

THE NEWFOUNDLAND AND LABRADOR GAZETTE

EXTRAORDINARY

Part II

PUBLISHED BY AUTHORITY

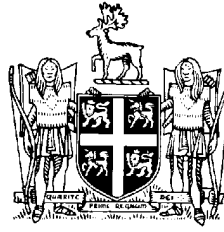
ST. JOHN'S, MONDAY, FEBRUARY 28, 2011

**NEWFOUNDLAND AND LABRADOR
REGULATIONS**

30/11

31/11

32/11



**NEWFOUNDLAND AND LABRADOR
REGULATION 30/11**

Court Designation Order
under the
Interprovincial Subpoena Act
(O.C. 2011-049)

(Filed February 28, 2011)

Under the authority of section 10 of the *Interprovincial Subpoena Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, February 25, 2011.

Robert Thompson
Clerk of the Executive Council

ORDER

Analysis

- | | |
|----------------|----------------|
| 1. Short title | 3. Designation |
| 2. Definition | |

Short title

1. This Order may be cited as the *Court Designation Order*.

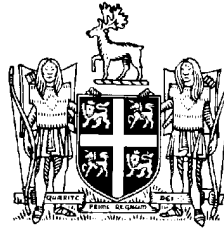
Definition

2. In this Order, "Act" means the *Interprovincial Subpoena Act*.

Designation

3. The Ontario Racing Commission is designated as a court for the purpose of the Act.

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NEWFOUNDLAND AND LABRADOR REGULATION 31/11

Royalty Regulations, 2003 (Amendment)
under the
Petroleum and Natural Gas Act
(O.C. 2011-044)

(Filed February 28, 2011)

Under the authority of section 39 of the *Petroleum and Natural Gas Act* the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, February 25, 2011.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|-----------------|
| 1. S.35 Amdt.
Assessment and reassessment | 2. Commencement |
|--|-----------------|

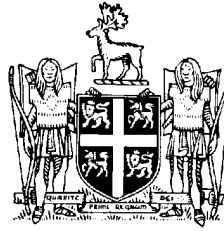
NLR 71/03
as amended

1. Subsection 35(2) of the *Royalty Regulations, 2003* are amended by striking out the words "not more than 60 days after receiving it".

Commencement

2. These regulations are considered to have come into force on December 31, 2001.

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NEWFOUNDLAND AND LABRADOR REGULATION 32/11

Royalty Regulations, 2003 (Amendment)
under the
Petroleum and Natural Gas Act
(O.C. 2011-045)

(Filed February 28, 2011)

Under the authority of section 39 of the *Petroleum and Natural Gas Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, February 25, 2011.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|--|
| 1. S.49 Amdt.
Matters that may be arbitrated | 76.2 Calculation and determination by minister |
| 2. Ss.76.1 to 76.4 Added
76.1 End of period deduction | 76.3 No interest to be paid or payable |
| | 76.4 Effect of provisions |

NLR 71/03
as amended

1. (1) Section 49 of the *Royalty Regulations, 2003* is amended by renumbering it as subsection 49(1) and by adding immediately after paragraph (1)(a) the following:

(a.1) a reply by the minister to a notice of objection under paragraph 76.2(6)(b);

(2) Section 49 of the regulations is amended by adding immediately after subsection (1) the following:

(2) Notwithstanding paragraph (1)(a.1), a matter may only be submitted to arbitration under that paragraph for 30 days from the date that the interest holder received the reply by the minister under paragraph 76.2(6)(b), and after that time, the ability to submit a matter to arbitration under that paragraph shall expire.

2. The regulations are amended by adding immediately after section 76 the following:

End of period
deduction

76.1 (1) For the purpose of this Part, the calculation referred to in subsection 10(2) shall be reduced by the basic royalty payable by the interest holder under the lease for the month.

(2) Notwithstanding subsection (1), where the result of the calculation in that subsection is less than zero, the Tier I royalty payable by an interest holder under a lease for a month shall be zero.

(3) This section is considered to have come into force on December 31, 2001.

Calculation and
determination by
minister

76.2 (1) The minister shall calculate and determine the amounts of royalty share for the periods from December 31, 2001 to December 31, 2010 which may be payable to or from the interest holder as a result of the coming into force of section 76.1.

(2) The minister shall calculate the amounts referred to in subsection (1) and notify the interest holder of the minister's determination under that subsection no later than March 31, 2011.

(3) Where, as a result of a calculation and determination by the minister under subsection (1) it is determined that an interest holder has underpaid or overpaid royalty share, the amount owing shall be repaid to or by the Crown within 30 days after the notice is issued under subsection (2), or upon the written request of the interest holder, the amount of an overpayment may be credited to the account of the interest holder for royalty share payable.

(4) An interest holder may object to a calculation or determination issued by the minister within 30 days of receiving the notice referred to in subsection (2) by delivering a written notice to the minister objecting to part or all of the calculation or determination.

(5) A notice of objection shall clearly identify the matter objected to, setting out the reasons for the objection, all of the relevant facts and the desired remedy.

(6) The minister shall review a notice of objection and

(a) may request that further particulars be provided to him or her; and

(b) shall give a reply, in writing, to the objecting person confirming, amending or rescinding part or all of the matter objected to in the same manner as for giving a notice of the calculation or determination.

(7) Notwithstanding another provision of these regulations

(a) a calculation and determination under subsection (1) shall not be considered to be an assessment or reassessment for the purpose of these regulations or the Act; and

(b) where a notice of objection is filed with the minister under subsection (4), the subject matter of that notice shall be separate from and shall not be included in or be in addition to a notice of objection under section 35.

No interest to be
paid or payable

76.3 (1) Notwithstanding section 62, section 84 or another provision of these regulations, interest shall not be paid or be payable upon a calculation and determination under section 76.2.

(2) Notwithstanding subsection (1), interest is payable on a calculation and determination under subsection 76.2(1) from the date of the expiry of the 30 day period referred to in subsection 76.2(3) and that interest shall be paid in accordance with these regulations.

Effect of provisions

76.4 The coming into force of sections 76.1 to 76.3 shall not affect the powers of the minister or the rights of an interest holder under these regulations with respect to the calculation of royalty payable or any other matter prescribed by these regulations.

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