



THE NEWFOUNDLAND GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 76

ST. JOHN'S, FRIDAY, DECEMBER 14, 2001

No. 50

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION
CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 245.2001

TAKE NOTICE that the City of St. John's Development Regulations Amendment Number 245, 2001, adopted and approved on the 26th day of November 2001, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms the purpose of St. John's Development Regulations Amendment Number 245, 2001, is to rezone land in the Clovelly Park area, in the vicinity of the Costco retail development, from the Commercial Office Hotel (COH) Land Use Zone, to the Commercial Regional (CR) Land Use Zone.

The St. John's Development Regulations Amendment Number 245, 2001 comes into effect on the day that this notice is published in *The Newfoundland Gazette*. Anyone who wishes to inspect a copy of St. John's Development Regulations Amendment Number 245, 2001 may do so at the City of St. John's Department of Engineering and Planning Department, 3rd Floor, City Hall, during regular business hours (Monday through Friday, 9:00 a.m. to 4:30 p.m).

CITY OF ST. JOHN'S
Per: Cliff Johnston
Engineering & Planning Department

Dec 14

TRUSTEE ACT ESTATE NOTICE

IN THE MATTER OF the Estate of Mary Theresa Noseworthy, housewife, late of the Town of Stephenville Crossing, in the Province of Newfoundland and Labrador, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Mary Theresa Noseworthy, late of the Town of Stephenville Crossing, in the Province of Newfoundland and Labrador, deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Administratrix of the Estate on or before the 12th day of January, 2002, after which date the said Administratrix will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

DATED at Stephenville, Newfoundland, this 7th day of December, 2001.

MILLS & GALLANT
Solicitor for the Administratrix
Per: Susan H. Gallant

ADDRESS FOR SERVICE:
P. O. Box 447, 87 Gallant Street
Stephenville, NF A2N 3A3

Dec 14

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of Mary Eileen Smith, late of Mount Pearl, in the Province of Newfoundland, Widow.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Mary Eileen Smith, late of Mount Pearl, in the Province of

Newfoundland and Labrador, are hereby requested to send particulars of the same in writing, duly attested, to the undersigned, Solicitors for the Executor of the Estate on or before the 15th day of January, 2002, after which date the said Executor will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at the City of St. John's, Province of Newfoundland, this 4th day of December, 2001.

O'DEA, EARLE
Solicitors for the Executor
Per: John Barrett

ADDRESS FOR SERVICE
323 Duckworth Street
P. O. Box 5955
St. John's, NF A1C 5X4

Dec 14

LANDS ACT

NOTICE OF INTENT

Lands Act, Chapter 36, S.N. 1991

Notice is hereby given that Lewis Smith of Salmonier Line intends to apply to the Department of Government Services and Lands, two months from the publication of this notice, to acquire title, pursuant to Section 7(2)(e) of the said Act, to that piece of Crown Land situated within fifteen metres of the waters of First Pond in the Electoral District of Harbour Main, Newfoundland, for the purpose of a Boat House and being more particularly described as follows:

*Bounded on the North by L. Martin
for a distance of 43.9 m;
Bounded on the East by property of Salmonier Line
for a distance of 38.67 m;
Bounded on the South by First Pond Reservation
for a distance of 17.3 m;
Bounded on the West by First Pond Reservation
for a distance of 39.81 m;
and containing an area of
approximately 5580 square metres.*

Any person wishing to object to the application must file the objection, in writing, within one month from the date of publication of this notice, with reasons for it, to the Minister of Government Services and Lands, c/o Eastern Regional Lands Office, P. O. Box 8700, 5 Mews Place, St. John's, NF A1B 4J6.

For further information regarding the proposed application, please contact Lewis Smith, (709) 229-7261

Requests for information on the processing of Crown Land applications under Section 7(2) of the Lands Act, may be sent to the Central Regional Office at the above address. Telephone (709) 729-3699.

Dec 14

CHANGE OF NAME ACT

C-8 RSN 1990

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

STEPHEN JAMES HOLLOWAY

of P. O. Box 21368, St. John's, A1A 5G6, in the Province of Newfoundland, as follows:

To change my name from

STEPHEN JAMES HOLLOWAY

to

JAMES CAVELL

DATED this 7th day of December, 2001.

STEPHEN HOLLOWAY
(Signature of Applicant)

Dec 14

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

ROSANN DOROTHY WELLON

of General Delivery, Main Road, Ladle Cove, A0G 2Y0, in the Province of Newfoundland, as follows:

To change my minor unmarried child's name from

JORDAN JASON FRANCIS

to

JORDAN JASON WELLON-FRANCIS

DATED this 1st day of December, 2001.

ROSANN D. WELLON
(Signature of Applicant)

Dec 14

Legal Name Changes
Processed During the Period
November, 2001

Under the authority vested in me by The Change of Name Act, Chapter C-8 of The Revised Statutes of Newfoundland, 1990, I hereby certify that the following names have been changed.

<u>Former Name</u>	<u>Present Name</u>	<u>Address</u>	<u>District</u>
Gough, Natasha Kimberly Lynn	Moore, Natasha Kimberly Lynn	Pasadena	Humber East
Carew, Haley Bernadette Pamela	Noftali, Haley Bernadette Pamela	St. John's	St. John's West
Evans, Shane Paul Albert	Wadland, Shane Paul Albert	Portugal Cove	Portugal Cove-St. Philip's
Rice, Kristen Vera Gladys	Parsons, Kristen Vera Gladys	Portugal Cove	Portugal Cove-St. Philip's
Sharpe, Cody Andrew	Sheppard, Cody Andrew	Paradise	Topsail
Joerges, Brianna Lily	Joerges-Wheeler, Brianna Lily	Paradise	Conception Bay East & Bell Island
Miller, Grace Yvonne Lynette	Miller-Connelly, Grace Yvonne Lynette	Mount Pearl	Mount Pearl
Saeed, Ali	Siddiqi, Ali	Corner Brook Branch	Humber East
Fitzroy, Angela Nicole	Nash, Angela Nicole	St. John's	Placentia-St. Mary's
Bennett, Julie Marie	McGarvie, Julie Marie	St. John's	St. John's East
Natash, Adamas Phoenix	Hollett, Terry Frank	Twillingate	Twillingate-Fogo
Delaney, Chad Edward	Rice, Chad Edward	Mount Pearl	Mount Pearl
Zreick, John Joseph	Butler, John Joseph	Paradise	Conception Bay East & Bell Island
Mercer-Dobbin, Tiffany Margaret	Reid, Tiffany Margaret	Whitbourne	Harbour Main

Dated this 5th day of December, 2001

Brenda Andrews

Brenda Andrews
Registrar, Vital Statistics Division
Department of Government Services & Lands

JUDICATURE ACT

Rules of the Supreme Court of Newfoundland, 1986

TRIAL DIVISION

PRACTICE NOTE

P.N.(TD) No. 2001-03

DATE ISSUED: December 10, 2001

RULES AFFECTED: Rules of the Supreme Court, 1986: 4 and 15
Divorce Rules of the Supreme Court of Newfoundland: 1, 4, 9, 34 & All
Rules of the Unified Family Court: 4 and 25

EFFECTIVE DATE: Upon Publication

PREVIOUS PRACTICE NOTES REVISED: N/A

The following Practice Note was filed with the Registrar, as Secretary of the Rules Committee of the Trial Division and of the Unified Family Court, and is published pursuant to rule 4.04 of the *Rules of the Supreme Court, 1986*:

NEWFOUNDLAND AND LABRADOR ACT

Background

1. As a consequence of the recent constitutional amendment changing the name of the Province of Newfoundland to "Province of Newfoundland and Labrador", the House of Assembly has passed the *Newfoundland and Labrador Act* which has, with some exceptions, the effect of changing references to "Newfoundland" in existing provincial legislation to "Newfoundland and Labrador". That Act has been proclaimed and is in force.
2. An incidental effect of this legislation is to change the name of most provincial institutions created or otherwise regulated or affected by provincial statute, and which contain the name "Newfoundland", to a name containing the words "Newfoundland and Labrador".
3. At the next meetings of the Rules Committees of the Trial Division and the Unified Family Court, the Rules of Court, as they apply to the Trial Division, as well as the Unified Family Court Rules and the Divorce Rules, will be amended to require that pleadings, forms and other documents used and filed in the Trial Division or the Unified Family Court shall refer to the Court as the "Supreme Court of Newfoundland and Labrador, Trial Division" or the "Supreme Court of Newfoundland and Labrador, Unified Family Court", as the case may be.
4. The following Practice Note is issued to aid in the transition from the existing nomenclature to the new nomenclature.

Practice Note

5. **Subject to paragraph 7, all new proceedings commenced shall be styled "IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR, TRIAL DIVISION" or "IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR, UNIFIED FAMILY COURT", as the case may be. All other references to the Court in pleadings filed in the Trial Division or the Unified Family Court shall refer to it as the "Supreme Court of Newfoundland and Labrador".**
6. **Subject to paragraph 7, with respect to proceedings already commenced, the new nomenclature shall be employed in the style of cause in all subsequent pleadings and documents that may be filed. Already existing documents (such as an affidavit that already has been sworn) that employ the old nomenclature may be filed.**

7. Where pre-printed forms are used in conjunction with or as part of pleadings or other documents filed in the Court, forms already in existence may continue to be used notwithstanding their use of the former nomenclature.
8. Where as a result of the operation of the Newfoundland and Labrador Act, the name of a corporate body, board, tribunal or public institution is changed, and that body, board, tribunal or public institution is a party to a proceeding commenced in the Court, the style of cause containing the name of that party may be automatically amended by the party in all pleadings and other documents subsequently filed and a judge may, on the next appearance in court, confirm that amendment pursuant to Rule 15 of the *Rules of the Supreme Court, 1986*, or Rule 25 of the *Rules of the Unified Family Court* or Rule 9 of the *Divorce Rules of the Supreme Court of Newfoundland* as the case may be.

AUTHORIZED BY:

J. Derek Green
Chief Justice of the Supreme Court
of Newfoundland and Labrador,
Trial Division

Barry R. Sparkes, B.C.L.
Registrar of the Supreme Court
Secretary, Rules Committee

Dec 14

Rules of the Supreme Court, 1986

COURT OF APPEAL PRACTICE NOTE

CAPN No. 2001-04

DATE ISSUED: December 12, 2001
RULES AFFECTED: Rules of the Supreme Court, 1986; Rule 57
EFFECTIVE DATE: Upon Publication

The following Practice Note was filed with the Registrar, as Secretary of the Rules Committee of the Court of Appeal, and is published pursuant to rule 57.31(3) of the *Rules of the Supreme Court, 1986*.

NEWFOUNDLAND AND LABRADOR ACT

Background and Purpose

As a consequence of the recent constitutional amendment changing the name of the Province of Newfoundland to “Province of Newfoundland and Labrador”, the House of Assembly has passed the *Newfoundland and Labrador Act* which has, with some exceptions, the effect of changing references to “Newfoundland” in existing provincial legislation to “Newfoundland and Labrador”. That Act has been proclaimed and is in force.

An incidental effect of this legislation is to change the name of most provincial institutions created or otherwise regulated or affected by provincial statute, and which contain the name “Newfoundland”, to a name containing the words “Newfoundland and Labrador”.

At the next meeting of the Rules Committee of the Court of Appeal, the Rules of Court, as they apply to the Court of Appeal will be amended to require that pleadings, forms and other documents used and filed in the Court shall refer to the Court as the "Supreme Court of Newfoundland and Labrador, Court of Appeal".

The following Practice Note is issued to aid in the transition from the existing nomenclature to the new nomenclature.

Practice Note

1. Subject to paragraph 3, all new proceedings commenced shall be styled "**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR, COURT OF APPEAL**". All other references to the Court in pleadings shall refer to it as the "**Court of Appeal**".
2. Subject to paragraph 3, with respect to proceedings already commenced, the new nomenclature shall be employed in the style of cause in all subsequent pleadings and documents that may be filed. Already existing documents (such as an affidavit that has already been sworn) that employ the old nomenclature may be filed.
3. Where pre-printed forms are used in conjunction with or as part of pleadings or other documents filed in the Court, forms already in existence may continue to be used for a reasonable transition period, notwithstanding their use of the former nomenclature.
4. Where as a result of the operation of the *Newfoundland and Labrador Act*, the name of a corporate body, board, tribunal or public institution is changed, and that body, board, tribunal or public institution is a party to a proceeding presently outstanding in the Court, steps shall be taken to amend the style of cause containing the name of that party on the next appearance of the parties in court.

AUTHORIZED BY:

Clyde K. Wells
Chief Justice of Newfoundland and Labrador
Court of Appeal
Supreme Court of Newfoundland and Labrador

Barry R. Sparkes, B.C.L.
Registrar of the Supreme Court
Secretary, Rules Committee of the
Court of Appeal

Dec 14



THE NEWFOUNDLAND GAZETTE

PART II

SUBORDINATE LEGISLATION
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 76

ST. JOHN'S, FRIDAY, DECEMBER 14, 2001

No.50

NEWFOUNDLAND AND LABRADOR REGULATIONS

NR 84/01

NR 85/01

NR 86/01

NR 87/01

NR 88/01



NEWFOUNDLAND REGULATION 84/01

Royalty Regulations
under the
Petroleum and Natural Gas Act
(O.C. 2001-735)

(Filed December 7, 2001)

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, December 6, 2001.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|------------------------------------|---------------------------------|
| 1. Short title | 9. Simple payout |
| 2. Interpretation | 10. Tier I incremental royalty |
| 3. Application | 11. Tier II incremental royalty |
| 4. Liability for royalty | 12. Net revenue |
| 5. Payment of royalty | 13. Lien property |
| 6. Basic royalty | 14. Report |
| 7. Gross revenue, gross sales etc. | 15. Non filing |
| 8. Allowed shrinkage | 16. Measurement standards |

Short title

1. These regulations may be cited as the *Royalty Regulations*.

Interpretation

2. (1) In these regulations

- (a) "Act" means the *Petroleum and Natural Gas Act*;
 - (b) "barrel" means 0.1589873 cubic metres or 42 US gallons or 34.9723 Canadian gallons measured at 101.325 kPa and a temperature of 15° Celsius;
 - (c) "basic royalty" means the royalty share required to be paid in accordance with section 7;
 - (d) "board" means the Canada-Newfoundland Offshore Petroleum Board established under the *Canada-Newfoundland Atlantic Accord Implementation Act (Canada)* and the *Canada-Newfoundland Atlantic Accord Implementation Newfoundland Act*;
 - (e) "incremental royalty" means the royalty share required to be paid in accordance with sections 10 and 11;
 - (f) "interest holder", with respect to a lease or a share in a lease, means the holder of that lease or share as recorded in the appropriate registry for that lease or share;
 - (g) "loading point" means the final point of measurement of the production facilities of a lease prior to the loading of oil for transportation or transferring for processing;
 - (h) "required form" means the form required by the minister and includes the information and records that the minister requires to accompany that form; and
 - (i) "royalty share" means royalty on petroleum and interest, penalties and other amounts payable to the Crown by an interest holder.
- (2) In these regulations a reference to the "Crown" shall be considered to be a reference to "Her Majesty in Right of the province".
- (3) In these regulations, a reference to dollars, money or an amount of money shall be considered to be a reference to those dollars, that money or amount of money in Canadian currency.
- (4) In these regulations, unless otherwise is expressed, all accounting terms and practices shall have the meaning assigned to them

that is in accordance with Canadian generally accepted accounting principles and good petroleum industry practices and all costs shall be accounted for on a cash basis of accounting.

Application **3.** These regulations shall apply to all leases issued after April 1, 1990 and before November 30, 2001.

Liability for royalty **4.** (1) An interest holder is liable for and shall pay royalty share to the Crown in accordance with these regulations.

(2) The royalty portion of royalty share shall include, when required to be paid under these regulations, basic royalty and incremental royalty.

(3) An interest holder shall determine gross revenue, eligible project costs, net revenue, simple payout, Tier I payout and Tier II payout for a lease separate from

(a) other interest holders in the same lease; and

(b) other leases in which that interest holder may have a share,

and that determination is subject to audit and a redetermination by the minister.

(4) Where 2 or more leases have been issued for the same reserve, the minister may designate those leases as one lease for the purpose of these regulations or a provision of these regulations.

Payment of royalty **5.** (1) Royalty share shall be paid by an interest holder on the last day of the month following the month to which the payment relates.

(2) Royalty share payable by an interest holder to the Crown shall be paid in money.

Basic royalty **6.** (1) An interest holder shall pay a basic royalty in accordance with section 5 and that basic royalty with respect to a lease is the sum of the gross revenue for the month referred to in section 5 multiplied by the basic royalty rate in effect under subsection (2).

(2) The basic royalty rate for an interest holder in a lease

- (a) before the month in which simple payout for that interest holder occurs, is
 - (i) until the interest holder's share of the first 50 million barrels of oil is transferred to the interest holder at the loading point under the lease, 1 %, and
 - (ii) after the transfer to the interest holder at the loading point of the interest holder's share of the first 50 million barrels of oil until simple payout occurs, 2.5%; and
- (b) commencing at the beginning of the month in which simple payout for that interest holder occurs, is
 - (i) until the interest holder's share of the first 100 million barrels of oil is transferred to the interest holder at the loading point after simple payout, 5%, and
 - (ii) for the interest holder's share of the next 100 million barrels of oil transferred to the interest holder at the loading point under the lease, 7.5%; and
- (c) after completion of the application of subparagraph (b)(ii), 10%.

(3) Notwithstanding paragraph (2)(a), once simple payout occurs, basic royalty shall be paid in accordance with paragraph (2)(b).

Gross revenue,
gross sales etc.

7. (1) The gross revenue for an interest holder for a month shall be the gross sales revenue less the eligible transportation costs for that interest holder for that month.

(2) The gross sales revenue of an interest holder for a month shall be the sum of

- (a) revenue from sales of oil by that interest holder in that month; plus
- (b) deemed sales by that interest holder in that month; less
- (c) revenue in that month from sales of oil that were included in the calculation of gross sales revenue in a previous month.

(3) The eligible transportation costs for an interest holder for a month shall, after consultation with the interest holder, be determined by the minister, in writing, before the end of the month following the month in which those costs were incurred.

(4) For the purpose of paragraph 2(b), oil transferred to the interest holder at the loading point that has not been sold shall be deemed sold at the end of the month referred to in subsection (2), with the exception of

(a) oil in inventory that was transferred to the interest holder at the loading point within 60 days before the end of the month for which the royalty is calculated; and

(b) all allowed shrinkage as described in section 8.

(5) The minister shall determine the value of deemed sales under subsection (4).

(6) In a month in which oil previously deemed sold under subsections (4) and (5) is actually sold, gross revenue for that month shall be adjusted to reflect the difference between the actual sale value of the oil and the value previously determined under those subsections.

Allowed shrinkage

8. (1) Allowed shrinkage is the reduction in volume of oil that is incidental to the transportation of that oil from the loading point under a lease directly to an entry valve at a transshipment facility in the province or other initial discharge point for that oil and is the lesser of

(a) actual shrinkage incurred; or

(b) 0.2% of the bill of lading net standard volume quantity of oil loaded at the loading point.

(2) Notwithstanding subsection (1), where the minister has not approved the measurement facilities and practices at the loading point and discharge point as being in compliance with industry standards acceptable to him or her, the allowed shrinkage shall be considered to be zero.

Simple payout

9. For the purposes of these regulations simple payout occurs for an interest holder when, for the first time, the sum of the cumulative

(a) gross revenue; and

(b) incidental revenue,

exceeds the sum of

(c) pre-development costs;

(d) eligible capital costs;

(e) eligible operating costs;

(f) eligible marketing costs; and

(g) basic royalty paid,

for that interest holder.

Tier I incremental
royalty

10. (1) An interest holder shall calculate and pay a Tier I incremental royalty to the Crown every month, starting at the beginning of the month in which Tier I payout for that interest holder occurs.

(2) Tier I incremental royalty payable by an interest holder under a lease for a month shall be

(a) the interest holder's cumulative net revenue under the lease from the start of the period to the end of that particular month in the period, multiplied by 30%; less

(b) the cumulative basic royalty paid by the interest holder for the period to the end of the previous month, to the extent that the cumulative basic royalty paid is less than or equal to the amount calculated under paragraph (a); less

(c) the cumulative Tier I incremental royalty paid for the period to the end of the previous month.

(3) Tier I payout for an interest holder occurs when, for the first time, the sum of cumulative

(a) gross revenue; and

(b) incidental revenue,

equals the sum of cumulative

- (c) eligible pre-development costs;
- (d) eligible capital costs;
- (e) eligible marketing costs;
- (f) eligible operating costs;
- (g) Tier I return allowance; and
- (h) basic royalty paid.

(4) Tier I return allowance for an interest holder for each month after project commencement, until the month in which Tier I payout occurs, shall be calculated as the product of the Tier I return allowance factor multiplied by the amount by which the sum of an interest holder's cumulative

- (a) eligible pre-development costs;
- (b) eligible capital costs;
- (c) eligible marketing costs;
- (d) eligible operating costs
- (e) basic royalty paid; and
- (f) Tier I return allowance to the end of the previous month,

exceeds the sum of cumulative

- (g) gross revenue; and
- (h) incidental revenue.

(5) In this section, the Tier I return allowance factor for a month is the amount determined by the following formula

$$(1.1 + X)^{1/12} \text{ minus } 1$$

where X equals the percentage increase, expressed as a decimal, in the consumer price index for the month that is 2 months before the month for which the calculations are being made, from the consumer price index for the same month in the preceding year.

(6) If, in a period after Tier I payout, the sum of the interest holder's

- (a) gross transfer revenue; and
- (b) incidental revenue,

is exceeded by the sum of the interest holder's

- (c) eligible capital costs;
- (d) eligible marketing costs; and
- (e) eligible operating costs,

the amount of that excess shall be carried forward as an eligible cost in the next period after Tier I payout occurs.

Tier II incremental
royalty

11. (1) An interest holder shall calculate and pay a Tier II incremental royalty to the Crown every month, starting at the beginning of the month in which Tier II payout for that interest holder occurs.

(2) Tier II incremental royalty payable by an interest holder under a lease for a month shall be

- (a) the interest holder's cumulative net revenue under the lease from the start of the period to the end of that particular month in the period, multiplied by 12.5%; less
- (b) the cumulative Tier II royalty paid for the period to the end of the previous month.

(3) Tier II payout for an interest holder occurs when, for the first time, the sum of cumulative

- (a) gross revenue; and
- (b) incidental revenue,

equals the sum of cumulative

- (c) eligible pre-development costs;
- (d) eligible capital costs;
- (e) eligible marketing costs;
- (f) eligible operating costs;
- (g) Tier II return allowance;
- (h) basic royalty paid; and
- (i) incremental royalty paid.

(4) Tier II return allowance for an interest holder for each month after project commencement, until the month in which Tier II payout occurs, shall be calculated as the product of the Tier II return allowance factor multiplied by the amount by which the sum of an interest holder's cumulative

- (a) eligible pre-development costs;
- (b) eligible capital costs;
- (c) eligible marketing costs;
- (d) eligible operating costs;
- (e) basic royalty paid;
- (f) incremental royalty paid; and
- (g) Tier II return allowance to the end of the previous month,

exceeds the sum of the interest holder's cumulative

- (h) gross revenue; and
- (i) incidental revenue.

(5) In this section, the Tier II return allowance factor for a month is the amount determined by the following formula

$$(1.18 + X)^{1/12} \text{ minus } 1$$

where X equals the percentage increase, expressed as a decimal, in the consumer price index for the month that is the 2 months before the month for which the calculations are being made from the consumer price index for the same months in the preceding year.

(6) In a period after Tier II payout, where no Tier I incremental royalty is payable, the basic royalty paid in that period shall be deducted from the net revenue of the interest holder for that period for the purpose of calculating the Tier II incremental royalty payable by the interest holder.

(7) In section 10 and this section, "period" means a year except that for the purposes of subsections 10(2) and 11(2) in the years in which Tier I payout or Tier II payout occurs

- (a) the time from the beginning of the year to the end of the month preceding the month in which Tier I payout or Tier II payout occurs shall be one period; and
- (b) the remainder of that year shall be another period.

Net revenue

12. Net revenue for an interest holder for a month is the amount by which the sum of

- (a) gross revenue; and
- (b) incidental revenue,

of the interest holder for the month, exceeds the sum of

- (c) eligible capital costs for that interest holder for the month;
- (d) eligible marketing costs; and
- (e) eligible operating costs.

Lien property

13. (1) The assets of an interest holder that are subject to a lien established under the Act shall be:

- (a) that interest holder's divided and undivided share of all oil produced from the lease;
 - (b) all money and proceeds that may at any time be due, owing or payable to that interest holder with respect to
 - (i) that interest holder's divided and undivided share in all oil and agreements in effect or entered into after by that interest holder that relates to the sale, use or disposition of that interest holder's divided or undivided share of oil produced from that lease, and
 - (ii) the sale, assignment other than by way of security, transfer or disposition, in whole or in part, of the share of that interest holder in the lease, including all book debts, accounts receivable, negotiable and non-negotiable instruments, judgments, securities and choses in action from the sale or disposition of oil or a share of the lease;
 - (c) the lease and all rights derived under the lease or resulting from the issue of the lease; and
 - (d) records with respect to the assets referred to in paragraphs (a) to (c) including those pertaining to the sale of oil under the interest holder's lease.
- (2) The assets of an interest holder other than those specified in subsection (1) are released from the lien established under the Act.
- (3) Where an interest holder of a share in a lease is in violation of its royalty share payment obligation under the Act and these regulations, the minister shall give notice of that violation and the lien existing as a result of that violation, including the amount payable by that interest holder, to the other interest holders and the minister shall not exercise his or her rights under that lien until 180 or more days after that notice has been given.
- (4) Where a lien exists because an interest holder has violated its royalty share payment obligations under the Act and these regulations and subsequently the royalty payment is paid so that the interest holder is no longer in violation of its royalty share payment obligations

under the Act and these regulations, the lien imposed under the Act as a result of the violation shall be considered to be released.

Report

14. (1) When an interest holder first transfers oil at the loading point under a lease, royalty share payable each month by that interest holder under that lease shall be remitted accompanied by a statement and monthly report in the required form and shall provide sufficient information for the minister to determine the amount of royalty share payable.

(2) A report and other statements and information required under subsection (1) shall be submitted to the minister not later than the last day of the month immediately following the month to which the report relates.

(3) After reviewing a report, statements and information provided under subsection (2), the minister may issue a reassessment of royalty share owed.

Non filing

15. Where an interest holder does not file with the minister a monthly report within the time provided by these regulations, the minister may assess the royalty share amounts owing by the interest holder under the Act and shall, in writing, notify the interest holder of those assessed amounts.

Measurement standards

16. All measurements of oil and other petroleum substances, including all meters which are used to measure them, shall be in accordance with the legislation and regulations administered by the board unless otherwise is required by the minister.

©Earl G. Tucker, Queen's Printer



NEWFOUNDLAND REGULATION 85/01

Proclamation bringing Act into force
under the
Citizens' Representative Act

(o.c. 2001-736)

(Filed December 7, 2001)

*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.*

ARTHUR MAXWELL HOUSE
Lieutenant-Governor

J O H N R . C U M M I N G S
Deputy Minister of Justice

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 49 of the *Citizens' Representative Act*, S.N. 2001, c-14.1 (the "Act") it is provided that the Act shall come into force on a day to be fixed by Proclamation of Our Lieutenant-Governor in Council;

AND WHEREAS it is deemed it expedient that the Act shall now come into force.

NOW KNOW YE, THAT WE, by and with the advise of Our Executive Council of Our Province of Newfoundland and Labrador, do by this Our Proclamation declare and direct that the *Citizens' Representative Act*, S.N. 2001, c-14.1 shall come into force on December 7, 2001.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable A. M. House, Lieutenant-Governor
in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE in Our City of St. John's this 7th day of December, in the
year of Our Lord two thousand and one in the fiftieth year of Our Reign.

BY COMMAND,

ROBERT F. SMART
Registrar General



**NEWFOUNDLAND AND LABRADOR
REGULATION 87/01**

Securities Regulations (Amendment)
under the
Securities Act
(O.C. 2001-728)

(Filed December 6, 2001)

Under the authority of section 143 of the *Securities Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 5, 2001.

Deborah E. Fry
Clerk of the Executive Council

REGULATION

Analysis

1. S.149A Rep.
Reporting requirement met

CNR 805/96

1. Section 149A of the *Securities Regulations* is repealed.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 88/01**

Furbearing Animals Trapping Order, 2001-2002
under the
Wild Life Regulations
and the
Wild Life Act

(Filed December 11, 2001)

Under the authority of sections 16, 25, 27 and 114 of the *Wild Life Regulations* and the *Wild Life Act*, I make the following Order.

Dated at St. John's, December 10, 2001.

Kevin Aylward
Minister of Tourism, Culture and Recreation

ORDER

Analysis

- | | |
|--|---------------------------------------|
| 1. Short title | 14. Quick kill traps |
| 2. Open season trapping | 15. Live holding devices |
| 3. Prohibited areas | 16. Prohibited devices |
| 4. Beaver management area | 17. Lynx to be registered |
| 5. Rate of beaver harvest | 18. Licence and registration required |
| 6. Underwater sets required | 19. Accidental taking of lynx |
| 7. Labrador furbearer management zones | 20. Wolves |
| 8. Open season trapping | 21. Repeal |
| 9. Trapping prohibited | |
| 10. Limit | Schedule A |
| 11. Prohibited devices | Schedule B |
| 12. Neck snares | |
| 13. Foot traps | |

- Short title **1.** This Order may be cited as the *Furbearing Animals Trapping Order, 2001-2002*.
- Open season trapping **2.** The open season for trapping on the Island of Newfoundland except as provided for in Schedule A shall be
- | | |
|----------------|--|
| Beaver | Oct. 20, 2001 - Mar. 15, 2002 |
| Coyote | Oct. 20, 2001 - Feb. 1, 2002 |
| Ermine, weasel | Oct. 20, 2001 - Feb. 28, 2002 |
| Fox, coloured | Oct. 20, 2001 - Feb. 1, 2002 |
| Fox, white | Oct. 20, 2001 - Feb. 1, 2002 |
| Lynx | Zone A and B-Jan. 1, 2002 - Feb. 1, 2002
Zone C-Dec. 1, 2001 - Feb. 1, 2002 |
| Mink | Nov. 1, 2001 - Feb. 28, 2002 |
| Muskrat | Oct. 20, 2001 - Mar. 15, 2002 |
| Otter | Oct. 20, 2001 - Mar. 15, 2002 |
| Squirrel | Oct. 20, 2001 - Feb. 28, 2002 |
- Prohibited areas **3.** (1) Notwithstanding section 2, the trapping of furbearing animals, other than beaver, is prohibited in that part of the Island of Newfoundland known as the Pine Marten Study Area which is described in Schedule A.
- (2) The trapping of all furbearing animals is prohibited in the following areas:
- (a) Frenchman's Cove, Great Garnish Barasway;
 - (b) Brunette Island, Fortune Bay;
 - (c) Jude Island, Placentia Bay;
 - (d) Emberley Island, Placentia Bay; and
 - (e) Great Southern Harbour.

(3) Notwithstanding section 2, all dry land trapping and snaring of furbearing animals is prohibited in that part of the Island of Newfoundland known as the Main River/Upper Humber Study Area and on Glover Island as described in Schedule A.

(4) Notwithstanding subsection (3), the use of submerged and semi-submerged sets is permitted in the areas referred to in that subsection, but for the purposes of mink, muskrat, beaver and otter, snaring is restricted to underwater sets including

- (i) a submerged leghold trap set as a drowner,
- (ii) floating mink boxes,
- (iii) underwater conibear sets, and
- (iv) submarine or multiple catch type sets.

(5) Notwithstanding subsection 2, select dry land trapping only is permitted in the North West Grand Lake Area, the Charlottetown Enclave Area, the Terra Nova Area and the Red Indian Lake Area as described in Schedule A.

(6) For the purpose of subsection (5), "select dry land trapping" includes the use of neck snares for fox, coyote and lynx, but for the purpose of mink, muskrat, beaver and otter snaring is restricted to underwater sets including

- (a) a submerged leghold trap set as a drowner,
- (b) floating mink boxes,
- (c) underwater conibear sets,
- (d) submarine or multiple catch type sets, and
- (e) 330 conibear and similar traps set at waters edge in beaver runs.

Beaver management
area

4. For the purpose of managing the harvests of beaver, the Island of Newfoundland is designated as a beaver management area.

- Rate of beaver harvest **5.** On the Island of Newfoundland, the holder of a beaver trapline licence shall harvest beaver at a rate of one beaver per active lodge on the trapline area identified in the licence.
- Underwater sets required **6.** The trapping of beaver in the Pine Marten Study Area is permitted only by the use of underwater sets.
- Labrador furbearer management zones **7.** The Labrador Furbearer Management Zones are as described in Schedule B.
- Open season trapping **8.** The open seasons for trapping within Labrador shall be
- (a) Northern Labrador Zone**
- | | |
|----------------|-------------------------------|
| Beaver | Oct. 15, 2001 - May 31, 2002 |
| Coyote | Oct. 15, 2001 - Mar. 31, 2002 |
| Ermine, weasel | Oct. 15, 2001 - Mar. 31, 2002 |
| Fox, coloured | Oct. 15, 2001 - Mar. 31, 2002 |
| Fox, white | Oct. 15, 2001 - May 15, 2002 |
| Lynx | Oct. 15, 2001 - Mar. 31, 2002 |
| Marten | Oct. 15, 2001 - Mar. 31, 2002 |
| Mink | Nov. 1, 2001 - Mar. 31, 2002 |
| Muskrat | Oct. 5, 2001 - May 31, 2002 |
| Otter | Oct. 15, 2001 - Mar. 31, 2002 |
| Squirrel | Oct. 15, 2001 - Mar. 31, 2002 |
| Wolf | Oct. 15, 2001 - Apr. 30, 2002 |
| Wolverine | No open season |
| Fisher | No open season |
- (b) Southern Labrador Zone**
- | | |
|----------------|------------------------------|
| Beaver | Oct. 15, 2001 - May 31, 2002 |
| Coyote | Nov. 1, 2001 - Mar. 20, 2002 |
| Ermine, weasel | Nov. 1, 2001 - Mar. 20, 2002 |
| Fox, coloured | Nov. 1, 2001 - Mar. 20, 2002 |
| Fox, white | Nov. 1, 2001 - Mar. 20, 2002 |
| Lynx | Nov. 1, 2001 - Mar. 20, 2002 |
| Marten | Nov. 1, 2001 - Mar. 20, 2002 |

Mink	Nov. 1, 2001 - Mar. 20, 2002
Muskrat	Oct. 15, 2001 - May 31, 2002
Otter	Oct. 15, 2001 - Mar. 20, 2002
Squirrel	Nov. 1, 2001 - Mar. 20, 2002
Wolf	Nov. 1, 2001 - Apr. 30, 2002
Wolverine	No open season
Fisher	No open season

- Trapping prohibited **9.** Notwithstanding section 8, the trapping of furbearing animals in Labrador is prohibited.
- Limit **10.** In Labrador there is no limit on the number of beaver which may be taken by the holder of a trappers beaver licence.
- Prohibited devices **11.** A person shall not trap, take or kill any furbearing animal by means of a trap or other device that is equipped with metal teeth, metal serrated edges, hooks or sharp devices.
- Neck snares **12.** All neck snares which are set on land, for the purpose of taking furbearing animals, except squirrel, shall be equipped with a noose locking device, set in a manner that the noose once closed is prevented from expanding.
- Foot traps **13.** All foot hold traps set for beaver, muskrat, otter and mink shall be set in a manner that allows the animal to submerge and prevent it from resurfacing.
- Quick kill traps **14.** (1) All furbearing animals, except fox, coyote, wolf, and lynx shall be taken only by means of quick kill traps, box traps, cage traps or other traps set in manner as to kill the animal quickly.
- (2) Coyote, wolf and lynx may be taken with a foot holding device providing the device has a minimum space of 5 millimetres between the jaws when closed, or the device has pads of a rubber like substance fastened to the trap jaws or the device is equipped with trap jaws of 9 millimetres or greater in thickness.
- Live holding devices **15.** All live holding devices set on land for furbearing animals shall be checked at least every 72 hours.

Prohibited devices	<p>16. A person shall not use spring poles or foot hold traps in trees or poles, unless the trap is set as a quick killing device.</p>
Lynx to be registered	<p>17. (1) All lynx caught on the Island of Newfoundland during the open season for lynx shall be registered for tagging prior to the close of business hours on Friday, February 8, 2002.</p> <p>(2) All lynx carcasses shall be surrendered to the Inland Fish and Wild Life Division at the time of registration.</p>
Licence and registration required	<p>18. A person on the Island of Newfoundland shall not have in his or her possession any lynx pelt or any lynx parts, unless that person is the holder of a valid trappers licence and the pelt or parts are registered in accordance with section 17 or previously as registered.</p>
Accidental taking of lynx	<p>19. A licensed trapper who, on the Island of Newfoundland, takes lynx accidentally during the trapping seasons for other species other than those trapping periods specified for lynx shall within 7 days of taking the lynx surrender it to the Inland Fish and Wild Life Division.</p>
Wolves	<p>20. (1) All persons taking wolves must surrender to the Inland Fish and Wild Life Division the lower jawbone or complete skull from each wolf taken.</p> <p>(2) These specimens shall be submitted by May 15, 2002.</p>
Repeal	<p>21. <i>The Furbearing Animals Trapping Order, 2000-2001, Newfoundland and Labrador Regulation 61/00, is repealed.</i></p>

Schedule A

(a) Pine Marten Study Area

That part of the Island of Newfoundland bounded by a line beginning at the intersection of the Trans Canada Highway, Route 1, and the Camp 33 Road;

Then following the Camp 33 Road to the southwestern extremity of Grand Lake;

Then following the shoreline of Grand Lake to the mouth of Red Indian Brook a distance of approximately 15 kilometres to a small lake on its headwaters;

Then following a straight line in a generally southeasterly direction to the southeastern extremity of the Lake of the Hills;

Then following the western bank of the brook flowing out of Lake of the Hills to Otter Pond;

Then following the western shore of Otter Pond and the western bank of the brook flowing out of Otter Pond into Lloyds River;

Then following the northern bank of Lloyds River and the northern shore of Lloyds Lake and the northern bank of Lloyds River, west of Lloyds Lake, to the mouth of the brook flowing out of Cormacks Lake;

Then following the eastern or northern bank of this brook to Cormacks Lake;

Then following a straight line in a generally northerly direction approximately 8 kilometres to a point on the headwaters of Little Barachois Brook;

Then following the northern bank of Little Barachois Brook to its intersection with the eastern boundary of the Barachois Pond Provincial Park;

Then following the eastern and northern boundaries of the park to the Trans Canada Highway;

Then following the Trans Canada Highway to the point of commencement.

(b) Main River/Upper Humber Area

All that area of the Island of Newfoundland, commencing at a tributary on Main River UTM 481,975 metres east 5,522,600 metres north;

Then following this tributary in a generally northerly direction to UTM 483,840 metres east 5,528,225 metres north;

Then following a straight line in a southeasterly direction to UTM 488,460 metres east 5,525,000 metres north;

Then following a straight line in an easterly direction to the eastern extremity of a small pond at UTM 498,485 metres east 5,525,000 metres north;

Then following the eastern shoreline of the pond to its outlet;

Then following a chain of brooks in a southerly direction to UTM 498,771 metres east 5,522,615 metres north;

Then following a straight line in a generally southeasterly direction to UTM 502,332 metres east 5,518,590 metres north;

Then following a straight line in a generally southwesterly direction to UTM 499,538 metres east 5,516,260 metres north;

Then following a straight line in a southerly direction to the outlet of a small pond at UTM 499,615 metres east 5,513,620 metres north;

Then following a stream that flows in a southerly direction to Main River;

Then following Main River in a westerly direction to a small tributary at UTM 495,570 metres east 5,510,540 metres north;

Then following that tributary and a chain of ponds in a generally westerly direction to where a small stream is intersected by the Upper Humber Forest Access Road at UTM 480,650 metres east 5,509,735 metres north;

Then following a straight line in a westerly direction to the east shore of a small pond at UTM 469,023 metres east 5,510,070 metres north;

Then following the north side of that pond and a connected tributary in a northwesterly direction to its intersection with the eastern boundary of Gros Morne National Park at UTM 466,335 metres east 5,510,602 metres north;

Then following the boundary of the park in a northerly direction to where it intersects a lake at UTM 461,750 metres east 5,529,000 metres north;

Then following the south shoreline of that lake in an easterly direction to its most eastern extremity;

Then following a straight line in an easterly direction to UTM 466,087 metres east 5,528,540 metres north;

Then following the southern shore of Parsons Pond River in an easterly direction to the point of commencement.

(c) Northwest Grand Lake Area

All that area of the Island of Newfoundland bounded by a line beginning at the intersection of the Trans Canada Highway, Route 1, and Camp 33 Road;

Then following Camp 33 Road to the southwest extremity of Grand Lake;

Then following the north shoreline of Grand Lake in a northeasterly direction to the Humber Canal;

Then following the south bank of the Humber Canal to its intersection with the TCH at Deer Lake;

Then following the TCH in a southwesterly direction to the point of commencement.

(d) Terra Nova Area

All that area of the Island of Newfoundland bounded by a line beginning at the intersection of North West River and the Terra Nova National Park, TNNP, boundary at UTM coordinates 706,250 metres east and 5,365,250 metres north;

Then following the north bank of the said river in a westerly direction to UTM coordinates 664,125 metres east and 5,346,625 metres north;

Then following a straight line in a northwesterly direction to UTM coordinates 663,750 metres east and 5,353,125 metres north;

Then following a straight line in a westerly direction to the northeastern extremity of Kepenkeck Lake;

Then following a straight line in a northwesterly direction to the eastern extremity of Newton's Lake;

Then following a straight line in a northerly direction to the eastern extremity of South West Pond;

Then following a straight line in a northeasterly direction to the western extremity of Dead Wolf Pond;

Then following the southern shoreline of Dead Wolf Pond to the mouth of a small stream entering the pond at its eastern extremity;

Then following this stream to its headwaters pond;

Then following a straight line for approximately 500 metres due east to an unnamed pond;

Then following a stream exiting this pond at its southeastern extremity;

Then following this stream in a southeasterly direction to its outflow in Riverhead Brook;

Then following this brook in an easterly direction to its mouth in Gambo Pond;

Then following the north shore of Gambo Pond to Gambo Brook;

Then following the west bank of Gambo Brook to its intersection with the Trans Canada Highway, TCH, Route 1;

Then following the TCH in an easterly direction to its intersection with the TNNP boundary;

Then following the western boundary of TNNP in a southerly direction to the point of commencement.

(e) Charlottetown Enclave Area

All that area of the Island of Newfoundland bounded by a line beginning at the intersection of the Terra Nova National Park, TNNP, boundary and the north shoreline of Clode Sound, Bonavista Bay at UTM coordinates 720,554 metres east and 5,367,279 metres north;

Then following the TNNP boundary in a northerly direction to UTM coordinates 720,507 metres east and 5,370,209 metres north;

Then following the TNNP boundary in a northeasterly direction to UTM coordinates 721,554 metres east and 5,371,792 metres north;

Then following the TNNP boundary in a southeasterly direction to its intersection with the north shoreline of Clode Sound, Bonavista Bay at UTM coordinates 722,550 metres east and 5,369,850 metres north;

Then following the shoreline of Clode Sound, Bonavista Bay in a southwesterly direction to the point of commencement.

(e.1) Red Indian Lake Area

All that area of the Island of Newfoundland bounded by a line beginning at the mouth of Victoria River and Red Indian Lake;

Then following the north bank of Victoria River in a south-westerly direction to Victoria Lake;

Then following a mid-way line between the north and south shorelines of Victoria Lake to the mouth of a small river entering Victoria Lake at its southwestern extremity;

Then following the north bank of the Victoria River to a point opposite the mouth of a brook flowing from Peter Strides Pond;

Then following a straight line in a northerly direction to the intersection of the Pine Marten Study Area and Lloyds River at the mouth of the brook flowing from Cormack Lake;

Then following the Pine Marten Study Area boundary along Lloyds River in a northeasterly direction to the mouth of Otter Pond Brook;

Then following the western bank of Otter Pond Brook, the western shore of Otter Pond and the west bank of Otter Pond Brook to Lake of the Hills;

Then following a straight line in a northwesterly direction to U.T.M. co-ordinates 471,250 metres east and 5,379,000 metres north;

Then following a straight line in a northeasterly direction to its intersection with Clench Brook at U.T.M. co-ordinates 500,875 metres east and 5,401,000 metres north;

Then following the south bank of Clench Brook to its mouth on Red Indian Lake;

Then following a straight line in an easterly direction to the point of commencement.

(f) Zone A - Southwest Coastal Zone

All that area of the Island of Newfoundland bounded by a line commencing at the intersection of the Trans Canada Highway, TCH, and Route 480, Burgeo Road;

Then following Route 480 to its intersection of Woody Hill Brook near Burgeo;

Then following Woody Hill Brook to its outflow at the coastline;

Then following the coastline of southwest Newfoundland, first in a westerly direction and then in a northeasterly direction to Main Gut at the mouth of St. George's River;

Then following the southern shoreline of St. George's River to its intersection with the TCH;

Then following the TCH to the point of commencement.

(g) Zone B - Northern Peninsula

All that area of the Island of Newfoundland lying north of a straight line from the southeast corner of Gros Morne National Park to the western inlet of Sop's Arm.

(h) Zone C - Remainder of the Island

All that area of the Island of Newfoundland not described in Zones A or B.

Schedule B

(a) Labrador North Fur Zone

All that area of Labrador, including offshore islands, lying north of a line commencing at a point on the coast at 54° north latitude, then west along 54° north latitude to its intersection with 62° west longitude, then north along 62° west longitude to 55° north latitude and then west along 55° north latitude to its intersection with the Labrador - Quebec boarder.

(b) Labrador South Fur Zone

All that part of Labrador, including offshore islands, not described in the Labrador North Fur Zone.

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Furbearing Animals Trapping Order, 2001-2002	88/01	NR 61/00 R & S	Dec. 14/01, p. 643

The Newfoundland Gazette is published from the office of Earl G. Tucker, Queen's Printer.

Copy for publication must be received before **Friday, 4:30 p.m.**, seven days before publication, to ensure inclusion in next issue. Advertisements should be typewritten or printed legibly, separate from covering letter. Number of insertions required must be stated and the names of all signing officers typewritten or printed.

Advertising rates are available upon request. Subscription rate for *The Newfoundland Gazette* is \$125.00 for 52 weeks plus applicable tax (\$133.75). Weekly issues of \$3.00 per copy, plus tax payable in advance.

All cheques, money orders, etc., should be made payable to THE NEWFOUNDLAND EXCHEQUER ACCOUNT and all correspondence should be addressed to: Office of the Queen's Printer, P. O. Box 8700, Confederation Building, St. John's, NF A1B 4J6. Telephone: (709) 729-3649. Fax: (709) 729-1900.

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