



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 77

ST. JOHN'S, FRIDAY, JULY 12, 2002

No. 28

THE MINERAL ACT

NOTICE

Published in accordance with regulation 62 of the Mineral Regulations.

Mineral rights to the following mineral licences have reverted to the Crown:

Mineral Licence held by situate near on map sheet	5566M British Canadian Mines Ltd. Coachmans Harbour, Baie Verte 12I/ 1
Mineral Licence held by situate near on map sheet	5719M Bookend Resources Inc. Milan Arm, Northern Peninsula 2M/12
Mineral Licence held by situate near on map sheet	6041M First Labrador Acquisitions Davis Cove, Burin Peninsula 1M/ 9
Mineral Licence held by situate near on map sheet	6720M Robert Noseworthy and Terry Tyne Okak Bay 14E/ 9

Mineral Licence held by situate near on map sheet	7362M Charles Dearin Round Pond, Central Nfld 12H/ 9
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Mineral Licence held by situate near on map sheet	7363M John Tuach Ossokmanuan Lake 23H/ 6
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Mineral Licence held by situate near on map sheet	7857M Newfoundland Barite Limited Long Cove, Avalon Peninsula 1N/12
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Mineral Licence held by situate near on map sheet	7932M Newfoundland Mining & Exploration Ltd. Red Indian Lake, Central Nfld 12A/15
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Mineral Licence held by situate near on map sheet	7935M, 7936M Denis F. Walsh Dawes Pond, Central Nfld 12H/ 1
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Mineral Licence held by situate near on map sheet	7937M Alexander T. Stares Meelpaeg Lake, Central Nfld 12A/ 7
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Mineral Licence held by Peter M. Dimmell situate near Tally Pond, Central Nfld on map sheet 12A/ 9

Mineral Licence held by Barry Sparkes situate near Content Reach, Eastern Nfld on map sheet 2C/13, 2C/14

Mineral Licence held by Kevin D. Keats situate near Meelpaeg Lake, Central Nfld on map sheet 12A/ 7

Mineral Licence held by Lai Lai Chan situate near Rocky Pond, Central Nfld on map sheet 12H/ 8

Mineral Licence held by Marshall Collins situate near Copper Island, Fogo East on map sheet 2F/12

Mineral Licence held by Roland Quinlan situate near Gulp Pond, Central Nfld on map sheet 12A/ 8

Mineral Licence held by Alexander J. Turpin situate near Sops Arm, Central Nfld on map sheet 2E/ 5

Mineral Licence held by Altius Resources Inc. situate near Lake Michael on map sheet 13J/ 9

Mineral Licence held by Larry Quinlan situate near Moretons Harbour, Central Nfld on map sheet 2E/10

A portion of licence held by GT Exploration Ltd situate near Clench Brook, Central Nfld on map sheet 12A/15 more particularly described in an application on file at Dept. of Mines and Energy

A portion of licence held by Bookend Resources Inc. situate near Carpon Cove, Northern Peninsula on map sheet 2M/12 more particularly described in an application on file at Dept. of Mines and Energy

A portion of licence held by Bookend Resources Inc. situate near Milan Pt, Northern Peninsula on map sheet 2M/12 more particularly described in an application on file at Dept. of Mines and Energy

Mineral Holdings Quarry Leases 1 and 79 (shale and clay) held by Trinity Brick Products Limited situate near Milton on map sheet 2C/4

The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in Consolidated Newfoundland Regulations 1143/96 and Newfoundland Regulation 71/98, 104/98, 97/2000 and 36/2001 and outlined on 1:50 000 scale maps maintained by the Department of Mines and Energy, will be open for staking after the hour of 9:00 AM on the 32nd clear day after the date of this publication. Priority of applications submitted will be determined by a draw.

Jim Hinchey P.Geo
Mineral Claims Recorder

774: 2401; 2782; 2856; 2861; 2866; 3059; 3461; 3841; 3842; 4156; 4212; 4214; 4215; 4217; 4218; 4219; 4220; 4221; 4222; 4223; 4224; 4227

772: 01

July 12

MUNICIPALITIES ACT

NOTICE

The following regulations have been made by the Town Council of Grand Falls-Windsor under the provisions of Section 414(1) of the Municipalities Act, 1999 cM24.

Animal Control Regulations

1. These Regulations shall be known and cited as the Town of Grand Falls-Windsor Animal Control Regulations.

2. In these Regulations the following words, unless the context otherwise requires, shall have the following meanings:

- (a) "Act" means the Municipalities Act, 1999 cM24.
- (b) "Animal" means any animal, not excluding cat or dog.
- (c) "Animal Pound" means a facility operated by or on behalf of the Town for the keeping and disposition of animals.
- (d) "Cat" means a member of any breed of domesticated feline or crossbreed of domesticated feline whether spayed or neutered.
- (e) "Council" means the Town Council of the Town of Grand Falls-Windsor.
- (f) "Dog" means a male or female dog or pup and includes an animal which is a crossbreed between a dog and a wolf.
- (g) "Municipal Enforcement Officer" means a peace officer with powers granted under Section 179 of the Act.
- (h) "Impounder" means a person authorized by the council to impound any animal which is without an owner, is not in the company of an owner, or any animal of which the owner has violated any provisions of these regulations.
- (i) "Injured" and "Injury" include, but are not limited to, injuries caused by wounding, worrying, or pursuing.
- (j) "Kennel" means an establishment for the keeping, breeding or boarding of dogs.
- (k) "Live Trap" means a cage like device, approved by the S.P.C.A., used in the capture of cats, without injury to the animal.
- (l) "Owner" means a person who owns, harbors, has custody or has possession of an animal or a person who has charge of a house or premises or part of a premises where an animal is kept or permitted to live or remain.
- (m) "Premises" means any property within the town.
- (n) "Town" means the Town of Grand Falls-Windsor.

(o) "Town Clerk" means the Town Clerk of the Town of Grand Falls-Windsor.

(p) "Running at Large" means to be;

- (i) in a public place
- (ii) on premises not owned by or in the possession of the owner of the animal.

3. No person being an owner shall keep an animal within the Town limits unless a licence has been issued by Council for such animal and unless such animal bears a numbered tag or plate indicating that such licence is valid.

4. (a) Every licence issued by Council shall have no expiry date and shall be non-transferable.

(b) The fee for a licence shall be:

- (i) \$10.00 - for a neutered or spayed dog.
- (ii) \$30.00 - for an unneutered or an unspayed dog.
- (iii) \$10.00 - for a neutered or spayed cat.
- (iv) \$20.00 - for an unneutered or unspayed cat.
- (v) \$50.00 - for a breeding licence
- (vi) \$50.00 - for a licence to operate a kennel

5. No person shall breed animals unless a licence has been issued by Council. This licence must be renewed each time the animal is bred.

6. No person shall operate a kennel or carry on any business or institution for boarding, keeping, training or treating animals unless permission for such operation is granted by Council.

7. If an animal while not in the company of its owner, or a member of its owners household, is found in any public place or any private property without the consent of the property owner, occupant or person having control of such property, the owner of such animal, as well as the person who caused the animal to be in such a place, shall be deemed to have committed an offence in terms of these Regulations.

8. Any animal found at large in the Town contrary to these Regulations, may be humanely destroyed by the impounder at the expiration of two days after the time of impounding.

9. If any animal shall bark or howl in such a manner as to disturb the peace, or to constitute an annoyance to residents in the neighbourhood, such animal shall be deemed to be a nuisance and the owner thereof shall be deemed to have committed an offence in terms of these Regulations.

10. If any animal shall cause damage to any lawn, grass plot, garden or flower bed, or flower, shrub or plant or if an animal causes garbage placed for collection to be disturbed, such animal shall be deemed to be a nuisance and the owner thereof shall be deemed to have committed an offence in terms of these Regulations.

11. If an animal shall bite any person other than its owner, or a member of its owner's household and while not in the owner's premises, such animal shall be deemed to be a nuisance and the owner thereof shall be deemed to have committed an offence in terms of these Regulations.

12. Any court of summary jurisdiction may take cognizance of a complaint that an animal is dangerous and not kept under proper control or has bitten or attempted to bite any person and if it appears to the court that the animal is dangerous or has done any of the things referred to herein, the court may order the owner of the animal to destroy it.

13. Any person authorized to destroy an animal under these Regulations may destroy it or may complain to a Provincial Court Judge, who, upon verification of the authorization, may make an order directing the owner of the animal to destroy it.

14. The owner of an animal who fails to comply with an order made under regulation 12 or regulation 13, shall be deemed to have committed an offence in terms of these Regulations.

15. Whenever an animal is found, in any public place or on any private property without the consent of the property owner, occupant or person having control of such private property, or without a tag or plate as required by regulation 2 or is not accompanied as required by regulation 6 or is not held securely on a leash by a person capable of restraining its movements or is not confined to private property, the impounder shall and any person may cause the dog to be impounded.

16. (a) No person shall keep an animal in the Town, unless the animal is safely tethered or penned up at all times or kept securely on a leash by a person capable of restraining its movements.

(b) An animal which is tethered or penned up pursuant to these regulations shall be tethered or penned up

in a manner which may not be regarded as imposing undue hardship or cruelty to the animal.

17. (a) When an animal which bears a numbered tag or plate, as required by these regulations, has been impounded, the impounder shall, if possible, give notice thereof to the licensee or owner of the animal if the name and address of such persons are known to him, and if the animal has not been redeemed by or on behalf of the licensee or owner within two (2) days after the dispatch of such notice, or where no notice has been given, after the time of impounding, the impounder shall cause the dog to be disposed of or humanely destroyed;

(b) The fee which shall be paid to the impounder for the redemption of an impounded animal shall be \$50.00

(c) When an animal which does not bear a numbered tag or plate, as required by these regulations, has been impounded, the impounder shall cause the animal to be disposed of or humanely destroyed at the expiration of forty-eight (48) hours after the time of impounding.

(d) Where, in the sole discretion of the impounder, the animal liable to be impounded, appears to be vicious, dangerous, diseased or otherwise unfit for impounding, the impounder may cause the animal to be disposed of or humanely destroyed forthwith;

(e) Upon payment of the impounding fee and of the licence fee described where an animal is not licenced, the impounder may release any animal which fails to be disposed of or destroyed, to any person requesting such animal and the ownership of such animal shall then vest in the person to whom it is released and the former owner shall have no right or claim to such animal.

(f) When an animal for which Council refuses to issue a licence or permit to be kept within the Town, is found to be kept within the Town, the owner of such animal is deemed to have committed an offence and the impounder shall impound the animal.

(g) If an animal for which the Council refuses to issue a licence or permit to be kept in the Town is found at large, it shall be the duty of the impounder to seize and impound such animal and to enter any premises for the purpose of recapturing such animal which may escape from his control.

18. The following fees shall be paid by the owners of animals seized or impounded because Council refused to issue a licence or permit to be kept within the town.

- (a) for seizing or impounding of an animal.....\$100.00
- (b) for each day during which an animal is impounded.....\$20.00
- (c) plus all actual expenses for necessary food and veterinarian treatment for the animal.

19. No person except a Council employee may enter an impounding area without permission from Council.

20. Any person found to tease an animal caught in a trap or throwing or poking any object into the trap when an animal is caught therein, is guilty of an offence and upon conviction shall be liable for a fine of \$1,000.00

21. Any person who removes an animal from an impound without having first paid the fees required by these regulations commits an offence.

22. (a) Any person who interferes with or attempts to interfere with a Municipal Enforcement officer of Animal Control officer or S.P.C.A. representative in the exercise of their duties, shall be deemed to have committed an offence in terms of these regulations.

(b) Any person who, without authority of a Municipal Enforcement officer or Animal Control officer of S.P.C.A. representative, releases any animal which has been impounded, shall be deemed to have committed an offence in terms of these regulations.

(c) Every person requested by a Municipal Enforcement officer or Animal Control officer or S.P.C.A. representative, shall forthwith give his or her proper name and address.

23. Any person who violates the provisions of regulation 12 of these regulations shall be liable to a minimum fine of \$150.00 or a maximum fine of \$300.00 for each and subsequent fines.

24. Any person who violates any provision of these regulations is guilty of an offence and shall be liable on summary conviction to a penalty as prescribed by these regulations.

25. Any person who violates any provision of these regulations for which a penalty is not specifically provided, shall be guilty of an offence and be liable upon conviction to a minimum fine of \$25.00 or a maximum fine of \$300.00 for a first offence, or a minimum fine of \$75.00 or a maximum fine of \$500.00 for a second and each subsequent offence.

26. Prosecution under these regulations may be taken summarily by any Police Officer, including a Municipal Enforcement Officer.

27. The Town of Grand Falls-Windsor Dog Regulations and Cat Regulations and Impounding of Animals Regulations are hereby repealed.

28. These Regulations came into effect on the 15th day of June, 2002.

Mayor
Town Manager/Clerk

Approved at Meeting #237 on June 4th, 2002.

July 12

URBAN AND RURAL PLANNING ACT

**NOTICE OF REGISTRATION
TOWN OF PORTUGAL COVE-ST. PHILIPS
MUNICIPAL PLAN AMENDMENT NO. 3, 2002, and
DEVELOPMENT REGULATIONS AMENDMENT
NO. 4, 2002**

Take notice that the Town of Portugal Cove-St. Philips Municipal Plan Amendment No. 3, 2002 and Development Regulations Amendment No. 4, 2002 adopted on the 26th day of February, 2002, and approved on the 10th day of June, 2002, as been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of the Municipal Plan Amendment No. 3, 2002, is to add a Residential Coastal Policy to the Municipal Plan and add a Residential Coastal Use Zone Table to the Development Regulations. The Amendments will also re-zone land located on the west side of the shoreline, St. Philips near Goat Cove and St. Philips Harbour, to allow for the Residential Coastal development.

The Town of Portugal Cove-St. Philips Municipal Plan Amendment No. 3, 2002 and Development Regulations Amendment No. 4, 2002, comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the Town

of Portugal Cove-St. Philips Municipal Plan Amendment No. 3, 2002 and Development Regulations Amendment No. 4, 2002, may do so at the Town Office, Portugal Cove-St. Philips during normal working hours.

July 12

NOTICE OF REGISTRATION

**CITY OF MOUNT PEARL
DEVELOPMENT REGULATIONS
AMENDMENT NO. 117, 2002**

TAKE NOTICE that the City of Mount Pearl Development Regulations Amendment Number 117, 2002, adopted by Council on the 11th day of June, 2002, and approved (as amended) on the 11th day of June, 2002, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Development Regulations Amendment Number 117, 2002 is to amend the text of Condition 7 of the Industrial - Light (LI) use zone, which pertains to satellite dishes.

The Mount Pearl Development Regulations Amendment Number 117, 2002 comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the Mount Pearl Development Regulations Number 117, 2002 may do so at the Mount Pearl City Hall, 3 Centennial Street during normal working hours.

July 12

LANDS ACT

NOTICE OF INTENT

Lands Act, Chapter 36, S.N. 1991

Notice is hereby given that Bryants Cove Improvement Committee of Bryants Cove, Newfoundland and Labrador 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) of the said Act, all that piece or parcel of Crown Land situated within fifteen metres of the waters of Bryants Cove in the Electoral District of Port de Grave, Newfoundland and Labrador, for the purpose of construction of a launch-way and being more particularly described as follows:

*Bounded on the North by Church Road
for a distance of 50 m;
Bounded on the East by Morgan's Point
for a distance of 100 m;*

*Bounded on the South by River running from Bryant's Cove Pond
for a distance of 80 m;
Bounded on the West by Main Road (the Gut)
for a distance of 50 m;
and containing an area of
approximately 26,000 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, Newfoundland & Labrador, NF A1B 4J6.

For further information regarding the proposed application, please contact Mr. Lloyd James (709) 596-7362.

July 12

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of Clifford Cecil Bennett, late of the Town of St. George's, in the Province of Newfoundland and Labrador, Pensioner, Widower, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Clifford Cecil Bennett, late of the Town of St. George's, 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 Executors of the Estate on or before the 10th day of August, 2002, after which date the said Executors will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

DATED at Stephenville, Newfoundland and Labrador, this 6th day of July 2002.

MARIE MARCHE-WHITE
Solicitor for the Executor

ADDRESS FOR SERVICE:
P. O. Box 272
43 Main Street
Stephenville, NF
A2N 2Z4

July 12

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:-

BJOERN CLEMENS SEELHORST

of P.O. Box 68, Stn. A, Goose Bay, A0P 1S0, in the Province of Newfoundland and Labrador, as follows:

To change my name from

BJOERN CLEMENS SEELHORST

to

BJOERN CLEMENS BROADERS

DATED this 25th day of June, 2002.

BJOERN CLEMENS SEELHORST

(Signature of Applicant)

July 12

**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:-

AMANDA DANIELLE RYAN

of 26A Gorman Ave., Kilbride, A1G 1E6, in the Province of Newfoundland and Labrador, as follows:

To change my name from

AMANDA DANIELLE RYAN

to

AMANDA DANIELLE ST. CROIX

DATED this 4th day of July, 2002.

AMANDA RYAN

(Signature of Applicant)

July 12

**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:-

ELLA MARIE DOWNEY

of P.O. Box 306, Port au Choix, A0K 4C0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

JUSTIN JOSEPH JUDE DOWNEY

to

JUSTIN JOSEPH JUDE CORNICK

DATED this 2nd day of July, 2002.

ELLA DOWNEY

(Signature of Applicant)

July 12



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 76

ST. JOHN'S, FRIDAY, JULY 12, 2002

No. 28

NEWFOUNDLAND AND LABRADOR REGULATIONS

51/02

52/02

53/02

54/02



**NEWFOUNDLAND AND LABRADOR
REGULATION 51/02**

Prisons Regulations (Amendment)
under the
Prisons Act
(O.C. 2002-241)

(Filed July 9, 2002)

Under the authority of section 9 of the *Prisons Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, June 27, 2002.

Tim Murphy
Deputy Clerk of the Executive Council (Acting)

REGULATION

Analysis

1. S.7.1 Added
Certain conduct an offence

CNLR 993/96
as amended

1. The *Prisons Regulations* are amended by adding immediately after section 7 the following:

Certain conduct an
offence

7.1 (1) An officer shall not,

- (a) except where approved by the superintendent or assistant superintendent, while off duty wear a uniform or other article of clothing or other equipment issued by the penitentiary;

- (b) affix to a uniform a symbol of protest including a pin, button, or other insignia, not part of a uniform; or
- (c) affix a symbol of protest to a vehicle or other item of equipment that is issued to him or her or under his or her control or operate a vehicle or other item of equipment to which a symbol of protest is affixed.

(2) An officer who fails to comply with or otherwise contravenes subsection (1) is guilty of an offence.

(3) Where, following an investigation, the superintendent or assistant superintendent is satisfied that an officer has committed an offence contrary to subsection (2), he or she may be convicted by the superintendent or assistant superintendent who may impose one or more of the penalties specified in section 16.

(4) Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, except subsection 16(1), and section 18 do not apply to an offence under this section.

(5) An officer convicted of an offence under this section may, within 30 days from the date of the conviction, appeal to a Provincial Court judge who may allow the appeal and quash the conviction or uphold the conviction or increase or reduce a penalty imposed by the superintendent or assistant superintendent.

(6) Before imposing a penalty referred to in section 16, the superintendent or assistant superintendent shall take into account the relevant circumstances surrounding the offence as well as the service record and prior conduct of that officer.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 52/02**

Cutting of Timber Regulations (Amendment)
under the
Forestry Act
(O.C. 2002-238)

(Filed July 9, 2002)

Under the authority of sections 38 and 155 of the *Forestry Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, July 3, 2002.

Tim Murphy
Deputy Clerk of the Executive Council (Acting)

REGULATIONS

Analysis

- | | |
|------------------------------|---|
| 1. S.2 Amdt.
Definitions | administration |
| 2. S.3 Amdt.
Prohibition | 3.3 Employer and
employee duties |
| 3. Ss.3.1, 3.2 and 3.3 Added | 4. S.6 Amdt.
Legally obtained timber |
| 3.1 Load slip | 5. S.36 Amdt.
Offence and penalty |
| 3.2 Load slip | |

CNLR 1108/96 as
amended

1. (1) Section 2 of the *Cutting of Timber Regulations* is amended by adding immediately after paragraph (c) the following

(c.1) "commercial timber" means timber, excluding wood chips and timber slabbed on one or more sides, that is cut for sale or barter;

(2) Section 2 of the regulations is amended by adding immediately after paragraph (j) the following:

- (j.1) "highway" means a place or way, including a structure forming a part of the place or way, designed and intended for use by the public for the passage of traffic and includes all the space between the boundary lines of the place or way and forest access roads;

(3) Section 2 of the regulations is amended by adding immediately after paragraph (k) the following

- (k.1) "load slip" means a written load slip document as described in section 3.1;

(4) Section 2 of the regulations is amended

(a) at paragraph (r), by deleting the word "and";

(b) by deleting the period at the end of paragraph (s) and substituting a semi colon and the word "and"; and

(c) by adding immediately after paragraph (s) the following:

- (t) "vehicle" means a device in, upon or in which a person, property or timber may be transported or drawn over a highway, land, water, snow, ice, marsh, swampland and other natural terrain and includes aircraft and air cushioned devices;

2. Section 3 of the regulations is amended by adding immediately after subsection (3) the following:

(4) A person shall not operate a vehicle on a highway in the province that carries a full or partial load of commercial timber without having in his or her possession a load slip that relates to that timber.

3. The regulations are amended by adding immediately after section 3 the following:

Load slip

3.1 (1) The minister shall establish the form and content required for a load slip in the province and the manner in which a load slip is to be carried and produced for inspection with respect to the timber to which it relates.

(2) A person who carries a load slip in accordance with subsection 3(4) that does not contain the information required under these regulations is guilty of an offence.

(3) Where a forestry official or other person who may carry out the enforcement of these regulations inspects a load slip and determines that the load slip is incorrectly completed, he or she shall require that the correct required information be provided on that load slip and that load slip shall not be considered to be in compliance with these regulations until approved by that forestry official or other person.

(4) The operator of a vehicle carrying commercial timber upon a highway shall, upon the request of a forestry official or other person who may carry out the enforcement of these regulations, produce the load slip applicable to that timber.

(5) A person required to produce a load slip under this section or who is inspected under these regulations shall provide all reasonable assistance to the forestry official or other person who requires that production or inspection.

(6) The operator of a vehicle carrying commercial timber upon a highway shall ensure that a properly completed load slip relating to that timber is delivered to the person in charge of the place to which that timber is to be delivered.

(7) A forestry official may establish a forestry check station for the purpose of inspecting load slips, cutting permits and timber carried on vehicles to ensure compliance with the Act and these regulations and the operator of a vehicle that is carrying timber shall stop at a forestry check station when directed to do so by a forestry official or by a sign posted by a forestry official.

Load slip
administration

3.2 (1) The minister or forestry officials may issue load slips to persons for distribution and use in accordance with these regulations.

(2) A person who has been issued load slips under subsection (1) may distribute those load slips to his or her agent and that agent shall comply with these regulations as if he or she had been issued the load slips under that subsection.

(3) A person or agent who has been issued load slips under subsection (1) or (2) shall

- (a) issue those load slips to those persons who require them in order to comply with these regulations;
- (b) require identification satisfactory to him or her from the person receiving those load slips;
- (c) maintain, in a manner that is satisfactory to the minister, a record of the load slips issued by him or her;
- (d) when completed, return all load slips to the forestry office that issued them;
- (e) at the request of the minister or a forestry official, return all load slips, whether or not completed;
- (f) account for all load slips that are missing or cancelled; and
- (g) return all load slips, whether used or unused, to the forestry office that issued them not later than April 30 of each year.

Employer and
employee duties

3.3 (1) A person who receives load slips under section 3.2 may distribute those load slips to their agents or employees for use for the purposes of their employment.

(2) Where a vehicle carrying commercial timber to which a load slip applies changes operators, the new operator shall sign and date that load slip and upon signing, the responsibility for that timber passes to the new operator.

(3) Where timber to which a load slip applies is transferred from one vehicle to another, the change of vehicle shall be recorded by recording on that load slip the identification plate numbers and letters of the vehicle to which that timber was transferred.

(4) A person who receives commercial timber that has been moved over a highway in the province

- (a) shall not accept that timber without a load slip that applies to that timber; and
- (b) shall remit completed load slips received by him or her to the forestry office from which they were issued on or before the 20th of the month following the month in which that commercial timber was received.

(5) Subsection (4) does not apply to a person who receives timber for personal domestic use.

4. Paragraph 6(1)(b) of the regulations is repealed and the following substituted:

(b) from private land by

(i) providing proof of that person's ownership of that land,
or

(ii) providing proof of the ownership of that land as well as written proof of the permission from the owner of that land for that person to obtain that timber; or

5. Section 36 of the regulations is amended by

(a) renumbering it as subsection 36(1); and

(b) deleting the words and figures "section 3, 8, 12 or 13" and substituting the words and figures "subsection 3(1), (2), (3), section 8, 12 or 13"; and

(c) adding immediately after that subsection the following:

(2) Where a person contravenes subsection 3(4) or section 3.1, 3.2 or 3.3 of these regulations, that person is guilty of an offence and liable on summary conviction

(a) where the summons is issued by means of a violation ticket and for a first offence, to a fine of not less than \$500; and

(b) where the summons is for a subsequent offence and is not issued by means of a violation ticket, to a minimum fine of \$1000 or to not more than 3 months imprisonment.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 53/02**

*Newfoundland and Labrador Hydro-Abitibi
Consolidated Inc. Exemption Order, 2002*
under the
Electrical Power Control Act, 1994
and the
Public Utilities Act
(O.C. 2002 - 242)
(O.C. 2002 - 243)

(Filed July 9, 2002)

Under the authority of section 5.2 of the *Electrical Power Control Act, 1994* and section 4.1 of the *Public Utilities Act*, the Lieutenant Governor in Council makes the following Order.

Dated at St. John's, July 9, 2002.

Deborah E. Fry
Clerk of the Executive Council

ORDER

Analysis

- | | |
|----------------|--------------|
| 1. Short title | 3. Exemption |
| 2. Definition | 4. Repeal |

Short title

1. This order may be cited as the *Newfoundland and Labrador Hydro-Abitibi Consolidated Inc. Exemption Order, 2002*.

Definition

2. In this order

- (a) "Abitibi" means Abitibi-Consolidated Inc., Abitibi-Consolidated, General Partnership, or Abitibi-Consolidated Company of Canada, as the context may require;
- (b) "Abitibi partner" includes any partner, co-venturer or ownership participant with Abitibi; and
- (c) "Abitibi threshold" means the Abitibi threshold as defined in the *Abitibi-Consolidated Inc. and Abitibi Partner Exemption Order, 2002*.

Exemption

3. (1) Newfoundland and Labrador Hydro is exempt from the application of the *Electrical Power Control Act, 1994* and the *Public Utilities Act* for all aspects of its activities pertaining to the purchase, from Abitibi or any partnership, joint venture or unincorporated co-owner entity formed by Abitibi and any Abitibi partner, of electrical power and energy above the Abitibi threshold that is available from Abitibi's generating facilities at Bishop's Falls and Grand Falls following commencement of a 27 megawatt project at Grand Falls and a 4 megawatt upgrading at Bishop's Falls.

(2) The activities referred to in subsection (1) include

- (a) planning and engineering new electrical power and energy generation and supply;
- (b) negotiating and executing all contracts necessary or incidental to any activity described in this exemption; and
- (c) acquiring and paying from its operating account, to be recovered through its rates, all amounts to be paid for the supply of this electrical power and energy under those contracts.

Repeal

4. The *Newfoundland and Labrador Hydro-Abitibi Consolidated Inc. Exemption Order, Newfoundland and Labrador Regulation 94/00*, is repealed.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 54/02**

Abitibi-Consolidated Inc. and Abitibi Partner Exemption Order, 2002
under the
Electrical Power Control Act, 1994
and the
Public Utilities Act
(O.C. 2002 - 242)
(O.C. 2002 - 243)

(Filed July 9, 2002)

Under the authority of section 5.2 of the *Electrical Power Control Act, 1994* and section 4.1 of the *Public Utilities Act*, the Lieutenant Governor in Council makes the following Order.

Dated at St. John's, July 9, 2002.

Deborah E. Fry
Clerk of the Executive Council

ORDER

Analysis

- | | |
|----------------|---------------------------|
| 1. Short title | 4. Limitation |
| 2. Definitions | 5. Extension of exemption |
| 3. Exemption | 6. Repeal |

Short title **1.** This order may be cited as the *Abitibi-Consolidated Inc. and Abitibi Partner Exemption Order, 2002*.

Definitions **2.** In this order

- (a) "Abitibi" means Abitibi-Consolidated Inc., Abitibi-Consolidated, General Partnership, or Abitibi-Consolidated Company of Canada, as the context may require;
- (b) "Abitibi partner" means any partner, co-venturer or ownership participant and includes without limitation Central Newfoundland Energy Inc., Siemens Westinghouse Limited or CHI Canada Inc., and, for greater certainty, any partnership, joint venture or unincorporated co-ownership entity formed by Abitibi and any Abitibi partner;
- (c) "Abitibi threshold" means
 - (i) for that period following the commencement of projects until their completion, all electrical power and energy generated from the generating facilities
 - (A) at Bishop's Falls at levels above 13,600 kW, as measured at Grand Falls, and
 - (b) at Grand Falls at levels above 45,500 kW, and
 - (ii) for that period following completion of the projects, all electrical power and energy generated from the generating facilities at levels above 54,000 kW;
- (d) "generating facilities" means Abitibi's hydro generating facilities at Bishop's Falls and at Grand Falls in the Province of Newfoundland and Labrador, following the commencement of the projects; and
- (e) "projects" means the projects at Grand Falls and Bishop's Falls in the province as described in section 3.

Exemption

3. Abitibi, an Abitibi partner and any lender providing financing to the projects are exempt from all of the application of the *Electrical Power Control Act, 1994* and the *Public Utilities Act* for all aspects of their joint or individual activities pertaining to

- (a) the design, engineering, planning, construction, commissioning, ownership, operation, management and control of equipment and facilities to be comprised of

- (i) a new 27 megawatt turbine/generator and all associated facilities, including without limitation trashrack, intake structure, steel roller gate, penstock and powerhouse, at Abitibi's hydroelectric generating facilities at Grand Falls, and
- (ii) new turbines/generators to replace existing units and all associated upgrading of Abitibi's hydroelectric generating facilities at Bishop's Falls, including without limitation re-running existing turbine modifications to existing governors, rewinding generators for 60 HZ generation, upgrading station auxiliaries and rehabilitating structures;
- (b) producing, generating, storing, transmitting, delivering or providing electric power and energy to or for Abitibi for compensation from the generating facilities;
- (c) producing, generating, storing, transmitting, delivering or providing surplus electric power and energy from the generating facilities, above the Abitibi threshold as is available by virtue of completion of the projects, to or for Newfoundland and Labrador Hydro for compensation;
- (d) negotiating, concluding and executing any and all agreements for activities referred to in paragraphs (b) and (c);
- (e) raising and securing funds necessary to construct the projects' facilities, including without limitation the negotiation, conclusion and execution of any and all agreements and security documentation with any lender providing that financing to the projects; and
- (f) any agreements, contracts or instruments necessary or incidental to any activity described in this exemption.

Limitation

4. This exemption shall not apply or extend to any Abitibi partner or any partnership which has previously operated or at any time after the publication of this order commences operations other than in respect of the projects as a utility regulated under the *Electrical Power Control Act, 1994* and the *Public Utilities Act*.

Extension of ex-
emption

5. This exemption extends to the successors of the parties described in this order, provided that to extend to a successor of Abitibi other than a partnership, that successor must be a successor to both the pulp and paper mill at Grand Falls, and the electrical generation facilities or plants at Grand Falls and Bishop's Falls.

Repeal

6. The *Abitibi-Consolidated Inc. and Abitibi Partner Exemption Order, Newfoundland and Labrador Regulation 93/00*, is repealed.

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