not equipped with brake	181(2)	C
325.	Motorcycle not equipped with 2-wheel braking system	181(3)	C
326.	Using diesel engine enhanced braking system when speed limit is 50 km/h or less	181A	B
327.	Motor vehicle not equipped with properly working speedometer and odometer	182	A
328.	Operating motor vehicle equipped with, carrying or containing radar-warning device	182A	F
329.	Operating motor vehicle on highway with horn not in good working order or inaudible from 60 m (specify)	183(1)	A
330.	Using horn or siren (specify) for other than reasonable warning	183(4)	A
331.	Bicycle not equipped with bell or horn in good working order	183(5)	A
332.	Installing or using siren or whistle on bicycle	183(5)	A
333.	Vehicle on runners drawn by animal not equipped with bells that give ample warning and are audible from 60 m	183(6)	A
334.	Improperly attached or located rear-vision mirror	184(1)	B

	Offence	Section	Offence Category
335.	Failing to attach outside rear-vision mirror when view obstructed by trailer	184(2)	B
336.	Motor vehicle not equipped with windshield	184(3)	B
337.	Driving motor vehicle with obstruction on window or windshield (specify)	184(4)	B
338.	Driving motor vehicle with ornament obstructing vision of driver	184(5)	B
339.	Driving motor vehicle without properly operating windshield wipers	184(6)	B
340.	Driving motor vehicle with television broadcast visible to driver	184(7)	B
341.	Failing to display clearly visible flag or light as required at end of load (specify)	185	B
342.	Operating commercial motor vehicle with open tail-board	186	B
343.	Motor vehicle not equipped with muffler in good working order	187(1)	B
344.	Motor vehicle not equipped or adjusted to prevent escape of excessive fumes or smoke (specify)	187(2)	B
345.	Operating motor vehicle in manner that causes loud and unnecessary noise	188	C
346.	Hauling more than 1 vehicle without permit	190(1)	D
347.	Towbar between vehicles exceeding 5 m	190(2)	D
348.	Towbar between vehicles transporting poles exceeding 8 m	190(2)	D
349.	Refusing or failing to proceed to scales or to assist in weighing of vehicle (specify)	192(4)	C
350.	Solid rubber tire on vehicle with rubber on traction surface less than 25 mm thick	198(1)	B
351.	Operating motor vehicle, trailer or semi-trailer (specify) with metal tire in contact with road	198(1)	B
352.	Tire with protuberances or studs not permitted by regulation (specify)	198(2)	B
353.	Driving vehicle not constructed or loaded to prevent contents from dropping, shifting, leaking or otherwise escaping	199(1)	C
354.	Motor vehicle or trailer (specify) not equipped with adequate mudguards, fenders or flaps (specify)	199(2)	C

	Offence	Section	Offence Category
355.	Violating regulations respecting vehicle equipment standards (specify)	200(3)	C
356.	Operating official testing station without license	201(8)	G
357.	Failing to have vehicle inspected or repaired as required	201(9)	C
358.	Failing to comply with temporary regulations to cover emergencies or special conditions	202	B
359.	Failing to issue motor vehicle liability insurance card	204(1)	C
360.	Producing financial responsibility card or motor vehicle liability insurance card (specify) to Registrar or peace officer (specify) that shows false information	210(a)	D
361.	Failing to deliver financial responsibility card or other card (specify) to Registrar	210(b)	D
362.	Loaning financial responsibility card to person not entitled to card	210(c)	D
363.	Judgement creditor failing to provide accurate information as required (specify)	214	G
364.	Driving motor vehicle without motor vehicle liability policy	230(1)	H
365.	Failing or refusing to return driver's license, motor vehicle permit or number plate (specify)	242(3)	C
366.	Failing to comply with requirement respecting motor vehicle liability policy and certificate (specify)	246	B
367.	Registered owner failing to provide name and address of person in charge of vehicle at time of violation within 48 hours of request	258(1)	NIL
368.	Person who has motor vehicle with consent of owner failing to supply name and address of person in charge of vehicle at time of violation within 48 hours of request	258(3)	NIL
369.	Directing driver to operate motor vehicle equipped other than as required by law (specify)	260(1)	C
370.	Directing driver to operate motor vehicle that exceeds weight permitted by law (specify)	260(1)	C
371.	Directing driver to operate motor vehicle in manner contrary to law (specify)	260(1)	C
372.	Operating vehicle not equipped as required by law or equipped in manner prohibited by law (specify)	260(2)	C
373.	Non-resident operating motor vehicle when right to operate suspended or revoked	279(4)	G

	Offence	Section	Offence Category
374.	Failing or refusing to provide Registrar with information (specify)	280(3)	D
375.	Failing or refusing to submit to examination or re-examination required by Registrar (specify)	280(3)	D
376.	Operating motor vehicle while registration or permit (specify) cancelled, revoked or suspended (specify)	287(1)	NIL
377.	Driving motor vehicle while license or privilege of obtaining license (specify) cancelled, revoked or suspended (specify)	287(2)	NIL
378.	Failing to return number plates when permit or registration suspended, cancelled or revoked (specify)	289(1)	C
379.	Failing to return permit or license when permit or license suspended or revoked (specify)	289(2)	C
380.	Failing to return number plates, permit, license or certificate (specify) when ordered	290(3)	C
381.	Making false statement to procure license, permit or certificate	301(1)	G
382.	Giving false information to peace officer	301(2)	G
383.	Carrier or driver of commercial vehicle failing to comply with records maintenance requirements (specify)	303D	F
384.	Carrier or driver of commercial vehicle failing to comply with regulations respecting carriers and drivers of commercial vehicles	303E	H

N.S. Reg. 93/2006

Made: June 22, 2006

Filed: June 26, 2006

Sharing of Health Information Regulations

Order in Council 2006-286 dated June 22, 2006
 Regulations made and approved by the Governor in Council
 pursuant to Section 15 of the *Court Houses and Lockup Houses Act*
 and pursuant to Section 95 of the *Correctional Services Act*

The Governor in Council on the report and recommendation of the Minister of Justice and the Minister of Health dated June 21, 2006, and pursuant to Section 15 of Chapter 109 of the Revised Statutes of Nova Scotia, 1989, the *Court Houses and Lockup Houses Act*, and Section 95 of Chapter 37 of the Acts of 2005, the *Correctional Services Act*, is pleased, effective on and after July 1, 2006,

- (a) to repeal the *Sharing of Health Information Regulations*, N.S. Reg. 151/2001, made by the Governor in Council by Order in Council 2001-588 dated December 14, 2001; and

- (b) to make and approve of new regulations respecting the sharing of health information as set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**In the Matter of Section 95 of Chapter 37 of the Acts of 2005,
the *Correctional Services Act***

- and -

**In the Matter of the *Sharing of Health Information Regulations*
made by the Minister of Justice and the Minister of Health
pursuant to Section 95 of the *Correctional Services Act***

Order

We, Murray K. Scott, Minister of Justice for the Province of Nova Scotia, and Chris A. d'Entremont, Minister of Health for the Province of Nova Scotia, pursuant to Section 95 of Chapter 37 of the Acts of 2005, the *Correctional Services Act*, hereby make regulations respecting the sharing of health information in the form set forth in the attached.

This order is effective on and after July 1, 2006, and approval by the Governor in Council.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on June 21, 2006.

Sgd.: *Murray Scott*
Honourable Murray K. Scott, M.B.
Minister of Justice

Sgd.: *C. d'Entremont*
Honourable Chris A. d'Entremont
Minister of Health

**Sharing of Health Information Regulations
made by the Governor in Council pursuant to Section 15 of
Chapter 109 of the Revised Statutes of Nova Scotia, 1989,
the *Court Houses and Lockup Houses Act*
and by the Minister of Justice and the Minister of Health
pursuant to Section 95 of Chapter 37 of the Acts of 2005,
the *Correctional Services Act***

Citation

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

Definitions

2 In these regulations,

- (a) "facility" means a lockup, courthouse or correctional facility;
- (b) "health care provider" means any health care professional, including a physician, nurse, dentist, pharmacist, employee of a community health care clinic and employee of a methadone clinic;

- (c) “Health Information Transfer Form” means the form required by Section 3;
- (d) “hospital” means a hospital as defined in the *Hospitals Act*;
- (e) “person in custody” means either of the following:
 - (i) a person who has been arrested or is being held on any warrant issued by a judge of the Provincial court or justice of the peace, or any process issued with respect to any criminal or penal matter,
 - (ii) an offender, as defined in the *Correctional Services Act*;
- (f) “transfer” means transfer of a person in custody to a facility, a hospital or a health care provider;
- (g) “transferring officer” means any one of the following persons who is conducting a transfer:
 - (i) a police officer,
 - (ii) a sheriff,
 - (iii) an employee of a correctional facility.

Health Information Transfer Form

- 3** (1) A transferring officer must ensure that a Health Information Transfer Form accompanies the person in custody during the transfer.
- (2) A Health Information Transfer Form must be
- (a) in the form prescribed by the Minister of Justice and the Minister of Health for that purpose; and
 - (b) completed by the persons specified on the form.
- (3) A completed Health Information Transfer Form must be forwarded
- (a) if the transferring officer is a police officer or sheriff, to their officer in charge; or
 - (b) if the transferring officer is an employee of a correctional facility, to the superintendent of the correctional facility.

If Health Information Transfer Form not completed

- 4** (1) Despite Section 3, if a transferring officer is unable to obtain a completed Health Information Transfer Form, the transferring officer must
- (a) complete the form to the extent possible; 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 to which the person in custody is being transferred,

- (iii) if applicable, the name of the health care provider who gave care or treatment to the person in custody during the transfer,
 - (iv) a summary of the facts relating to the failure to obtain the completed Health Information Transfer Form.
- (2) A transferring officer who completes a Health Information Transfer Form and makes a written report under subsection (1) must immediately forward the form and the report,
- (a) if the transferring officer is a police officer or sheriff, to their officer in charge; or
 - (b) if the transferring officer is an employee of a correctional facility, to the superintendent of the correctional facility.
- (3) A person who receives a form and report under subsection (2) must forward a copy of the form and the report to each of the Ministers of Justice and Health as soon as practicable.
-

N.S. Reg. 94/2006

Made: June 22, 2006

Filed: June 26, 2006

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

Order in Council 2006-287 dated June 22, 2006
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 Service Nova Scotia and Municipal Relations dated June 21, 2006, 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 Part V of Chapter 10 of the Acts of 2002, the *Justice Administration Amendment (2002) Act*, do come into force on and not before July 1, 2006.

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 Part V of Chapter 10 of the Acts of 2002, the *Justice Administration Amendment (2002) Act*, come into force on and not before July 1, 2006;

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 Part V of Chapter 10 of the Acts of 2002, the *Justice Administration Amendment (2002) Act*, come into force on and not before July 1, 2006, 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 22nd day of June, in the year of Our Lord two thousand and six and in the fifty-fifth year of Our Reign.

BY COMMAND:

Sgd: Murray Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 95/2006

Made: June 22, 2006

Filed: June 26, 2006

Proclamation - General Assembly

General Assembly
Proclamation dated June 22, 2006

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 Our Writs for the election of Members to serve in the House of Assembly for the several Electoral Districts of the Province bearing date the 13th day of May, 2006, the respective Returning Officers of the said Districts are commanded to summon the persons elected according to the exigency of the said Writs to attend the General Assembly of Nova Scotia at such time and place as We shall notify by Proclamation for that purpose;

NOW KNOW YE THAT WE, being desirous and resolved as soon as may be to meet Our People of Our Province of Nova Scotia and to have their advice in General Assembly do hereby, by and with the advice of Our Executive Council for Nova Scotia, appoint Thursday, the 29th day of June, next, at Halifax, in the Halifax Regional Municipality, for the meeting of the General Assembly of Nova Scotia;

AND WE DO HEREBY require the Members who were elected to serve in the House of Assembly to attend in General Assembly on that day at Halifax, in the Halifax Regional Municipality aforesaid, of which they and all others 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 22nd day of June, in the year
of Our Lord two thousand and six and in the
fifty-fifth year of Our Reign.

BY COMMAND:

Sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 96/2006

Made: June 22, 2006

Filed: June 27, 2006

Proclamation, S. 16, S.N.S. 2005, c. 11

Order in Council 2006-289 dated June 22, 2006
Proclamation made by the Governor in Council
pursuant to Section 16
of the *Petroleum Products Pricing Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated June 21, 2006, pursuant to Section 16 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing 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 Sections 4 and 11 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, do come into force on and not before July 1, 2006.

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 16 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Sections 4 and 11 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, come into force on and not before July 1, 2006;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 4 and 11 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, come into force on and not before July 1, 2006, 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 22nd day of June, in the year of Our Lord two thousand and six and in the fifty-fifth year of Our Reign.

BY COMMAND:

Sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 97/2006

Made: June 22, 2006

Filed: June 27, 2006

Petroleum Products Pricing Regulations

Order in Council 2006-290 dated June 22, 2006
Regulations made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated June 21, 2006, and pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, is pleased to make regulations respecting the pricing of petroleum products in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 1, 2006.

Schedule "A"

**Regulations Respecting Petroleum Products Pricing
made by the Governor in Council under Section 14
of Chapter 11 of the Acts of 2005,
the *Petroleum Products Pricing Act***

Citation

1 These regulations may be cited as the *Petroleum Products Pricing Regulations*.

Application

2 (1) The following types of petroleum products are subject to these regulations:

- (a) gasoline;
- (b) low sulfur diesel oil;
- (c) ultra low sulfur diesel oil.

(2) A petroleum product of a type that is not listed in subsection (1) is exempt from these regulations and from Sections 4 to 7 of the Act.

- (3) Despite subsection (1), the following petroleum products are exempt from these regulations, except Section 9, and from Sections 4 to 7 of the Act:
- (a) aviation gasoline;
 - (b) gasoline, low sulfur diesel oil and ultra low sulfur diesel oil bought through a commercial bulk volume contract with a consumer for 5000 L or more;
 - (c) gasoline, low sulfur diesel oil and ultra low sulfur diesel oil sold or purchased at a restricted access outlet as defined in clause 2(p) of the *Motive Fuel and Fuel Oil Approval Regulations* made under the *Environment Act*;
 - (d) any petroleum product that is exempt from tax under Section 22 of the *Revenue Act Regulations* made under the *Revenue Act*.

Definitions

3 In these regulations,

- (a) “Act” means the *Petroleum Products Pricing Act*;
- (b) “agent” means an agent as defined in clause 5(a) of the *Revenue Act Regulations* made under the *Revenue Act*;
- (c) “benchmark price” means the price prescribed by the Minister under Section 14;
- (d) “Bloombergs Guide” means the *Bloombergs Oil Buyers Guide* produced by Bloomberg L.P.;
- (e) “Board” means the Nova Scotia Utility and Review Board established under the *Utility and Review Board Act*;
- (f) “Platts Report” means the *Platts Oilgram Price Report* [t]/*US Marketscan* produced by Platts, a division of The McGraw-Hill Companies;
- (g) “point of sale” means
 - (i) with respect to the sale of petroleum products by a wholesaler or wholesaler-retailer to a retailer, the location where the delivery of the product to the retailer takes place, and
 - (ii) with respect to the sale of petroleum products by a retailer to a consumer, the location where the product is delivered to the consumer;
- (h) “reported product price” for a type of petroleum product is the daily price reported for that type of product in the Platts Report under the heading “Product Price Assessments, New York Cargo”, or in the Bloomberg Guide if the relevant data is not available from the Platts Report;
- (i) “wholesale margin” for a petroleum product means the difference between the benchmark price for that petroleum product and the price at which a wholesaler sells that petroleum product to a retailer, excluding taxes imposed under subsections 165(1) and 165(2) of the *Excise Tax Act* (Canada);

- (j) “wholesaler-retailer” means a wholesaler who also sells or keeps a petroleum product for sale directly to consumers.

Regulations prevail over contract

- 4 These regulations prevail over a contract between a wholesaler or wholesaler-retailer and a retailer with respect to the wholesale price and retail mark-up of a petroleum product.

Contract existing on June 30, 2006

- 5 (1) Despite the Act and these regulations, a retailer who is a party to a contract that was in force on June 30, 2006, may opt out of these regulations with respect to the wholesale price and retail mark-up of a petroleum product if they comply with subsection (2).
- (2) A retailer who decides to opt out of these regulations as permitted by this Section, must notify the Minister no later than August 31, 2006, by providing the Minister with
- (a) a copy of their contract with their wholesaler or wholesaler-retailer; and
- (b) a statement signed by the retailer indicating that the retailer has decided to opt out, in the form required by the Minister.
- (3) A retailer who decides to not opt out of these regulations as permitted by this Section must notify the Minister no later than August 31, 2006, by providing the Minister with a statement signed by the retailer indicating that the retailer has decided to not opt out, in the form required by the Minister.
- (4) A retailer must send a copy of the statement required under clause (2)(b) or subsection (3) to their wholesaler or wholesaler-retailer, and the wholesaler or wholesaler-retailer must sign the copy and return it to the Minister no later than 15 days after the date of receipt.
- (5) If a retailer opts out of these regulations as permitted by this Section, their contract prevails over these regulations with respect to the wholesale price and retail mark-up of a petroleum product.
- (6) A retailer remains responsible for repayment of any debt owed to the wholesaler or wholesaler-retailer regardless of whether or not the retailer has opted out of these regulations with respect to the wholesale price and retail mark-up of a petroleum product as permitted by this Section.

Contract made after June 30, 2006 and before September 1, 2006

- 6 (1) Despite the Act and these regulations, a wholesaler or wholesaler-retailer and a retailer who enter into a contract after June 30, 2006, and before September 1, 2006, may agree to opt out of these regulations with respect to the wholesale price and retail mark-up of a petroleum product if they comply with subsection (2).
- (2) A wholesaler or wholesaler-retailer and a retailer who agree to opt out of these regulations as permitted by this Section must notify the Minister no later than August 31, 2006, by providing the Minister with
- (a) a copy of their contract;
- (b) a statement indicating that they have decided to opt out, in the form required by the Minister and signed by both the retailer and wholesaler or wholesaler-retailer.

- (3) If a wholesaler or wholesaler-retailer and a retailer opt out of these regulations as permitted by this Section, their contract prevails over these regulations with respect to the wholesale price and retail mark-up of a petroleum product.

New contract made after August 31, 2006, by parties who opted out

- 7 (1) A retailer who has opted out of the regulations as permitted by Section 5 or 6 and who enters into a new contract after August 31, 2006, respecting the wholesale price and retail mark-up of a petroleum product may continue to opt out of the regulations if the wholesaler or wholesaler-retailer agrees to opt out and the parties comply with subsections (2) and (3).
- (2) In order to opt out of the regulations as permitted by this Section, the new contract must come into force immediately on the expiry of the previous contract.
- (3) A wholesaler or wholesaler-retailer and a retailer who agree to opt out of these regulations as permitted by this Section must notify the Minister no later than 30 days after the expiry date of their previous contract, by providing the Minister with
 - (a) a copy of their new contract; and
 - (b) a statement indicating that they have decided to opt out, in the form required by the Minister and signed by both the retailer and wholesaler or wholesaler-retailer.

Prescribed minimum and maximum retail price still apply

- 8 A retailer must comply with Section 12, respecting the price to be charged to a consumer for a petroleum product, regardless of whether the retailer and the wholesaler or wholesaler-retailer have opted out of these regulations with respect to the wholesale price and retail mark-up of a petroleum product as permitted by Section 5, 6 or 7.

Monthly assessment fee

- 9 (1) A wholesaler or wholesaler-retailer who sells a petroleum product in the Province must pay the Minister a monthly assessment fee based upon the sales volume of the petroleum product sold by the person in the Province at a rate of \$0.0009/L.
- (2) The monthly assessment fee must be paid at the same time as the tax required to be remitted to the Minister under Section 12 of the *Revenue Act Regulations* made under the *Revenue Act* and a wholesaler or wholesaler-retailer must file an addendum to the agent's return as required by the Minister.

Delegation of authority

- 10 Effective immediately after these regulations come into force, and subject to these regulations, all of the following powers under the Act are delegated to the Minister:
 - (a) the power to divide the Province into zones as set out in clause 14(1)(c) of the Act;
 - (b) the power to prescribe the fixed wholesale price as set out in subclause 14(1)(c)(i) of the Act;
 - (c) the power to prescribe a maximum retail price as set out in subclause 14(1)(c)(ii);
 - (d) the power to prescribe minimum and maximum retail mark-ups as set out in subclause 14(1)(c)(iii).

Zones

- 11 (1)** For the purpose of prescribing prices for each zone, the Province is divided into the following zones:
- (a) Zone 1 consists of all of the following:
 - (i) Halifax County,
 - (ii) Hants County,
 - (iii) the southern portion of Colchester County, as divided by a straight line running from Clifton in Colchester County to the intersection of the county lines of Colchester, Pictou, Guysborough and Halifax Counties;
 - (b) Zone 2 consists of all of the following:
 - (i) Kings County,
 - (ii) Lunenburg County,
 - (iii) the eastern portion of Annapolis County, as divided by a straight line running northwest from the top section of the Queens-Lunenburg county line and extending to the Bay of Fundy;
 - (c) Zone 3 consists of all of the following:
 - (i) Queens County,
 - (ii) Shelburne County,
 - (iii) Yarmouth County,
 - (iv) Digby County,
 - (v) the western portion of Annapolis County as divided in clause (b);
 - (d) Zone 4 consists of Cumberland County;
 - (e) Zone 5 consists of all of the following:
 - (i) Guysborough County,
 - (ii) Antigonish County,
 - (iii) Pictou County,
 - (iv) the northern portion of Colchester County as divided in clause (a),
 - (v) the Town of Port Hawkesbury in Inverness County,
 - (vi) an area of land bounded by a straight line extending along the prolongation of the eastern boundary of the Town of Port Hawkesbury to the Trans-Canada Highway

(Highway 105) and then southwesterly along the Trans-Canada Highway to the Strait of Canso.

- (f) Zone 6 consists of all of the following:
 - (i) Cape Breton County,
 - (ii) Victoria County,
 - (iii) Richmond County,
 - (iv) Inverness County, except the Town of Port Hawkesbury and an area of land bounded by a straight line extending along the prolongation of the eastern boundary of the Town of Port Hawkesbury to the Trans-Canada Highway (Highway 105) and then southwesterly along the Trans-Canada Highway to the Strait of Canso.
- (2) When re-dividing the zones established in subsection (1), the Minister may consider any or all of the following factors:
 - (a) the retail prices that have been charged to retailers and consumers for petroleum products throughout the Province, over a period of time that the Minister considers appropriate;
 - (b) any factors that could explain the differences, if any, between the retail prices across the Province for the period of time established in clause (a), including any of the following:
 - (i) the distance from a refinery gate to the proposed boundaries for a zone,
 - (ii) the volume of petroleum product sold to retailers during the period,
 - (iii) innovations within the industry;
 - (c) any additional factors the Minister considers relevant, including whether price differences between zones are fair and reasonable.

Must charge prices for zone where point of sale located

- 12** (1) A wholesaler or wholesaler-retailer must charge a retailer the fixed wholesale price for a type of petroleum product for the zone where the point of sale is located.
- (2) A retailer must not charge a consumer a price for a type of petroleum product that is greater than the maximum retail price or less than the minimum retail price for the zone where the point of sale is located.
- (3) Despite subsections (1) and (2), the Minister may, on application by a wholesaler, wholesaler-retailer or retailer, and in order to preserve availability of a petroleum product in rural areas, to preserve the viability of markets in the provincial border areas or for another reason the Minister considers appropriate, set a different fixed wholesale price, a different retail mark-up or different minimum and maximum retail prices that the person may charge for a type of petroleum product at a particular point of sale.

Promotions

- 13** (1) Despite Section 12, a type of coupon, promotion, discount, loyalty program or any other promotional consideration in existence for a petroleum product between May 1, 2005 and June 1,

2006 that has the effect of reducing the price for a petroleum product below the minimum retail price at the time of sale is permitted.

- (2) On and after July 1, 2006, any enhancement of a promotional consideration described in subsection (1) or any new type of coupon, promotion, discount, loyalty program or other type of promotional consideration that would have the effect of reducing the price for a petroleum product at the time of sale is prohibited.

Benchmark price

- 14** (1) On July 1, 2006, the Minister must prescribe an initial benchmark price for each type of petroleum product based on any historical data the Minister considers relevant.
- (2) On July 13, 2006 and on every 2nd Thursday afterwards, at a time the Minister considers appropriate, the Minister must prescribe a benchmark price for each type of petroleum product.
- (3) A benchmark price prescribed by the Minister after July 1, 2006, is the average of the average of the daily high and low reported product prices for the petroleum product during the period since the last benchmark price adjustment for that petroleum product.
- (4) In prescribing a benchmark price, the Minister must use daily noon exchange rates published by the Bank of Canada to convert United States currency to Canadian currency.
- (5) A benchmark price prescribed by the Minister must be expressed in Canadian cents per litre to the nearest one-tenth of a cent or in another unit of measurement appropriate to the petroleum product.
- (6) If the Minister considers it appropriate, the Minister may prescribe a benchmark price at any time.

Wholesale margin

- 15** When prescribing the wholesale margin for a type of petroleum product in a zone, the Minister may consider any of the following:
 - (a) the wholesale margin for the petroleum product for the Province or for a zone, excluding taxes imposed under subsection 165(1) and 165(2) of the *Excise Tax Act* (Canada), over a period the Minister considers appropriate;
 - (b) whether the wholesale margins identified under clause (a) are fair and reasonable, taking into account any of the following:
 - (i) the distance from the refinery gate to a zone,
 - (ii) the volume of petroleum product sold to retailers during the period,
 - (iii) innovations within the industry;
 - (c) any additional factors the Minister considers relevant, including the factors set out in subsection 12(3).

Fixed wholesale price

- 16** (1) For each type of petroleum product, the fixed wholesale price in a zone is the sum of all of the following:
 - (a) the current benchmark price as prescribed by the Minister under Section 14;

- (b) the wholesale margin as prescribed by the Minister under Section 15;
 - (c) all taxes, excluding the taxes imposed under subsections 165(1) and 165(2) of the *Excise Tax Act* (Canada);
 - (d) if the Minister considers it appropriate, transportation adjustments and forward averaging corrections.
- (2) In clause (1)(d), “forward averaging correction” means the difference between the benchmark price and the actual reported product price for a petroleum product since the last benchmark price adjustment for that petroleum product, adjusted for variations in the volume sold during that period.
- (3) The fixed wholesale price must be expressed in Canadian cents per litre to the nearest one-tenth of a cent or another unit of measurement appropriate to the petroleum product.

Maximum and minimum retail mark-up

- 17 (1) When prescribing the minimum and maximum retail mark-ups for a type of petroleum product in a zone, the Minister may consider any of the following:
- (a) the retail mark-ups within the Province or a zone for the type of petroleum product, excluding taxes imposed under subsections 165(1) and 165(2) of the *Excise Tax Act* (Canada), over a period of time the Minister considers appropriate;
 - (b) whether the retail mark-ups identified under clause (a) are fair and reasonable, taking into account any of the following:
 - (i) the distance from a refinery gate to the boundaries of the zone,
 - (ii) the volume of petroleum product sold to consumers during the period,
 - (iii) innovations within the industry;
 - (c) whether the petroleum product is sold or purchased at a full-service retail outlet or a self-service retail outlet;
 - (d) any additional factors the Minister considers relevant.
- (2) The minimum and maximum retail mark-ups must be expressed in Canadian cents per litre to the nearest one-tenth of a cent or another unit of measurement appropriate to the petroleum product.

Maximum and minimum retail price

- 18 (1) For each type of petroleum product, the maximum retail price in a zone is the sum of all of the following:
- (a) the fixed wholesale price;
 - (b) the maximum retail mark-up prescribed by the Minister under Section 17;
 - (c) all taxes.

- (2) For each type of petroleum product, the minimum retail price in a zone is the sum of all of the following:
 - (a) the fixed wholesale price;
 - (b) the minimum retail mark-up prescribed by the Minister under Section 17;
 - (c) all taxes.

Disclosure of price

19 Unless authorized by the Minister or under the Act or regulations, a wholesaler, wholesaler-retailer or retailer must not disclose to any person a price set under these regulations before the date on which the price comes into effect.

Notice of prices

- 20** (1) The Minister must ensure that all wholesalers and wholesaler-retailers are informed of the fixed wholesale prices and maximum and minimum retail prices before they are to take effect.
- (2) A wholesaler or wholesaler-retailer must ensure that any retailer to whom it sells a petroleum product is informed of any price change before it takes effect.

Public hearings

- 21** (1) The Board is hereby designated under subsection 14(1)(g) of the Act to conduct public hearings respecting zones, fixed wholesale prices and retail prices set under these regulations.
- (2) The Board has all the powers set out in the *Utility and Review Board Act*, including the power to establish its own processes and procedures for fulfilling its functions and duties under the Act and regulations.
- (3) The Board may order that some or all of its direct and indirect costs of a hearing to be paid by a participant at the hearing.
- (4) If the Board allows applications for funding to intervenors under its processes and procedures, the funding is an expense of the Board recoverable under these regulations.
- (5) The Board may recover all or part of its direct and indirect costs for administering any powers or duties delegated to it under the Act or regulations from the Province, and the Minister must pay the costs of the Board as costs of administering the Act or regulations.

Information provided to Board

- 22** (1) A wholesaler, wholesaler-retailer, retailer or party to a proceeding before the Board must give the Board all information required by it to carry out its duties under the Act and regulations and must give specific answers to all specific questions asked by the Board.
- (2) A wholesaler, wholesaler-retailer or retailer who receives a blank form from the Board with directions to fill in the form must answer each question on the form fully and correctly, and if a question is not fully and correctly answered must give a good and sufficient reason for failing to do so.
- (3) The responses given under subsection (2) must be certified by an authorized representative of the wholesaler, wholesaler-retailer or retailer and returned to the Board at its office no later than the deadline set by the Board.

- (4) If required by the Board, a wholesaler, wholesaler-retailer or retailer must deliver to the Board any documents, books, accounts, papers, records or memoranda, or copies of them, in whatever form the Board directs.

Inspection of records by Board

- 23 (1) The Board, a member of the Board or a person employed by the Board for that purpose, has, on demand, the right to inspect the documents, books, accounts, papers, records and memoranda of a wholesaler, wholesaler-retailer or retailer.
- (2) A person other than a Board member who makes a demand under subsection (1) must produce their authority to make the inspection or examination.

Examination under oath

- 24 The Board or a member of the Board has the power to examine, under oath, an officer, agent or employee of a wholesaler, wholesaler-retailer or retailer in relation to its business and affairs.

N.S. Reg. 98/2006

Made: June 28, 2006

Filed: June 28, 2006

Retail Business Uniform Closing Day Regulations

Order in Council 2006-315 dated June 28, 2006
Regulations made by the Governor in Council
pursuant to subsection 3(2) and Section 8 of the *Retail Business Uniform Closing Day Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Retail Business Uniform Closing Day Act* dated June 28, 2006, and pursuant to subsection 3(2) and Section 8 of Chapter 402 of the Revised Statutes of Nova Scotia, 1989, the *Retail Business Uniform Closing Day Act*, is pleased, effective on and after June 28, 2006, to

- (a) repeal the regulations respecting retail business uniform closing days, N.S. Reg. 301/86, made by the Governor in Council by Order in Council 86-1473 dated December 18, 1986;
- (b) repeal the regulations respecting definitions, N.S. Reg. 271/92, made by the Governor in Council by Order in Council 92-1212 dated December 15, 1992; and
- (c) make new regulations respecting retail business uniform closing days in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Regulations Respecting Retail Business Uniform Closing Days
made by the Governor in Council under subsection 3(2) and Section 8
of Chapter 402 of the Revised Statutes of Nova Scotia, 1989,
the *Retail Business Uniform Closing Day Act***

Citation

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

Definitions

- 2 (1) In these regulations, "Act" means the *Retail Business Uniform Closing Day Act*.
- (2) For the purposes of the Act,
- (a) "private club" in clause 3(2)(h) of the Act does not include a private club established or operated for the purpose of selling or offering for sale or purchasing any goods or services by retail;
 - (b) "drug store" in clause 3(2)(a) of the Act does not include either of the following:
 - (i) a retail business that includes a retail sales area that is
 - (A) larger than 2000 ft.² in total,
 - (B) open to the public, and
 - (C) dedicated to food items,
 - (ii) a retail business in which the total retail sales area that is open to the public is larger than 20,000 ft.².

Exemptions from Section 3 of the Act

- 3 (1) The goods and services provided by a retail business in any of the following categories are prescribed as goods and services to which Section 3 of the Act does not apply:
- (a) a store
 - (i) whose principal business is selling groceries, and
 - (ii) that at no time operates a retail sales area greater than 4000 ft.²;
 - (b) a confectionery store;
 - (c) a store whose principal business is selling handcrafts, souvenirs and similar articles, principally to tourists or travellers;
 - (d) a canteen;
 - (e) a fruit or vegetable stand whose principal business is selling local produce;
 - (f) a flea market or rummage sale;
 - (g) a fish store;
 - (h) a laundromat;
 - (i) a billiard hall or pool room;
 - (j) the rental of video cassettes, video discs or similar media and related devices;
 - (k) a prefabricated or modular home sales office;

- (l) a store whose principal business is the sale of nursery stock or the provision of gardening supplies;
 - (m) a store whose principal business is the sale of books, newspapers and magazines;
 - (n) an antique store;
 - (o) an art gallery;
 - (p) a used clothing store.
- (2) For the purposes of clause (1)(a), 2 or more stores that are owned, occupied or operated by related persons are deemed to be one store if they are
- (a) in the same building; or
 - (b) adjacent or in close proximity to each other.
- (3) For the purposes of subsection (2), “related persons” has the same meaning as in paragraph 25(2)(b) of the *Income Tax Act* (Canada).
- (4) Subsection (2) does not apply to a store if that store was regularly open to the public on Sunday before June 1, 2006.

N.S. Reg. 99/2006

Made: June 21, 2006

Approved: June 28, 2006

Filed: June 29, 2006

Correctional Services Regulations

Order in Council 2006-317 dated June 28, 2006

Regulations made by the Minister of Justice and approved by the Governor in Council pursuant to Section 94 of the *Correctional Services Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated June 21, 2006, and pursuant to Section 94 of Chapter 37 of the Acts of 2005, the *Correctional Services Act*, is pleased, effective July 1, 2006, to approve of:

- (a) the repeal by the Minister of Justice of the regulations respecting correctional facilities, N.S. Reg. 248/88, made by the Governor in Council by Order in Council 88-1363 dated December 13, 1988; and
- (b) new regulations respecting correctional services made by the Minister of Justice in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

Schedule "A"**In the Matter of Section 94 of Chapter 37 of the Acts of 2005,
the *Correctional Services Act***

- and -

**In the Matter of Regulations Respecting Correctional Services
made by the Minister of Justice
pursuant to Section 94 of the *Correctional Services Act*****Order**

I, Murray K. Scott, M.B., Minister of Justice for the Province of Nova Scotia, pursuant to Section 94 of Chapter 37 of the Acts of 2005, the *Correctional Services Act*, hereby

- (a) repeal the regulations respecting correctional facilities, N.S. Reg. 248/88, made by the Governor in Council by Order in Council 88-1363 dated December 13, 1988; and
- (b) make new regulations respecting correctional services in the form attached.

This order is effective on and after July 1, 2006, and the date it is approved by the Governor in Council.

Made at Halifax Regional Municipality, Nova Scotia, on June 21, 2006.

Sgd: *Murray Scott*
Honourable Murray K. Scott, M.B.
Minister of Justice

**Regulations Respecting Correctional Services
made by the Minister of Justice pursuant to
Section 94 of Chapter 37 of the Acts of 2005,
the *Correctional Services Act*****Citation**

1 These regulations may be cited as the *Correctional Services Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Correctional Services Act*;
- (b) "complaint" means a written complaint made by an offender under subsection 24(2) of the Act;
- (c) "disciplinary report" means a report completed by an employee under Section 88 about an offender who has breached a rule;
- (d) "penalty" means a penalty imposed on an offender by a superintendent under Section 70 of the Act for breach of a rule;

- (e) “seized” means seized by an authorized employee in accordance with Section 65 of the Act;
- (f) “superintendent” means a superintendent as defined in clause 2(ae) of the Act, and
 - (i) in relation to an offender, means the superintendent of the correctional facility in which the offender is in custody,
 - (ii) in relation to an employee or a volunteer, means the superintendent of the correctional facility in which the employee works or the volunteer volunteers,
 - (iii) in relation to a correctional facility, means the superintendent of that correctional facility.

Compassionate Allowance

Application for compassionate allowance

3 A person who seeks a compassionate allowance under Section 9 of the Act must apply in writing to the Minister and must provide the Minister with all of the following:

- (a) proof to the Minister’s satisfaction of injury or damage;
- (b) documentation that the Minister considers sufficient to justify the amount of compassionate allowance sought;
- (c) a release of the person’s legal claims to a remedy for injury or damage.

Payment of compassionate allowance

4 A compassionate allowance may be paid in money, in kind or in services.

Personnel

Criminal and background checks for prospective employees

- 5** (1) A prospective employee must consent to criminal and background checks, including testing and interviews.
- (2) A person must not be appointed as an employee in any of the following circumstances:
- (a) if criminal and background checks show that the person has been convicted of any criminal offence for which they have not received a pardon that remains in effect;
 - (b) if criminal charges are pending against the person;
 - (c) if the person’s employment duties would include working with persons under the age of 18 and the person is registered with the Child Abuse Registry.

Certification for prospective employees

- 6** (1) Each prospective employee must hold valid first aid and cardiopulmonary resuscitation certificates before beginning employment, if on employment their position would be in a class designated by the Executive Director as requiring those certificates.
- (2) Each prospective employee must hold a valid driver’s license before beginning employment, if on employment their position would be in a class designated by the Executive Director as requiring a

driver's license.

Scope of employees' responsibilities

- 7** (1) An employee is responsible for the delivery of any correctional services that
- (a) are assigned to the employee in accordance with policies and procedures, standard operating procedures or post orders; or
 - (b) they are directed by their supervisor to deliver.
- (2) An employee must be able and willing to perform duties outside the regular scope of their employment if required in an emergency.

Employee must notify Executive Director of arrest

- 8** An employee who is questioned or charged by the police in connection with alleged criminal activity on the employee's part must notify the Executive Director no later than 72 hours after the time of either of the following occurrences:
- (a) the questioning or being charged by the police;
 - (b) the decision in any criminal proceedings against them.

Screening personnel for intoxicants

- 9** If the Executive Director subjects an employee, assistant probation officer or volunteer to an intoxicant screening test in accordance with Section 90 of the Act, the Executive Director must
- (a) inform the employee, assistant probation officer or volunteer of the reason for and the consequences of the test, including the consequences of failure to comply with the testing procedure; and
 - (b) forward each sample submitted for intoxicant screening to an authorized testing facility for testing.

Inspectors' qualifications

- 10** Before designating a person or a class of persons as an inspector under Section 20 of the Act, the Minister must be satisfied that the person or each member of the class of persons has the appropriate qualifications to carry out the duties of an inspector.

Confidentiality

- 11** Each employee, volunteer and assistant probation officer and each person making an inspection, investigation or inquiry under the Act or these regulations must keep confidential all matters that come to their knowledge in the course of their duties and, except as may be permitted by law or with the permission of the Executive Director, must
- (a) not communicate any information about the workplace or about an offender, unless communicating the information is required in the course of their duties;
 - (b) not communicate with or provide information to agents of the news media about policies, incidents or other circumstances relating to functions performed by the Correctional Services Division without authorization from the Director of Communications for the Division;
 - (c) properly safeguard all documents, reports, directives, manuals and any other written material

published, distributed or circulated by the Correctional Services Division;

- (d) not remove any original or copy of a ledger, journal, report or record from a Correctional Services Division office or correctional facility;
- (e) disclose confidential information only if obligated to disclose it, and only in accordance with policies and procedures;
- (f) not use confidential information obtained in the course of duty for actual or anticipated gain;
- (g) not write a letter for, make a telephone call for or in any other manner relay or convey a written or verbal message to or from an offender who is in custody in a correctional facility, except as necessary to convey a message to another person on behalf of an offender who is unable to do so because of illness or other reason and as approved by the superintendent.

Oath of office for employees

12 An employee must make the following oath or affirmation before assuming their duties:

I, _____, of _____, Nova Scotia, make oath and say that I will well and truly serve our Sovereign Lady the Queen as a/an (*insert position title*), and I will fairly and conscientiously discharge my duties under the law and will hold confidential all information coming into my knowledge or possession except as may be permitted by law.

Sworn to/Affirmed at _____,)
 Province of Nova Scotia, on)
 _____, 2____,)
 before me,)
)
 _____) _____
 A Commissioner of Oaths in and for
 the Province of Nova Scotia

Code of Professional Conduct for Employees

Code of Professional Conduct established

13 The Code of Professional Conduct for employees is established as Sections 14 to 20.

Responsibly performing duties

14 An employee must perform their duties responsibly and do all of the following:

- (a) ensure that a statement or record of attendance or the performance of a duty is accurate before signing it;
- (b) if employed in a correctional facility, be punctual and remain at their assigned post unless authorized to leave;
- (c) co-operate with any investigation that is conducted or authorized by supervisory staff or that is conducted in accordance with Section 21 of the Act;
- (d) obey lawful instructions that are written or otherwise issued by supervisory staff;
- (e) make reasonable efforts to avoid and prevent unjustified waste, loss or damage to any

- property in their professional care;
- (f) not take or borrow for personal use any stores or supplies purchased by or supplied to a correctional facility or community corrections office;
 - (g) if a supervisor, take appropriate action when an employee acts contrary to the Code of Professional Conduct;
 - (h) report to their supervisor any contraband seized in accordance with Section 65 of the Act and Sections 69 to 73;
 - (i) restrict the use of force to that which is reasonable and necessary to carry out their duties, in accordance with Section 43 of the Act;
 - (j) take appropriate action, including the use of force in accordance with Section 43 of the Act, if an offender does any of the following:
 - (i) escapes or attempts to escape,
 - (ii) assaults an employee, another offender or a member of the public,
 - (iii) engages in any action likely to endanger life or property;
 - (k) adhere to established safety practices;
 - (l) promptly report a work accident;
 - (m) act carefully while on duty to prevent risk or harm to any person;
 - (n) properly account for and safeguard any public money or property or any money or property of any other person that comes into their possession in the course of their duties.

Conduct and deportment

15 An employee must demonstrate professional conduct and deportment and do all of the following:

- (a) display a professional appearance and deportment while on duty or while in uniform;
- (b) if the employee must maintain a valid driver's licence as a requirement of employment, notify their supervisor if their driver's licence has been or will be cancelled, suspended or removed;
- (c) not consume or bring an intoxicant at or to the workplace;
- (d) while on duty, be unimpaired by an intoxicant, which includes not displaying any indication of the prior consumption of an intoxicant;
- (e) if the employee is on prescribed medication that may impede performance of their normal duties, advise their supervisor before assuming their duties;
- (f) not use indecent or profane language while on duty;
- (g) treat the public, other employees and offenders with respect, dignity and courtesy within the

work environment and in circumstances related to the employee's duties;

- (h) if the employee's duties require constant vigilance, not read, watch television, play games or engage in any other attention-diverting activity that could detract from their ability to exercise vigilance;
- (i) not sleep while on duty or be so positioned as to give the appearance of sleeping;
- (j) ensure that their uniform is neat and in good repair;
- (k) wear the required uniform or otherwise meet dress code requirements while on duty, unless otherwise instructed by their supervisor;
- (l) not wear a uniform or any part of a uniform outside of working hours, except as provided for in policies and procedures or with the specific consent of the superintendent;
- (m) not alter their uniform in any manner, except for alterations to accommodate size requirements;
- (n) return their uniform and professional identification material when they cease to be employed by the Correctional Services Division.

Positive work environment

16 (1) For the purposes of this Section,

- (a) "discrimination" means any actions or words directed toward an individual that cause an uncomfortable atmosphere in the work environment or result in unequal and usually less favourable treatment of the individual, including unequal treatment regarding any of the following:
 - (i) race,
 - (ii) ancestry,
 - (iii) place of origin,
 - (iv) colour,
 - (v) ethnic origin,
 - (vi) citizenship,
 - (vii) creed or religion,
 - (viii) gender,
 - (ix) political belief,
 - (x) medical condition, including pregnancy,
 - (xi) source of income,
 - (xii) sexual orientation,
 - (xiii) age,
 - (xiv) record of offences,
 - (xv) marital or family status,
 - (xvi) disability;
- (b) "harassment" means a form of coercive discrimination that may be verbal, physical or sexual and may be deliberate or unintended, and that consists of persistent and repeated conduct or comments that should reasonably be known to be unwelcome by the recipient or others in the work environment.

- (2) An employee must contribute to a positive work environment and do all of the following:
- (a) treat the public, other employees and offenders with respect, dignity and courtesy within the work environment and in circumstances related to the employee's duties;
 - (b) not use indecent or profane language, make offensive remarks or engage in offensive behavior;
 - (c) respect other peoples' different cultural or religious beliefs and practices;
 - (d) not engage in any form of harassment or discrimination;
 - (e) speak up against discrimination and harassment in the work environment;
 - (f) facilitate and support the work of other employees while on duty or in circumstances related to their duties.

Relationships with offenders

17 An employee must maintain proper relationships with offenders and do all of the following:

- (a) treat offenders and their families fairly and with courtesy, respect, and honesty while on duty or in circumstances related to their duties;
- (b) not enter into any type of personal or professional business relationship with an offender or ex-offender, or a friend or relative of an offender or ex-offender, if the nature of the relationship could compromise the employee's integrity within the Correctional Services Division;
- (c) not hire an offender to perform any work or provide any service without first obtaining the written permission of the employee's supervisor;
- (d) report to their supervisor any mistreatment of an offender by another employee or another offender;
- (e) not provide legal advice to an offender or an offender's family or associates;
- (f) not perform a personal favour for an offender if it involves engaging in an activity that is beyond the normal scope of the employee's duties or violates the rules.

Conflict of interest

18 (1) An employee must avoid a conflict of interest and do all of the following:

- (a) arrange their private interests to prevent a conflict of interest;
- (b) disclose any potential conflict of interest to their supervisor and comply with the supervisor's decision with respect to declaring the potential conflict of interest;
- (c) not work for any employer other than the Correctional Services Division, if the work for the other employer would
 - (i) give rise to a conflict of interest or to a situation that would appear to be a conflict to an informed, objective observer,

- (ii) be likely to bring the government, the Department of Justice, or the Correctional Services Division into disrepute,
 - (iii) be conducted during the employee's normal working hours in any location, unless sufficient time for the other work could be taken either at the beginning or end of the normal working hours and the employee can ensure that the other employer is aware that the work will be conducted in accordance with this policy,
 - (iv) conflict with the employee's duties;
- (d) not work for any employer other than the Correctional Services Division while on general or short-term illness leave;
 - (e) not solicit or accept, directly or indirectly, a fee, gift or benefit from a person or an organization who has dealings with government, if the fee, gift or benefit could influence the performance of the employee's duties;
 - (f) not solicit or accept fees, gifts or other benefits that are connected with the performance of their duties in circumstances other than
 - (i) the normal exchange of gifts between friends,
 - (ii) the normal exchange of hospitality between persons doing business together,
 - (iii) the exchange of tokens for reasons of protocol, or
 - (iv) the normal presentation of gifts to persons participating in public functions;
 - (g) obtain authorization from the Executive Director before trading in intellectual property that has been developed by employees for use within the division;
 - (h) obtain authorization from their supervisor before using and reimburse the government after using government equipment, including photocopiers, fax machines, cellular phones, personal digital assistants, computers and other communication devices, including 2-way radios and pagers, for personal use;
 - (i) not engage in activities that detract from performance of their duties, such as extended personal visits during hours of duty, leaving the workplace to engage in personal errands, or engaging in lengthy personal telephone calls;
 - (j) not use their professional position, title or authority for personal advantage in dealing with others;
 - (k) adhere to restrictions that are required by Provincial government policies governing the involvement of public employees in political activities;
 - (l) benefit from government programs, services, and initiatives only to the extent that a member of the public could benefit from them;

- (m) benefit from information that is obtained in the course of their employment only to the extent that a member of the public could benefit from it;
 - (n) not benefit from or permit the use of government property, including property leased to the government, or government services for anything other than the performance of official duties and functions, except to the extent that a member of the public could use or benefit from them;
 - (o) if the employee's spouse or dependent child has a contract or agreement with the Provincial government or with any minister or department of the Provincial government, disclose the existence of the contract to the employee's supervisor, unless the contract was awarded through public tender.
- (2) Any doubt about whether an employee is involved in a conflict of interest must be resolved in favour of the public interest.

Public comments and activities

- 19** (1) An employee who is a union member, union steward, executive member of a union or union official may make public comments about
- (a) collective bargaining matters;
 - (b) administrative or implementation practices relating directly to specific articles of the applicable collective agreement.
- (2) An employee who is a union member, union steward, executive member of a union or union official must not engage in union activity while on duty, unless the activity is authorized by management, the applicable collective agreement or policies and procedures.
- (3) An employee, including an employee who is a union member, union steward, executive member of a union or union official, must not make public comments that are knowingly reckless, false or malicious or that may jeopardize the safety or security of the public, employees or offenders.

Consequences of non-compliance with Code

- 20** (1) An employee who does not comply with the Code of Professional Conduct may be subjected to disciplinary action by the employer, up to and including dismissal.
- (2) Any disciplinary action by the employer must be exercised reasonably and with consideration of all relevant circumstances.

Weapons and Security Equipment

Restricted or prohibited weapon in correctional facility

- 21** (1) Except as provided in subsection (2), a peace officer who is not a Correctional Services Division employee and who carries a restricted or prohibited weapon, including a firearm, in the course of their regular duties may carry the weapon into a correctional facility, but the peace officer must unload and secure the weapon in a designated location in the correctional facility.

- (2) In an emergency, as defined in subsection 7(1) of the Act, a superintendent may determine that subsection (1) does not apply.

Restricted or prohibited weapon in Correctional Services Division office

- 22** A peace officer who carries a restricted or prohibited weapon, including a firearm, in the course of their regular duties may carry the weapon into a Correctional Services Division office.

Security equipment for use to control offenders in custody

- 23** The following security equipment is approved for use to control offenders in custody for the purposes set out in Section 43 of the Act:

- (a) handcuffs;
- (b) flexcuffs;
- (c) leg restraints;
- (d) waist restraints;
- (e) bed restraints;
- (f) helmets;
- (g) shields;
- (h) mattresses;
- (i) fire hoses;
- (j) restraint chairs.

Security equipment for use by probation officers

- 24** The following security equipment is approved for use by probation officers for the purposes set out in Section 43 of the Act:

- (a) handcuffs;
- (b) flexcuffs.

Complaints

Designated employee for complaints

- 25** In Sections 26 to 28, “designated employee” means an employee or a member of a class of employees designated by the Minister under subsection 24(1) of the Act to receive and respond to a complaint.

Acknowledging complaint

- 26** A designated employee who receives a complaint must acknowledge the complaint in writing no later

than 5 business days after the date it is received.

Investigating complaint

- 27 (1)** Except as provided in Section 28, a designated employee who receives a complaint must investigate the complaint and, as soon as practicable after investigating the complaint, must
- (a) take whatever steps the designated employee considers appropriate to resolve the complaint; or
 - (b) refer the matter for investigation by another employee or an outside agency.
- (2)** As soon as practicable after investigating a complaint, a designated employee must advise the complainant of the action taken under subsection (1).

When complaint not required to be investigated

- 28 (1)** A designated employee who receives a complaint may decide not to investigate the complaint if the designated employee is satisfied that
- (a) the complaint is trivial, is not made in good faith or is frivolous or vexatious;
 - (b) the circumstances of the complaint do not require investigation; or
 - (c) the offender made no effort to resolve the matter before making the complaint.
- (2)** A designated employee who decides not to investigate a complaint in circumstances described in clause (1)(c) must refer the matter
- (a) back to the complainant to attempt to resolve the matter themselves; or
 - (b) to another employee to attempt to resolve the matter with the complainant.

Deadline for resolving or referring complaint

- 29** A complaint must be answered or referred to the appropriate party no later than 10 business days after the date the complaint was received.

Complaint appeal process

- 30 (1)** An appeal under subsection 24(4) of the Act by a complainant who is not satisfied with the response to their complaint must be in writing and must state the reasons for the appeal.
- (2)** A complainant's appeal must be forwarded to the Executive Director no later than 10 business days after the date the complainant receives the response to their complaint.
- (3)** No later than 10 business days after the date the Executive Director receives an offender's appeal of a response to a complaint, the Executive Director must notify the offender and the superintendent of the decision in the matter.

Community Corrections

Community corrections admission procedures

- 31** (1) On admission to supervision by community corrections, an offender must be photographed or video-recorded.
- (2) The following interviews and assessments must be conducted for each offender on their admission to supervision by community corrections:
- (a) an intake interview;
 - (b) risk and needs, classification and security assessments;
 - (c) any additional interviews or assessments required for the administration of the Act.
- (3) Identification procedures, interviews and assessments required by this Section must be conducted in accordance with policies and procedures.

Conditions for community supervision

- 32** A probation officer may require an offender who is under community supervision to submit to any assessments and supervision conditions that the probation officer considers necessary to ensure safe and effective supervision in the community.

Screening offender under community supervision for intoxicants

- 33** (1) Screening of an offender who is under community supervision for intoxicants under Section 90 of the Act may be carried out at regular or random intervals or at any specified time.
- (2) On subjecting an offender under community supervision to an intoxicant screening test, the Executive Director must
- (a) inform the offender of the reason for the test and the consequences of failure to comply with the testing procedure; and
 - (b) forward each sample submitted for screening to an authorized testing facility for testing.

Access to Correctional Facilities

Search warning must be posted at entrance

- 34** A warning must be posted at each entrance to a correctional facility stating that all persons and vehicles entering the grounds are subject to being searched in accordance with the regulations and policies and procedures.

Mobile communication devices and computers

- 35** A superintendent may restrict the presence or use of cellular phones, personal digital assistants, computers and other communication devices, including 2-way radios and pagers, in a correctional facility.

Operating vehicle at correctional facility

- 36** (1) Subject to subsections (2) and (3), a superintendent must direct the operation and parking of vehicles at a correctional facility.
- (2) An unattended vehicle at a correctional facility must be kept locked.
- (3) A vehicle parked at a correctional facility may be ticketed and towed at the owner's expense in accordance with any applicable municipal by-law.

Times for visits

- 37** A person may visit a correctional facility only during the hours specified in policies and procedures or at a time that has been prearranged with the superintendent.

Visitor identification

- 38** (1) A visitor to a correctional facility must state the nature and purpose of their visit and present identification satisfactory to the superintendent.
- (2) At the request of a superintendent, a visitor to a correctional facility must submit to having their photograph taken or being video-recorded for the purpose of identifying visitors to correctional facilities.
- (3) A visitor who fails to comply with a superintendent's request for a photograph must not be permitted to carry out the intended visit.

Visit must be supervised

- 39** Each visit to a correctional facility must be conducted under whatever supervision the superintendent considers appropriate.

Superintendent may deny or suspend visiting privileges

- 40** (1) Despite any provision in the Act or these regulations, if a superintendent believes that a visit is not in the best interest of the offender, the correctional facility or the visitor, the superintendent may deny the visitor entry to the correctional facility.
- (2) Despite any provision in the Act or these regulations, if a superintendent believes that a state of emergency exists at the correctional facility, the superintendent may suspend all visiting privileges.

Prohibited visitor activities

- 41** A visitor to a correctional facility must not do any of the following without the approval of the superintendent:
- (a) sketch, film, take photographs or make video or audio recordings;
- (b) receive, give, leave, trade or sell any article to or from an offender.

Prohibited visitors

42 None of the following individuals is permitted to visit an offender or a correctional facility unless the visit is approved by the superintendent:

- (a) an individual whom the superintendent believes on reasonable grounds to be a member of a criminal gang;
- (b) an individual who is under a court order of supervision;
- (c) an individual who has been released within the past 365 days from a sentence of custody;
- (d) an individual whose visit could, in the superintendent's opinion, jeopardize the safety of another individual or the security of or maintenance of order in the correctional facility;
- (e) an individual who is under 19 years of age, unless the individual is
 - (i) accompanied by an adult, or
 - (ii) over the age of 15 years and is the spouse or a child or sibling of the offender to be visited;
- (f) an individual who demonstrated inappropriate conduct on a previous visit;
- (g) an individual who appears to be under the influence of an intoxicant.

Regulations and rules for visits must be posted

43 Regulations and rules related to visits must be posted in all visiting areas of a correctional facility.

Admission to Correctional Facility**No admission to correctional facility without committal order**

44 A superintendent must ensure that the committal order required by Section 46 of the Act for a person being admitted into the correctional facility is scrutinized before the person is admitted.

Correctional facility admission procedures

- 45** (1) In addition to the requirements of Section 49 of the Act, on admitting an offender to a correctional facility, an employee must
- (a) photograph or video-record the offender;
 - (b) measure the offender's height and weight; and
 - (c) take the offender's fingerprints, if requested by the superintendent to do so.
- (2) The following interviews and assessments must be conducted for each offender on their admission to a correctional facility:

- (a) an intake interview;
 - (b) a health assessment;
 - (c) risk and needs, classification and security assessments;
 - (d) any additional interviews or assessments that the superintendent requires for the administration of the Act.
- (3) Identification procedures, interviews and assessments required by this Section must be conducted in accordance with policies and procedures and, with respect to identification procedures, in accordance with the *Identification of Criminals Act* (Canada).

Offender's Money and Property

Documenting and securing offender's money and property

46 Clause 49(b) of the Act, requiring that an offender's money and property be documented and secured on the offender's admission to a correctional facility, also applies on an offender's re-admission to the correctional facility.

Offender must not possess money

47 An offender must not possess money while in custody.

Superintendent must establish account for offender

48 A superintendent must, in accordance with policies and procedures, establish and administer an account for an offender who is in custody in the correctional facility for the purpose of holding and administering

- (a) any money that the offender has on admission or re-admission to the correctional facility; or
- (b) any money that the superintendent receives on behalf of the offender.

Money credited to offender's account

49 (1) The following funds must be held in accordance with policies and procedures in an account established for an offender under Section 48:

- (a) any money taken from the offender for securing on admission or re-admission to the correctional facility;
 - (b) any money that the superintendent receives on behalf of or for the benefit of the offender in the correctional facility, from a source other than the offender.
- (2) Money credited to an offender's account must not be transferred to the credit of another offender without the written approval of the superintendent.

Transactions to and from offender's account

50 (1) While in a correctional facility, an offender may purchase only items approved by the superintendent.

- (2) An offender's account must be debited to pay for the offender's purchases.
- (3) An offender's account may be debited to pay fines or restitution imposed by a court order or restitution imposed as a penalty under Section 70 of the Act and clause 95(1)(e).
- (4) A superintendent may prohibit or limit deposits to or expenditures or withdrawals from an offender's account if the superintendent is satisfied that there are reasonable grounds to do so.

Offender's property in safekeeping

- 51** (1) Subject to subsection (2), a superintendent must ensure that an offender's property is held in safekeeping while the offender remains in custody.
- (2) A superintendent may allow an offender to keep certain property while in custody, at the superintendent's discretion.

Restrictions on offender property

- 52** (1) A superintendent may prohibit or restrict the type or amount of property possessed by, left for or sent to an offender within the correctional facility, if the superintendent believes on reasonable grounds that the type or amount of property could
- (a) interfere with the normal operation of the correctional facility;
 - (b) jeopardize the safety of an individual or the security of or maintenance of order in the correctional facility; or
 - (c) interfere with the administration of, or an offender's participation in and compliance with, a program designed to promote the rehabilitation of offenders and their integration into the community.
- (2) An offender must not give property to, take property from or exchange property with another offender without the superintendent's authorization.

Administering deceased offender's money and property

- 53** On an offender's death, the superintendent must
- (a) continue to administer money held in the offender's account at the time of their death until the money can be turned over to the person who is responsible for the deceased offender's estate or to the Public Trustee; and
 - (b) ensure that all of the offender's property is held in safekeeping until the property can be turned over to the person who is responsible for the deceased's estate or to the Public Trustee.

Offender's Entitlements

Clothing and amenities

- 54** (1) An offender must be provided with the toiletry articles prescribed by the policies and procedures.
- (2) Toiletry articles may be offered for sale to offenders by the correctional facility.
- (3) An offender in a correctional facility who is not authorized to wear their personal clothes must be given clean clothes that correspond to their size and are adapted to the weather, including new underwear sufficient to allow clean underwear on a daily basis.
- (4) An offender must have the opportunity to wash clothes and underwear or to have them washed at least twice a week.

Meals

- 55** An offender must have 3 meals on each week day and 2 meals, including a brunch, on each weekend day and each day on which public offices of the Province are closed.

Exercise

- 56** A superintendent who denies an offender access to outdoor exercise in accordance with subsection 57(2) of the Act must advise the offender of the reasons for the denial, and cause a written report to be prepared detailing the reasons for the denial.

Library

- 57** An offender who is not being penalized must be allowed library privileges in the correctional facility at least once a week for the purpose of selecting and exchanging reading material.

Request to see superintendent

- 58** A request by an offender in a correctional facility to see the superintendent must be in writing and must be conveyed to the superintendent by an employee, volunteer or health-services professional in accordance with policies and procedures.

Telephone Communications and Correspondence

Additional exemptions for telephone communications

- 59** In addition to the exemption for telephone communications with their lawyer in Section 55 of the Act, an offender's telephone communications with either of the following are exempted from the superintendent's power to restrict, intercept, monitor and record offenders' telephone communications:

- (a) a representative of the Office of the Ombudsman;
- (b) a representative of the Human Rights Commission.

When superintendent may restrict telephone communications

- 60** (1) A superintendent may exercise their power to restrict, intercept, monitor or record an offender's telephone communication in the following circumstances:

- (a) the superintendent has reasonable grounds to believe that
 - (i) the offender is involved in an illegal activity,
 - (ii) the offender is harassing, intimidating or causing harm to others,
 - (iii) the offender is communicating with an individual who is under 19 years of age, and a parent or guardian of that individual does not wish that individual to receive any telephone communication from the offender,
 - (iv) the telephone communication indicates that the offender may be participating in an activity that may jeopardize the safety, security or operation of the correctional facility;
 - (b) a court order restricts or prohibits telephone communication between the offender and another person;
 - (c) a person has indicated to the superintendent that they do not wish to receive telephone communication from the offender;
 - (d) the person who is liable for the charges for telephone communications between the offender and another person has indicated to the superintendent that they do not wish the communications to take place;
 - (e) the telephone communication is prejudicial to the best interests of the person contacted or the public safety.
- (2) Except as permitted by law, if an offender's telephone communication has been restricted, intercepted, monitored or recorded, the superintendent must inform the offender in writing as soon as practicable and give the reasons for the restriction, interception, monitoring or recording.

Certain correspondence exempt from inspection

- 61 (1)** Subject to subsections (2) and (3), in addition to the exemption for privileged correspondence with their lawyer in Section 56 of the Act, an offender's correspondence with any of the following persons is exempted from the superintendent's power to inspect offenders' correspondence:
- (a) a member of the Legislative Assembly of Nova Scotia;
 - (b) a member of the Parliament of Canada;
 - (c) the Deputy Minister of the Department of Justice or the Executive Director or a director of the Correctional Services Division;
 - (d) a representative of the Office of the Ombudsman;
 - (e) a representative of the Human Rights Commission;

- (f) an inspector designated under the Act.
- (2) If written material from an offender purports to be addressed to a person or office referred to in Section 56 of the Act or subsection (1) but is incorrectly addressed, the superintendent may bring the error to the offender's attention and, if the offender does not agree to the correction of the address, the superintendent may open and inspect the material in the offender's presence.
- (3) If a superintendent reasonably believes that written material purportedly sent to an offender by a person or office referred to in Section 56 of the Act or subsection (1) is not from that person or office, the superintendent may withhold delivery of the material until satisfied of its authenticity.

Superintendent may prohibit possession of certain publications

62 A superintendent may prohibit an offender from possessing any poster, publication, video or audio material, film, computer program or other item that the superintendent believes on reasonable grounds

- (a) creates or could create a hostile environment in the correctional facility or is otherwise exploitative or discriminatory;
- (b) is child pornography, or is obscene in that its dominant characteristic is the undue exploitation of sex, or of sex in conjunction with crime, horror, cruelty or violence;
- (c) promotes gang culture or a gang lifestyle; or
- (d) is offensive or discriminatory.

Searches

Authorized employee for searches

63 In Sections 64, 67 and 68, "authorized employee" means an authorized employee as defined in Section 60 of the Act.

Routine search on re-admission to correctional facility

64 Each re-admission of an offender to a correctional facility is prescribed as a circumstance in which an authorized employee may routinely search the offender in accordance with subsection 61(1) of the Act.

Manner of conducting searches

65 All searches must be conducted in accordance with policies and procedures and approved training established by the Executive Director.

If offender's property seized or damaged in search

66 A superintendent must inform an offender if any of the offender's property is seized or damaged as a result of a search conducted without the offender's knowledge.

Conducting and observing strip search

67 (1) An authorized employee conducting a strip search must conduct the search in a place and manner that does not unduly subject the person being searched to embarrassment or humiliation.

- (2) In conducting a strip search, an authorized employee must be observed by another employee who, if practicable, must be of the same sex as the person being searched.
- (3) If it is not practicable for a strip search to be conducted by an authorized employee under the observation of an employee of the same sex as the person being searched, an employee of the opposite sex may observe the authorized employee conducting the search, but only if the observing employee cannot observe the person being searched.

Record of search

- 68** (1) A superintendent must ensure that a written record is made of each strip search of an offender and each scheduled search of a correctional facility.
- (2) A written record of a strip search or correctional facility search must include all of the following information:
- (a) the place, date and time of the search;
 - (b) for a strip search, the name of the offender strip-searched;
 - (c) the reason for the search;
 - (d) a description of any property seized or damaged in the conduct of the search;
 - (e) the name of the authorized employee who conducted the search including, for a strip search, the employee who observed the authorized employee conducting the strip search.

Seizing and Disposing of Contraband**Temporary restriction of offender believed to be carrying contraband**

- 69** A superintendent who believes on reasonable grounds that an offender has ingested or is carrying contraband in a body cavity may temporarily restrict the offender in a manner that limits the offender's ability to hide or dispose of contraband or bodily waste that may contain contraband, on the expectation that the contraband will be expelled.

Disposing of contraband

- 70** As soon as practicable after an employee seizes contraband, the employee must
- (a) make a record describing the contraband and the circumstances in which it was seized;
 - (b) deposit the contraband in a secure place at the correctional facility; and
 - (c) comply with any policies and procedures for the seizing, securing and disposal of contraband.

Disposing of contraband if lawful outside correctional facility

- 71** If an object or substance is seized from an offender and the object or substance is contraband but its possession outside the correctional facility would be lawful, the superintendent, in accordance with

policies and procedures, may direct that

- (a) the object or substance be kept in a secure place at the correctional facility and returned to the offender upon their release from custody;
- (b) the offender be given 30 days from the date the object or substance was seized to make arrangements for its disposal or safekeeping outside the correctional facility; or
- (c) the object or substance be disposed of if
 - (i) it is of a perishable nature and subject to spoilage,
 - (ii) it is an intoxicant,
 - (iii) it is a weapon,
 - (iv) keeping it would be unsafe or would involve unreasonable expense or inconvenience,
 - (v) it is dangerous to health and safety, or the correctional facility.

Return of seized object or substance that is not contraband

72 A superintendent must return a seized object or substance to its owner if

- (a) it is in the custody of the superintendent;
- (b) it is not contraband;
- (c) it is not or is no longer needed as evidence relating to an offence or a contravention of a rule; and
- (d) there is no dispute as to who owns it.

Forfeiture of seized object or substance

73 An object or substance seized is forfeit to the government

- (a) if its owner has not requested its return by the end of the 30th day following the date the owner received notice of its seizure;
- (b) if its owner cannot be found and 90 days have passed since the date it was seized;
- (c) if it is determined to be contraband and possession of it outside the correctional facility would be unlawful; or
- (d) if its owner is an offender in a correctional facility and if
 - (i) possession of it by the offender would constitute possession of contraband, or

- (ii) the offender has not arranged for the disposal or safekeeping of the object or substance outside the correctional facility by the end of the 30th day following the date the offender was given the opportunity to do so.

Supervising Offenders in Custody

Male employees in female offender units

74 A male employee may be assigned duties in a unit of a correctional facility that is used to house female offenders in the following circumstances only, and only if a female employee is always present:

- (a) during routine rounds and inspections;
- (b) during a use of force or an emergency situation.

Male employees escorting female offenders

75 A male employee may be assigned as the second employee to escort a female offender within a correctional facility or on a conditional release in the community, but the principle employee assigned to escort the female offender must be female.

Interviewing female offenders

76 (1) Subject to subsection (2), a male employee or a male from one of the following categories may interview a female offender if accompanied by a female employee:

- (a) health services professional;
- (b) spiritual advisor;
- (c) probation officer;
- (d) parole officer;
- (e) teacher;
- (f) children and family services worker;
- (g) police officer;
- (h) representative of the Office of the Ombudsman;
- (i) representative of the Human Rights Commission.

- (2) If a female employee is not present or if it is not advisable to have a female employee present at an interview conducted by a male referred to in subsection (1), the interview must be conducted under video surveillance.

Video surveillance tapes of female offenders

77 A video surveillance tape of a female offender must be viewed only by a female employee if the

knowledge that a male employee had viewed the tape would be likely to subject the offender to undue embarrassment or humiliation.

Screening offenders in custody for intoxicants

- 78** (1) Screening of an offender in custody for intoxicants under Section 90 of the Act may be carried out at regular or random intervals or at any specified time.
- (2) On subjecting an offender in custody to an intoxicant screening test, the Executive Director must
- (a) inform the offender of the reason for the test and the consequences of failure to comply with the testing procedure; and
 - (b) forward each sample submitted for screening to an authorized testing facility for testing.

Conditions for confinement of offenders in custody

- 79** (1) A superintendent may impose different conditions of confinement for different offenders within the correctional facility.
- (2) An offender held in a correctional facility may be restricted from associating with another offender held in the correctional facility.
- (3) For reasons of safety, security or order in the correctional facility, a superintendent may restrict access to the correctional facility or part of it by
- (a) confining the offenders held in the correctional facility or those of them who are normally held in that part, as the case may be, to their sleeping areas; and
 - (b) restricting entry to the correctional facility or that part, as the case may be.

Review of close confinement

- 80** (1) If an offender is placed in close confinement under Section 74 of the Act, the superintendent must conduct a preliminary review of the offender's case no later than 24 hours after the time that the close confinement began.
- (2) After a preliminary review, if a superintendent believes that the continued close confinement of the offender is not warranted, the superintendent must release the offender from close confinement.
- (3) If an offender remains in close confinement after a preliminary review, the superintendent must review the offender's circumstances at least once in every 5-day period to determine whether the continued close confinement of the offender is warranted.
- (4) If an offender remains in close confinement for a continuous period of 15 days, the superintendent must request permission from the Executive Director before continuing the close confinement beyond the 15 days.

Privileges in close confinement

- 81** An offender in close confinement must be allowed at least 30 minutes of exercise outside the cell during

each 24-hour period.

Employee must report use of force

82 An employee who uses force against an offender must immediately report the incident in writing to the superintendent, and the superintendent must review the report to determine whether the force used was reasonable in the circumstances, in accordance with Section 43 of the Act.

Serious illness of an offender in correctional facility

83 If an offender held in a correctional facility becomes seriously ill, the superintendent must

- (a) notify a spiritual advisor of the faith or denomination to which the offender belongs;
- (b) advise the offender's next of kin, as recorded at the time of the offender's admission; and
- (c) consult with the offender regarding the persons the offender desires to be notified of the illness.

Death of an offender in correctional facility

84 In addition to meeting the reporting requirements of Section 50 of the Act, if an offender dies while being held in a correctional facility, the superintendent must

- (a) protect the death scene pending completion of a full investigation;
- (b) notify the police;
- (c) notify the offender's next of kin; and
- (d) safeguard all of the offender's property in the custody of the superintendent.

Disciplinary Rules and Procedures**Prescribed purposes for disciplinary rules and procedures**

85 Disciplinary rules and disciplinary procedures are to be established only for the following purposes:

- (a) maintaining the law;
- (b) protecting individual rights and personal safety and the security of offenders, the public, employees and persons providing a correctional service;
- (c) maintaining the security of a correctional facility;
- (d) promoting the orderly operation and effective delivery of programs and services;
- (e) protecting personal property and correctional facility property.

Disciplinary rules established by superintendent

- 86 (1)** At a minimum, the rules governing the conduct and activity of offenders established by a superintendent under clause 39(e) of the Act must state that an offender must not do any of the following:
- (a) have in their possession any contraband;
 - (b) smuggle, conspire or attempt to smuggle any article either into or out of the correctional facility;
 - (c) destroy or deface private or public property;
 - (d) attack or threaten to attack another person within the correctional facility;
 - (e) cause, conspire or attempt to cause a disturbance, breach of the peace or riot;
 - (f) be in an unauthorized place, or leave or attempt to leave the limits of the correctional facility confines without being escorted by an employee or without the express authority of the superintendent or a conditional release certificate;
 - (g) give or offer a bribe or reward to an employee;
 - (h) commit or attempt to commit an indecent act in language, act or gesture;
 - (i) give counsel to or aid and abet another offender to do any act in contravention of the Act, the regulations made under the Act or the rules;
 - (j) engage in behaviour that is intended to intimidate or provoke fear in others;
 - (k) gamble;
 - (l) neglect performing the work and duties assigned;
 - (m) make a gross insult by gesture, use of abusive language or other act, directed to or at any person;
 - (n) disobey any lawful order given by an employee;
 - (o) conduct themselves in a manner that is detrimental to the welfare of other offenders or to a program;
 - (p) make a racial or harassing remark or gesture to any person;
 - (q) destroy food;
 - (r) refuse to stand in their cell or room as required during daily inspection;

- (s) leave a cell, place of work or other appointed work without proper authority;
 - (t) make repeated frivolous complaints;
 - (u) refuse to provide a sample for standardized screening for intoxicants as required by regulations;
 - (v) transfer, give or exchange any personal or government property, whether for personal gain or not, without authorization;
 - (w) obstruct an investigation conducted or authorized by the Act or the regulations made under the Act;
 - (x) wilfully breach or attempt to breach any provision of the Act, the regulations made under the Act or the rules;
 - (y) wilfully breach or attempt to breach any term or condition of a conditional release.
- (2) A superintendent may make and enforce rules regarding offender grooming, including beard length, sideburns, hair, tattooing and piercing.

Notice of disciplinary rules and procedures

- 87** (1) As soon as possible after an offender is admitted to a correctional facility, the superintendent must inform the offender orally or in writing of the disciplinary rules and disciplinary procedures of the correctional facility.
- (2) A superintendent must ensure that an appropriate number of copies of the disciplinary rules are available at locations determined by the superintendent that are accessible to all offenders.

Temporary Measures and Disciplinary Report

Employee's actions on ascertaining disciplinary offence

- 88** (1) An employee of a correctional facility who ascertains that an offender has breached a rule must, in accordance with policies and procedures,
- (a) take the immediate measures necessary to rectify the situation, if possible; and
 - (b) taking into account the purposes prescribed in Section 85 for disciplinary rules and procedures, do one of the following:
 - (i) give the offender a warning, consisting of notifying the offender that the offender is infringing a specified rule or directive and commanding the offender not to do so again, or
 - (ii) complete a written disciplinary report relating to the offence.
- (2) In addition to any immediate measure taken against an offender under clause (1)(a), an employee

may carry out one or both of the following temporary measures, if the employee believes that it is necessary:

- (a) removing any or all of the offender's privileges;
 - (b) confining the offender to their cell or room.
- (3) Only the measures specified in subsection (2) are permitted to be taken as temporary measures, and a temporary measure must not be imposed on an offender for longer than 3 hours.
- (4) An employee who determines that it is necessary to take a temporary measure against an offender must inform their immediate supervisor and record the temporary measures that were taken, if any, on the disciplinary offence report.
- (5) An employee who completes a disciplinary report must file the report with their immediate supervisor.

Supervisor may revoke or vary temporary measure imposed by employee

89 The supervisor of an employee who takes a temporary measure against an offender under subsection 88(2) may do any of the following:

- (a) revoke or modify the temporary measure;
- (b) take any additional temporary measure against the offender that the employee could have imposed under subsection 88(2);
- (c) subject to Sections 80 and 81, impose close confinement, including close confinement in segregation, on the offender in accordance with clause 74(c) of the Act pending the outcome of a disciplinary hearing.

Copy of discipline offence report to offender

90 The immediate supervisor of an employee who writes a disciplinary report must ensure that a copy is given to the offender who is the subject of the report.

Hearings and Penalties

When superintendent may consult with police

91 If an offender breaches a rule referred to in clauses 86(1)(a) to (j), the superintendent, after considering the circumstances and the gravity of the breach, may consult with a police officer to determine whether to commence proceedings against the offender under the law.

Penalty whether or not subject of court proceeding

92 An offender may be charged with breaching a rule and may be penalized under the Act and these regulations whether or not the act that gave rise to the breach is or could be the subject of a proceeding in a court of law.

Disciplinary hearing procedure

- 93** (1) If, on receipt of a disciplinary report, a superintendent decides to hold a hearing into the matter under Section 69 of the Act, the superintendent must do all of the following:
- (a) meet with the offender;
 - (b) explain the contents of the disciplinary report to the offender;
 - (c) hear the offender's explanations;
 - (d) convene and hear any witnesses;
 - (e) permit the offender to cross-examine a witness, if the superintendent considers it necessary and if the safety of the witness is not jeopardized.
- (2) At a disciplinary hearing, a superintendent may accept any evidence that the superintendent considers appropriate, whether or not it is admissible as evidence in a court of law.
- (3) The superintendent must not find an offender responsible for breaching a rule unless the superintendent is satisfied on the balance of probabilities that the offender breached the rule.

Disciplinary hearing in absence of offender

94 If an offender who is the subject of a disciplinary hearing is absent in any of the following circumstances, the superintendent may proceed with the hearing, except for what cannot be done because of the offender's absence:

- (a) the offender is voluntarily absent;
- (b) the superintendent believes on reasonable grounds that the presence of the offender would jeopardize the safety of a person present at the hearing;
- (c) the offender disrupts and is removed from the hearing;
- (d) the offender refuses to appear before the superintendent.

Imposing penalty

- 95** (1) The penalty that a superintendent may impose on an offender under subsection 70(1) of the Act for breaching a rule must be one of the following, or a combination of any of the following:
- (a) withdrawal in whole or in part of the offender's privileges;
 - (b) performance of work;
 - (c) close confinement for no longer than 15 days in respect of any one confinement;
 - (d) with the approval of the Executive Director, close confinement for longer than 15 days;

- (e) a restorative justice process, including restitution of part or all of the costs to repair the damage done by the offender, in accordance with policies and procedures;
 - (f) forfeiture of all or part of the remission currently credited to the offender.
- (2) In deciding to impose a penalty on an offender for breach of a rule, the superintendent must consider all of the following:
- (a) the seriousness of the breach;
 - (b) the degree of premeditation;
 - (c) the degree of awareness that the offender has of having breached a rule;
 - (d) the offender's behaviour since the beginning of their custody;
 - (e) the circumstances surrounding the breach, including, in particular, the degree of provocation;
 - (f) whether the offender has breached the same rule in the past;
 - (g) the possible effects of the penalty on the subsequent behaviour of the offender;
 - (h) the temporary measures taken under subsection 88(2) following the breach;
 - (i) the degree of remorse shown by the offender.
- (3) An offender who is being penalized by having their communications or correspondence privileges restricted or by undergoing close confinement is not entitled to send or receive a letter or other communication, or to receive a visit, to or from anyone other than the following:
- (a) the offender's spiritual advisor;
 - (b) the offender's lawyer;
 - (c) a representative of the Office of the Ombudsman;
 - (d) a representative of the Human Rights Commission;
 - (e) an individual not listed in clauses (a) to (d), as approved by the superintendent.

Notification of decision

- 96** (1) On deciding the outcome of a disciplinary proceeding against an offender, the superintendent must inform the offender of the decision and, if applicable, the penalty to be imposed.
- (2) If a penalty includes forfeiture of an offender's remission, the superintendent must inform the offender of the amount of remission forfeited and the offender's new release date.

When penalty enforceable

97 A penalty is enforceable from the time determined by the superintendent.

Review of penalty by superintendent

- 98** (1) If a superintendent's delegate penalizes an offender, the offender may request that the superintendent review the penalty or the decision to penalize.
- (2) A request to a superintendent to review a penalty or a decision to penalize is permitted only if one or more of the following circumstances exist:
- (a) the penalty seems disproportionate to the breach for which it was imposed, or to the supporting facts;
 - (b) there is an error in the disciplinary report; or
 - (c) the penalty was imposed without knowledge of a fact that, had it been known, would have been likely to modify the penalty or decision.
- (3) A request for review of a penalty or a decision to penalize must be made in writing no later than 10 business days after the date of the decision, and must otherwise be in accordance with policies and procedures.
- (4) On reviewing a penalty under this Section, a superintendent may modify the penalty or overturn the decision to penalize in addition to being able to suspend the penalty under subsection 70(2) of the Act.

Appeal to Executive Director of superintendent's decision

- 99** (1) An appeal to the Executive Director under Section 71 of the Act by an offender who is appealing a superintendent's decision to penalize the offender or the penalty imposed is permitted only if one or more of the following circumstances exist:
- (a) the offender alleges that the superintendent did not make the decision in accordance with these regulations or policies and procedures;
 - (b) the penalty seems disproportionate to the rule breach for which it was imposed or to the supporting facts;
 - (c) the penalty that was imposed consists of forfeiture of the offender's remission;
 - (d) there is an error in the disciplinary report;
 - (e) the penalty was imposed without knowledge of a fact that, had it been known, would have been likely to modify the penalty or decision.
- (2) An appeal of a superintendent's decision to the Executive Director must be made in writing no later than 10 business days after the date of the superintendent's decision, and must otherwise be in accordance with policies and procedures.

- (3) The Executive Director must notify the offender and the superintendent of their decision no later than 10 business days after the date the Executive Director receives the appeal.

Conditional Release

Designated employee for authorizing conditional releases

100 In Sections 102, 104 and 106, “designated employee” means a designated employee as defined in Section 77 of the Act.

Application for conditional release

101 An offender’s application for a conditional release under Section 79 of the Act must be in writing and must state

- (a) the reason for the application;
- (b) the length of time requested for the conditional release and the expected start date;
- (c) where the offender intends to go or stay during the conditional release; and
- (d) any information not included under clauses (a) to (c) that the superintendent may require.

Maximum time period for conditional release

- 102** (1) Except as provided in subsection (3), 60 days is the maximum time period that may be authorized for a conditional release.
- (2) On the expiry of a conditional release, the designated employee who authorized it may reassess the case and renew the conditional release for one or more periods not exceeding 60 days each.
 - (3) A conditional release for medical reasons may be authorized for an unlimited period.

Amounts charged to offenders on conditional release

- 103** (1) The amount of money charged to an offender under Section 86 of the Act as a contribution to the cost of custody while the offender is on conditional release must be equal to 20% of their gross wages, to a maximum of \$20.00 per day of the conditional release.
- (2) A superintendent who charges an amount of money to an offender as a contribution to the cost of custody must arrange for the payments to be collected by or delivered to the correctional facility.

Conditional release certificate

- 104** (1) A designated employee who authorizes a conditional release for an offender must issue a conditional release certificate indicating that the conditional release is authorized.
- (2) A conditional release certificate must specify all of the following information:
 - (a) the length of time authorized for the conditional release;
 - (b) the date and time at which the conditional release is to begin and the date and time at which

- the offender must return to the correctional facility;
- (c) where the offender must go or stay during the conditional release;
 - (d) the supervision process that will be in place during the conditional release;
 - (e) if applicable, the amount to be charged to the offender under Section 86 of the Act and Section 103 as a contribution to the cost of custody;
 - (f) any terms and conditions not included in clauses (a) to (e) that the designated employee considers appropriate for an offender and considering the nature of the conditional release.

Offender must consent to terms and conditions of conditional release

- 105 (1)** An offender for whom a conditional release certificate is issued, except a certificate for an emergency medical conditional release, must sign the certificate to indicate that they consent to its terms and conditions.
- (2)** After an offender has signed their conditional release certificate, the superintendent must provide a copy of the signed certificate to each of the following:
- (a) the offender;
 - (b) any person or agency that will be involved in administering the conditional release or supervising the offender while on conditional release, including, if applicable, an employer or other person who will be liable to make payments on account of the offender for amounts charged under Section 86 of the Act and Section 103.
- (3)** Except for an offender who receives an emergency medical conditional release, an offender who does not consent to the terms and conditions of their conditional release, as specified on their conditional release certificate, ceases to be eligible for the conditional release.

Suspension of conditional release

- 106 (1)** If an offender whose conditional release is suspended under Section 84 of the Act fails to surrender voluntarily and immediately, the superintendent must prepare an order of suspension, apprehension and recommittal to authorize police to arrest and detain the offender and, if no new charges under law are laid that require an appearance before the court, to return the offender immediately to custody in a correctional facility.
- (2)** An employee who suspends an offender's conditional release must immediately prepare a written report and submit it to the designated employee who authorized the conditional release.

Procedure for appealing conditional release decision

- 107 (1)** An appeal to the Executive Director or designate under Section 81 of the Act by an offender who is appealing a conditional release decision must be in writing and must state the reasons for the appeal.
- (2)** An offender's appeal of a conditional release decision must be forwarded to the Executive Director

or designate no later than 10 business days after the date the offender receives the decision.

- (3) No later than 10 business days after the date the Executive Director or designate receives an offender's appeal of a conditional release decision, the Executive Director or designate must notify the offender and the superintendent in writing of their decision under Section 82 of the Act.

Death of offender on conditional release

108 In addition to meeting the reporting requirements of Section 50 of the Act, if an offender dies while on conditional release, the superintendent must

- (a) notify the police;
- (b) notify the offender's next of kin; and
- (c) safeguard all of the offender's property in the custody of the superintendent.

Discharge and Release

Offender kept in correctional facility after sentence expires

- 109** (1) An ex-offender who is kept in a correctional facility after their sentence expires for one of the reasons referred to in subsection 51(3) of the Act must be released no later than 24 hours after the time of their originally scheduled release.
- (2) Despite subsection (1), if the reason for keeping the ex-offender in custody after their sentence expires still exists at the expiry of a 24-hour extension, a superintendent may further extend the time that an ex-offender is kept in custody for an additional 24 hours.

Ex-offender not treated as offender

110 During the time that an ex-offender remains in a correctional facility after the expiration of their sentence, the ex-offender must not be housed with offenders and is not subject to Sections 86 to 99.

Returning offender's money and property on discharge

111 On an offender's discharge, the superintendent must ensure that all of the following are returned to the offender:

- (a) any money that had been held in an offender account on behalf of the offender during their time in custody;
- (b) any property that had been held in safe-keeping on behalf of the offender during their time in custody.

Disposing of unclaimed money and property

112 (1) A superintendent must retain any of an offender's money or property that remains at the correctional facility

- (a) if the offender is absent without authority from the correctional facility; or

- (b) after the offender is discharged from the correctional facility.
- (2) A superintendent may dispose of retained money or property in accordance with policies and procedures if the offender who owns the money or property has not claimed it by the end of the 6-month period following the retention date.
- (3) The superintendent must keep a record of all unclaimed money and property of an offender that is disposed of under subsection (2), and the record must include at least all of the following information:
- (a) for money that is disposed of,
 - (i) the name of the offender who owned the money,
 - (ii) the amount of money disposed of,
 - (iii) the name of the account, person or organization in receipt of the money;
 - (b) for property that is disposed of,
 - (i) the name of the offender who owned the property,
 - (ii) a description of the property disposed of and the manner of disposal,
 - (iii) the name of the person or organization in receipt of the property,
 - (iv) the proceeds, if any, of the disposition.

Transportation and clothing for offender on discharge

- 113 (1)** On discharging an offender from a correctional facility, the superintendent may
- (a) provide transportation to return the offender
 - (i) to the place in Nova Scotia where the offender was convicted, or
 - (ii) at the request of the offender and with the approval of the superintendent, to another place in Nova Scotia; and
 - (b) provide the offender with clothing that is suitable for the climate conditions at the time of discharge.
- (2) The costs for clothing provided to an offender must be charged to the offender's account.
- (3) Despite subsection (2), if an offender is in need, as determined by the superintendent, the necessary clothing must be provided at public expense.

N.S. Reg. 100/2006

Made: June 30, 2006

Filed: June 30, 2006

Retail Business Uniform Closing Day Regulations

Order in Council 2006-320 dated June 30, 2006

Regulations made by the Governor in Council

pursuant to subsection 3(2) and Section 8 of the *Retail Business Uniform Closing Day Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Retail Business Uniform Closing Day Act* dated June 30, 2006, and pursuant to subsection 3(2) and Section 8 of Chapter 402 of the Revised Statutes of Nova Scotia, 1989, the *Retail Business Uniform Closing Day Act*, is pleased to amend the *Retail Business Uniform Closing Day Regulations*, N.S. Reg. 98/2006, made by the Governor in Council by Order in Council 2006-315 dated June 28, 2006, by striking out “25(2)(b)” in subsection 3(3) and substituting “251(2)(b)”.