



**Part II**

**Regulations under the Regulations Act**

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N.S. Reg. 143/2002  
Made: November 28, 2002  
Filed: December 2, 2002  
Casino Regulations

Order in Council 2002-535 made November 28, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Section 127  
of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for Part I of the *Gaming Control Act* dated November 21, 2002, and pursuant to Section 127 of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act*, is pleased to amend the *Casino Regulations* made by the Governor in Council by Order in Council 95-259 dated April 4, 1995, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 1, 2003.

**Schedule "A"**

**Amendments to the *Casino Regulations*  
made by the Governor in Council pursuant to Section 127  
of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act***

Section 20 of the *Casino Regulations* made by the Governor in Council by Order in Council 95-259 dated April 4, 1995, is

- (a) renumbered as subsection 20(1); and
- (b) amended by adding the following subsection immediately after subsection (1):
  - (2) No casino operator shall permit an individual under 19 years of age to enter or access a casino.

N.S. Reg. 144/2002  
Made: November 28, 2002  
Filed: December 2, 2002  
Smoke-free Places Regulations

Order in Council 2002-536 made November 28, 2002  
Regulations made by the Governor in Council  
pursuant to Section 15  
of the *Smoke-free Places Act*

The Governor in Council on the report and recommendation of the Minister of Health dated November 25, 2002, and pursuant to Section 15 of Chapter 12 of the Acts of 2002, the *Smoke-free Places Act*, is pleased to make regulations respecting smoke-free places in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after January 1, 2003.

**Schedule “A”**

**Regulations Respecting Smoke-free Places  
made by the Governor in Council pursuant to Section 15  
of Chapter 12 of the Acts of 2002, the *Smoke-free Places Act***

**Citation**

1 These regulations may be cited as the *Smoke-free Places Regulations*.

**Interpretation**

2 (1) In these regulations,

- (a) “Act” means the *Smoke-free Places Act*;
- (b) “ASHRAE Standard 62-2001” means the document entitled “Ventilation for Acceptable Indoor Air Quality” published by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc.;
- (c) “casino complex” means a casino complex as defined in the operating contract between the Nova Scotia Gaming Corporation and the Metropolitan Entertainment Group, dated May 31, 1995;
- (d) “designated smoking room” means a structurally separate room
  - (i) in which smoking is permitted pursuant to subsection 6(1) of the Act, or
  - (ii) that is designated pursuant to subsection 8(3) of the Act,
 and that is ventilated in accordance with these regulations;
- (e) “engineer” means an engineer who is registered pursuant to the *Engineering Professions Act* to practice engineering;
- (f) “make-up air” means air that originates from outside of an enclosed place, or outside of a designated smoking room;
- (g) “owner” means an owner of

- (i) an enclosed place, or
- (ii) a place of employment  
that contains a designated smoking room;
- (h) “structurally separate”, in relation to a room, means having contiguous walls and an adjoining ceiling; and
- (i) “ventilation system” means a system used in a designated smoking room to provide the separate exhaust ventilation required by subsections 6(1) and 8(5) of the Act.
- (2) For the purposes of the Act and these regulations,
  - (a) “beverage room” means an establishment operating under a current beverage room licence issued in respect of it pursuant to the *Liquor Control Act*;
  - (b) “lounge” means an establishment operating under a current lounge licence issued in respect of it pursuant to the *Liquor Control Act*;
  - (c) “restaurant” means an establishment that is
    - (i) operating under a current eating establishment licence issued in respect of it pursuant to the *Health Act* and for which a current liquor licence has not been issued pursuant to the *Liquor Control Act*, or
    - (ii) operating under a current eating establishment liquor licence issued in respect of it pursuant to the *Liquor Control Act* and for which a current lounge licence has not been issued pursuant to that Act.
- (3) For the purposes of the Act and these regulations, “enclosed place” is further defined as not including a casino complex, except for any restaurant or lounge that is structurally separate from the areas in a casino complex where casino games of chance are played.
- (4) For the purposes of subsection 11(8) of the Act, “ensuring compliance with any enactment” includes the evaluating by Health Canada of compliance with the enactment.

**Ventilation requirements for a designated smoking room**

- 3 (1) A designated smoking room may have wall or ceiling openings as long as the minimum velocity required by subclause (2)(b)(ii) for make-up air flowing into the room is maintained.
- (2) A ventilation system must
  - (a) be designed to have sufficient capacity for the occupancy level of the designated smoking room as determined by the owner, but not exceeding the maximum occupancy level permitted by law;
  - (b) during all hours of operation of the enclosed place, maintain the flow of make-up air into the designated smoking room at

- (i) a minimum rate of 15 liters per second per occupant of the designated smoking room, based on the number of occupants averaged over any 15-minute period during the hours of operation; and
- (ii) a minimum velocity of 0.36 metres per second through each opening.

**Ventilation system design, operation and maintenance documentation**

- 4 (1)** Prior to using a ventilation system for the first time, an owner shall ensure that an engineer
- (a) prepares the physical and mechanical design specifications for the ventilation system;
  - (b) prepares an operation and maintenance plan for the ventilation system, which shall include written procedures for the operation, inspection, testing, cleaning, calibration, and maintenance of the ventilation system;
  - (c) conducts a functional performance test of the ventilation system and prepares a report of the test results; and
  - (d) prepares a certificate stating that the ventilation system
    - (i) has been designed and installed in conformance with ASHRAE Standard 62-2001,
    - (ii) at the time of the functional performance test conducted pursuant to clause (c), was operating in conformance with ASHRAE Standard 62-2001, and
    - (iii) is capable of operating at the occupancy level for which it was designed.
- (2)** The written procedures required by clause (1)(b) must
- (a) be adequate to ensure that the ventilation system is monitored properly and maintained in conformance with its physical and mechanical design specifications;
  - (b) specify the manner of operation of the ventilation system, including the hours of operation;
  - (c) specify the nature and frequency of inspections, testing, cleaning, calibration, and maintenance of the ventilation system; and
  - (d) be reviewed by an engineer, and amended if necessary,
    - (i) if the ventilation system is modified so as to materially affect its ability to ventilate the designated smoking room in conformance with its mechanical and design specifications,

- (ii) if an inspection of the ventilation system identifies non-conformance with its physical and mechanical design specifications so as to require changes to its operation and maintenance, or
  - (iii) at least every 5 years.
- (3)** An owner shall keep the documents referred to in subsection (1) available for inspection.
- (4)** If a document referred to in subsection (1) is amended in accordance with clause (2)(d), the owner is required to keep only the most current version of the document for the purposes of subsection (3).

**Records**

- 5 (1)** An owner must ensure that a record is made of each inspection, testing, cleaning, calibration, and maintenance activity respecting the ventilation system, as required by the written procedures established pursuant to clause 4(1)(b).
- (2)** A record required by subsection (1) must specify
- (a) the date and type of activity performed;
  - (b) the name of the person who performed the activity and their employer;
  - (c) the components of the ventilation system involved; and
  - (d) the test results, observed deficiencies, and any remedial action taken,
- and must be kept for at least 2 years.

**Designated smoking room in a place of employment**

- 6 (1)** The maximum size of a designated smoking room in a place of employment other than a lounge, beverage room or restaurant must be
- (a) 92.9 m<sup>2</sup>, for a place of employment with an area less than 929 m<sup>2</sup>; or
  - (b) 10% of the total area of the place of employment, for a place with an area greater than 929 m<sup>2</sup>.
- (2)** A designated smoking room in a place of employment must not be designated as an employee lunch room and must not contain work-related equipment.

**Signage**

- 7 (1)** An owner must display a "Designated Smoking Room" sign in the form set forth in Schedule "A" measuring at least 21 cm in width and at least 30 cm in height.
- (2)** A "Designated Smoking Room" sign must be
- (a) placed immediately above or in close proximity to each entrance of a designated smoking room; and

(b) unobstructed by other signs, advertisements or promotions.

- (3) An owner must assume any costs associated with the signage required by this Section.
- (4) An inspector may order the removal of a sign that the inspector finds to be in violation of these regulations.

**Minor variance**

- 8 (1) The establishment known as “Tom’s Little Havana Café Limited” is granted a minor variance from subsections 6(3) and (8) of the Act pursuant to clause 15(1)(n) and subsection 15(3) of the Act.
- (2) For the purposes of subsection (1), in subsections 6(3) and (8) of the Act, the phrase “between six o’clock in the morning and five o’clock in the evening” is substituted for the phrase “between six o’clock in the morning and nine o’clock in the evening”.

**Schedule A**  
(21 cm x 30 cm)

DESIGNATED SMOKING ROOM

NO PERSONS UNDER 19 PERMITTED

MAXIMUM OCCUPANCY = [figure determined by owner in accordance with Provincial laws]

N.S. Reg. 145/2002  
Made: November 28, 2002  
Filed: December 2, 2002  
Business Registry Regulations

Order in Council 2002-538 made November 28, 2002  
Regulations made by the Governor in Council  
pursuant to Section 4  
of the *Business Electronic Filing Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations and the Minister of Environment and Labour dated November 21, 2002, and pursuant to Section 4 of Chapter 3 of the Acts of 1995-96, the *Business Electronic Filing Act*, is pleased to amend the *Business Registry Regulations* made by Order in Council 2000-24 dated February 2, 2000, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective November 28, 2002.

**Schedule “A”**

**Amendments to the *Business Registry Regulations*  
made by the Governor in Council pursuant to Section 4 of  
Chapter 3 of the Acts of 1995-96, the *Business Electronic Filing Act***

- 1 Clause 2(c) of the *Business Registry Regulations* made by the Governor in Council by Order in Council 2000-24 dated February 2, 2000, is amended by striking out “Act” and substituting “enactment”.
- 2 Section 3 of the regulations is amended by
  - (a) striking out “Acts” and substituting “enactments”; and
  - (b) adding the following clause immediately after clause (i):
    - (ia) *Fuel Safety Regulations*

N.S. Reg. 146/2002  
 Made: November 28, 2002  
 Filed: December 2, 2002

**Workers' Compensation General Regulations and  
 Workers' Compensation Supplementary Benefit Regulations**

Order in Council 2002-539 made November 28, 2002  
 Amendment to Regulations made and approved by the Governor in Council  
 pursuant to Sections 184 and 184A  
 of the *Workers' Compensation Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated November 26, 2002, and pursuant to Sections 184 and 184A of Chapter 10 of the Acts of 1994-95, the *Workers' Compensation Act*, is pleased, effective on and after October 1, 2002, to

- (a) repeal the *Workers' Compensation Supplementary Benefit Regulations* approved by the Governor in Council by Order in Council 95-412 dated May 23, 1995; and
- (b) amend the *Workers' Compensation General Regulations* made and approved by the Governor in Council by Order in Council 96-59 dated January 31, 1996, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"**

**Amendments to the *Workers' Compensation General Regulations*  
 made by the Governor in Council pursuant to Section 184 of  
 Chapter 10 of the Acts of 1994-95, the *Workers' Compensation Act***

- 1 Section 28 of the *Workers' Compensation General Regulations* made and approved by the Governor in Council by Order in Council 96-59 on January 31, 1996, is amended by
  - (a) relettering clauses (b), (c) and (d) as clauses (c), (d) and (e), respectively and adding the following clause immediately after clause (a):
    - (b) "average industrial wage for Nova Scotia" means the wage reported by Statistics Canada as 'Seasonally Adjusted Estimates of Average Weekly Earnings, for all employees, industrial aggregate, Nova Scotia', for the 12-month period ending June 30 in the same calendar year as the commencement of the benefit year;
  - (b) repealing subclauses (c)(i) and (ii) and substituting "the period beginning on October 1 and ending on September 30, in every year;" immediately after "means" in clause (c).
- 2 (1) Subsection 29(1) of the regulations is amended by
  - (a) striking out "each of the following conditions is satisfied" and substituting "an applicant";

- (b) repealing clauses (a) and (b) and substituting the following clauses:
  - (a) applies in writing to the Board; and
  - (b) provides the Board with the information required by the Board from time to time for determining eligibility for the supplementary benefit.
- (2) Section 29 is further amended by
  - (a) adding the following subsection immediately after subsection (1):
    - (1A) Despite clause (1)(a), an applicant in receipt of a supplementary benefit on October 1, 2002, shall not be required to apply for a supplementary benefit for the benefit year commencing on October 1, 2002.
    - (b) adding " , but shall not be payable earlier than October 1, 2002" immediately after "the supplementary benefit is made" in subsection (4).
- 3 (1) Subsection 30(1) of the regulations is amended by
  - (a) adding "an applicant satisfies the criteria in clauses 227(4)(a), (b) and (c) of the Act on the date Section 227 of the Act is proclaimed in force." which is currently in the text of clause (a), immediately after "the date fixed by subsection 29(4), if"; and
  - (b) repealing clauses (a) and (b).
- (2) Subsection 30(2) of the regulations is amended by striking out "the date on which Section 227 of the Act is proclaimed in force" and substituting "October 1, 2002".
- 4 Sections 32 and 33 of the regulations are repealed and the following Sections substituted:
  - 32 The amount of a supplementary benefit is the amount necessary to increase an applicant's individual annual personal income to an amount equal to one-half of the average industrial wage for Nova Scotia.
  - 33 (1) An applicant's individual annual personal income is the applicant's total income for the calendar year preceding the benefit year minus income received that year in the form of a supplementary benefit from the Board.
  - (2) For the purposes of subsection (1), an applicant's total income for the calendar year is as defined by the Canada Customs and Revenue Agency for purposes of individual income tax returns.