

NOTE: Attached to the end of Part II is a list of Statutes of Newfoundland and Labrador, 2003 as enacted up to May 15, 2003.



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 78

ST. JOHN'S, FRIDAY, JULY 25, 2003

No. 30

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION TOWN OF PORTUGAL COVE/ST. PHILIPS DEVELOPMENT REGULATIONS AMENDMENT NOS. 9 and 10, 2003

Take notice that the Town of Portugal Cove/St. Philips Development Regulations Amendment Nos. 9 and 10, 2003 adopted on May 12th. and approved on the 30th day of June, 2003, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of the Development Regulations Amendment No. 9, 2003, is to re-zone a portion of Development Scheme Area 9 to Residential Medium Density. The purpose of the amendment is to allow for a eight (8) lot residential subdivision to be located west of Tolt Road.

Development regulations Amendment No. 10, 2003 will re-zone a portion of Development Scheme Area 12 to Rural Residential. The purpose of the amendment is to allow for a fifteen (15) lot residential subdivision to be located west of Dogberry Hill Road.

The Town of Portugal Cove/St. Philips Development Regulations Amendment Nos. 9 and 10, 2003, 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 Development Regulations Amendment Nos. 9 and 10, 2003,

may do so at the Town Office, Portugal Cove/St. Philips during normal working hours.

TOWN OF PORTUGAL COVE/ST. PHILIPS
Town Clerk

July 25

NOTICE OF REGISTRATION ST. JOHN'S MUNICIPAL PLAN AMENDMENT NUMBER 144, 2002 & ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 257, 2002

Take notice that the St. John's Municipal Plan Amendment Number 144, 2002, and the St. John's Development Regulations Amendment Number 257, 2003 adopted on the 16th day of December, 2003 and approved on the 2nd day of July, 2003 have been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of St. John's Municipal Plan Amendment Number 144, 2002 is to accurately show the extent of the Harbour View Wetland.

In general terms, the purpose of St. John's Development Regulations Amendment Number 257, 2002 is to accurately show the extent of the Harbour View Wetland.

The St. John's Municipal Plan Amendment Number 144, 2002 and the St. John's Development Regulations Amendment Number 257, 2002 come 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 amendments may do so at the Engineering and Planning Department 3rd Floor, St. John's City Hall, during normal business hours.

CITY OF ST. JOHN'S
Engineering and Planning Dept

July 25

**NOTICE OF REGISTRATION
TOWN OF UPPER ISLAND COVE
DEVELOPMENT REGULATIONS
AMENDMENT NO. 7, 2003**

Take notice that the Town of Upper Island Cove Development Regulations Amendment No. 7, 2003 adopted on the 27th day of June, 2003, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of the Development Regulations Amendment No. 7, 2003, is to permit development in the older areas of the Town that will be consistent with the existing pattern of development in the Residential I, Residential II and Mixed Development Zones.

The Town of Upper Island Cove Development Regulations Amendment No. 7, 2003, 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 Upper Island Cove Development Regulations Amendment No. 7, 2003, may do so at the Town Office, Upper Island Cove during normal working hours, Monday through Friday, 8:00 am - 12:00 noon and 1:00 pm-5:00 pm.

TOWN OF UPPER ISLAND COVE
Town Clerk

July 25

LANDS ACT

NOTICE OF INTENT

Lands Act, Chapter 36, S.N. 1991

Notice is hereby given that the Harbour Authority of Wild 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 the Harbour of Wild Cove, in the Electoral District

of Baie Verte-Whitebay, Newfoundland and Labrador, for the purpose of a small boat slipway and being more particularly described as follows:

*Bounded on the North by Stanley Pardy
for a distance of 25 m;
Bounded on the East by a Public Road
for a distance of 32 m;
Bounded on the South by a Brook
for a distance of 25 m;
Bounded on the West by Harbour Waters
for a distance of 32 m;
and containing an area of
approximately 800 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 Central Regional Lands Office, P. O. Box 2222, Gander, NL., A1V 2N9.

For further information regarding the proposed application, please contact Lyndon Small, Telephone (709) 329-3286.

July 25

QUIETING OF TITLES ACT

2003 01T 2949

**IN THE SUPREME COURT
OF NEWFOUNDLAND AND LABRADOR**

TRIAL DIVISION

IN THE MATTER OF the *Quieting of Titles Act*, Chapter Q-3, of the Revised Statutes of Newfoundland and Labrador, 1990;

AND IN THE MATTER OF the Application of Patrick C. Dinn, formerly of Goulds, St. John's, in the Province of Newfoundland and Labrador, and now residing in the Province of Ontario,

AND IN THE MATTER OF all that piece or parcel of land situate and being near the western side of the Main Road at Goulds, in the City of St. John's, in the Province of Newfoundland and Labrador.

NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN to all parties that Patrick C. Dinn, formerly of Goulds, St. John's, in the Province of Newfoundland and Labrador and now residing in

the Province of Ontario, has applied to the Supreme Court of Newfoundland and Labrador, Trial Division, to have the title to the land situate near the western side of the Main Road at Goulds, in the City of St. John's, in the Province of Newfoundland and Labrador, and being more particularly described as Parcel D hereto annexed, of which the said Patrick C. Dinn claims to be the owner, investigated and for a declaration that the said Patrick C. Dinn is the absolute owner in fee simple in possession of the said land and that Patrick C. Dinn has been ordered to publish Notice of the Application as required by the above-named Act.

All persons having title adverse to the title claimed by Patrick C Dinn shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, particulars of such adverse claim and shall serve together with an Affidavit verifying same on the undersigned solicitors for the Applicant on or before the 19th day of August, 2003, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just.

All such adverse claims shall be investigated then in such manner as the said Court may direct.

DATED at Mount Pearl, in the Province of Newfoundland and Labrador, this 15th day of July, 2003.

HEYWOOD, KENNEDY, BELBIN
Solicitors for the Applicant
PER: Glen S. Belbin

ADDRESS FOR SERVICE:
184 Park Avenue
P. O. Box 250
Mount Pearl, NL A1N 2C3

July 25

PARCEL D

All that piece or parcel of land situate and being near the western side of the Main Road at Goulds in the City of St. John's, Newfoundland and Labrador, Canada and being abutted as follows, that is to say;

BEGINNING at a point, said point having NAD83 coordinates of North 5 257 650.899 metres and East 321 596.527 metres with reference to Crown Land Monument No. 026 577 having coordinates of North 5 258 353.253 metres and East 322 026.731 metres and Crown Land Monument No. 026 586 having coordinates of North 5 255 259.246 metres and East 322 184.366 metres of the Modified Three Degree Transverse Mercator Projection for Newfoundland having a central meridian of 53 degree west longitude;

THENCE running along by land belonging to the Roman Catholic Episcopal Corporation surveyed by Winston Harris, NLS dated September 1987 South eighty-five degrees fifty-two minutes fifty-eight seconds East, fifty-one decimal five two four metres;

AND THENCE running South eighty-seven degrees zero three minutes fifty-eight seconds East, fifty-one decimal three one four metres;

AND THENCE running South eighty-five degrees thirty-eight minutes fifty-eight seconds East, sixty decimal six seven three metres;

AND THENCE running South eighty-six degrees thirty-four minutes fifty-four seconds East, eighty decimal zero five three metres;

AND THENCE running South eighty-six degrees thirty-four minutes fifty-four seconds East, eighty decimal zero five three metres;

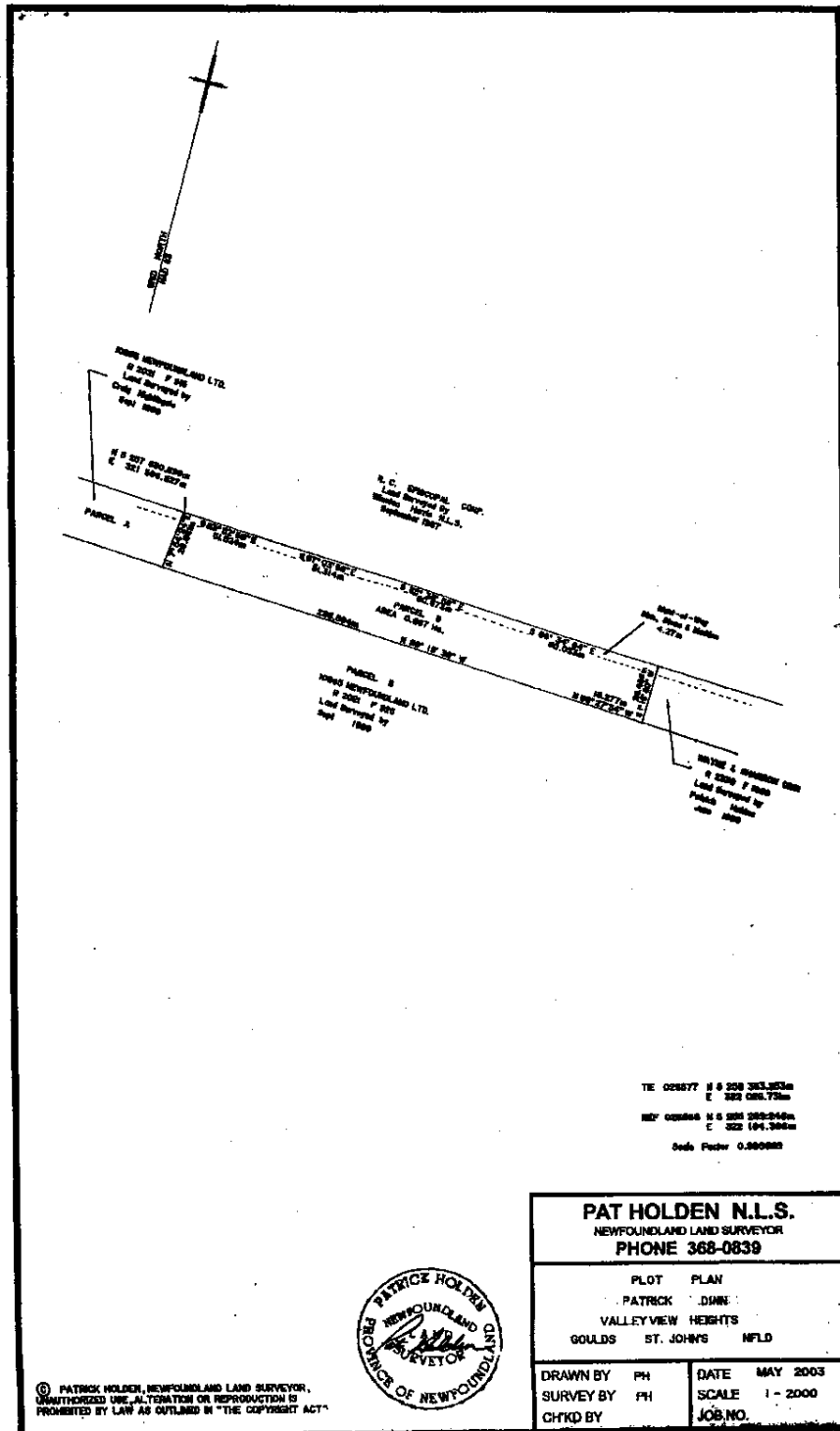
THENCE running along by land now belonging to Wayne and Sharon Dinn surveyed by Patrick Holden dated June 1999 South one degree sixteen minutes fifty seconds West, twenty-eight decimal four eight six metres;

THENCE running along by land belonging to 10865 Newfoundland Limited surveyed by Craig Nightingale, NLS, Parcel B, dated September 14, 1999 North eighty-six degrees twenty-seven minutes thirty-four seconds West, eighteen decimal two seven seven metres;

AND THENCE running North eighty-six degrees nineteen minutes thirty-eight seconds West, two hundred twenty-eight decimal five eight four metres;

THENCE running along by land belonging to 10865 Newfoundland Limited surveyed by Craig Nightingale, NLS, Parcel A dated September 14, 1999 North seven degrees fifty-four minutes twenty-four seconds East, twenty-eight decimal six eight one metres, more or less, to the point of beginning.

The above described parcel of land has an area of 0.697 hectares, more or less, and is shown more fully delineated on the adjoining plan as Parcel D, however SUBJECT TO, a right-of-way 4.27 metres wide for the use of Dinn, Stone and Madden and their assigns and heirs shown more fully delineated on the adjoining plan. All the bearings are referred to Grid North of the above mentioned projection. All distances are grid distances using a scale factor of 0.999889.



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:-

RODNEY FRANCIS WATTS

of 65A Parkhill Street, St. John's, A1E 6B2, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

RODNEY ANDREW BOUZANE

to

RODNEY ANDREW WATTS

DATED this 1st day of July, 2003.

RODNEY FRANCIS WATTS
(Signature of Applicant)

July 25

**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:-

TERRANCE MICHEAL JESSO

of P. O. Box 15, Site 2, RR # 3, Port au Port, A0N 1T0, in the Province of Newfoundland and Labrador, as follows:

To change my name from

TERRANCE MICHEAL JESSO

to

TERRANCE MICHEL JESSEAU

DATED this 9th day of July, 2003.

TERRANCE JESSO
(Signature of Applicant)

July 25

**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:-

JACKI MARIA NORTHCOTT

of 25 Gillams Road, Corner Brook, A2H 6Z5, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried children's name from

JULIA MARCELLE PARSONS

to

JULIA MARCELLE NORTHCOTT-PARSONS

OLIVIA MADISON PARSONS

to

OLIVIA MADISON NORTHCOTT-PARSONS

DATED this 11th day of July, 2003.

J. NORTHCOTT
(Signature of Applicant)

July 25

**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:-

MICHELLE MARY LEWIS

of 23 Gilbert Street, Grand Falls-Windsor, A2A 1G4, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

JORDAN MICHAEL GERALD O'HALLIGAN

to

JORDAN MICHAEL GERALD LEWIS

DATED this 1st day of June, 2003.

MICHELLE M. LEWIS
(Signature of Applicant)

July 25

**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:-

HEATHER GORDON

of 14 Fox Avenue, St. John's, A1B 2H6, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

REBEKAH JEAN HEATHER HYNES

to

REBEKAH JEAN HEATHER GORDON

DATED this 18th day of July, 2003.

HEATHER GORDON
(Signature of Applicant)

July 25

**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:-

APRIL VERLENE GOSSE

of Box 449, Bay Roberts, A0A 1G0, in the Province of Newfoundland and Labrador, as follows:

To change my name from

APRIL VERLENE GOSSE

to

APRIL VERLENE NOSEWORTHY

DATED this 17th day of July, 2003.

APRIL VERLENE GOSSE
(Signature of Applicant)

July 25

**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:-

EUGENE LANGOR

of Box 81, Heart's Desire, A0B 2B0, in the Province of Newfoundland and Labrador, as follows:

To change my name from

EUGENE LANGOR

to

EUGENE LANGER

DATED this 16th day of July, 2003.

EUGENE LANGOR
(Signature of Applicant)

July 25

**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:-

PRISCILLA DELANEY

of East No. 1, Bell Island, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

MEGAN LISA YOUNG

to

MEGAN LISA DELANEY

DATED this 12th day of July, 2003.

PRISCILLA DELANEY
(Signature of Applicant)

July 25



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

**SUBORDINATE LEGISLATION
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT**

Vol. 78

ST. JOHN'S, FRIDAY, JULY 25, 2003

No. 30

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 72/03

NLR 73/03

NLR 74/03



NEWFOUNDLAND AND LABRADOR REGULATION 72/03

Proclamation bringing the Act into force
under the
Highway Traffic (Amendment) Act
(o.c. 2003-357)

(Filed July 18, 2003)

*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.*

MARGARET A. CAMERON
Administrator

JOHN CUMMINGS
Deputy Minister of Justice

TO ALL TO WHOM THESE PRESENTS SHALL COME,
GREETING;

A PROCLAMATION

WHEREAS in and by section 8 of the *Highway Traffic (Amendment) Act* S.N. L 2002, c. 11, (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 advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that the *Highway Traffic (Amendment) Act*, S.N.L 2002, c 11, shall come into force on August 1, 2003.

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.

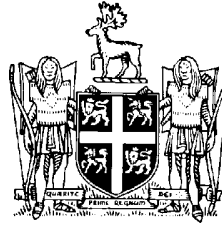
IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the
Honourable Margaret A. Cameron, Administrator in
and for Our Province of Newfoundland and Labrador.

AT St. John's this 16th day of July, in the year of Our
Lord two thousand and three in the fifty-second year
of Our Reign.

BY COMMAND,

OLIVER LANGDON
Registrar General



NEWFOUNDLAND AND LABRADOR REGULATION 73/03

Vehicle Seizure and Impoundment Regulations
under the
Highway Traffic Act
(O.C. 2003-358)

(Filed July 18, 2003)

Under the authority of section 186 of the *Highway Traffic Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, July 11, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|------------------------------|---|
| 1. Short title | 10. Application for early release by owner |
| 2. Definitions | 11. Decision of registrar |
| 3. Seizure and impoundment | 12. Release of vehicle on expiry of impoundment |
| 4. Delay of seizure | 13. Report of garage operator |
| 5. Stolen vehicles | 14. Owner's right against driver |
| 6. Personal property | 15. Offence |
| 7. Duties of police officer | 16. Fees and forms |
| 8. Storage and lien | 17. Commencement |
| 9. Disposal of motor vehicle | |

Short title Definitions	<p>1. These regulations may be cited as the <i>Vehicle Seizure and Impoundment Regulations</i>.</p>
	<p>2. In these regulations,</p> <p>(a) "Act" means the <i>Highway Traffic Act</i>; and</p> <p>(b) "garage operator" means a person who takes and stores a vehicle seized and impounded under these regulations;</p>
Seizure and impoundment	<p>3. (1) Subject to section 4, a peace officer shall seize a motor vehicle and impound it where the officer has reason to believe that a person who was operating the vehicle contravened subsection 73(2) of the <i>Highway Traffic Act</i> (driving while disqualified or prohibited).</p> <p>(2) A motor vehicle impounded under this regulation shall be held for a period of 30 days from the date of seizure, after which period the vehicle may be released in accordance with section 12.</p>
Delay of seizure	<p>4. (1) Where a peace officer is satisfied that the seizure and impoundment of a motor vehicle under section 3 would jeopardize the safety of, or cause undue hardship to, a person, or is, in the opinion of the officer, not practicable in the circumstances the peace officer may delay taking custody of the motor vehicle, in which case the peace officer may permit the motor vehicle to be driven to a location specified by the peace officer.</p> <p>(2) Where under subsection (1) a peace officer permits a motor vehicle to be driven to a specified location and the vehicle is not impounded at that location, a peace officer may make application to a justice for an order to seize the vehicle and impound it in accordance with these regulations.</p>
Stolen vehicles	<p>5. If, at any time before a review/hearing is conducted under these regulations, a peace officer is satisfied that a motor vehicle seized under section 3 had been stolen, the officer may, subject to the approval of the registrar, release the vehicle to the owner, or a person authorized by the owner to take possession of it.</p>
Personal property	<p>6. Personal property in a motor vehicle that has been impounded under these regulations, other than personal property attached to or used in connection with the operation of the motor vehicle, shall be returned to the owner of the property on request.</p>

Duties of police officer

7. (1) Where a motor vehicle has been seized and impounded, the peace officer shall

- (a) complete a notice of impoundment;
- (b) give the driver a copy of the notice;
- (c) if the driver is not, or does not appear to be, the owner of the motor vehicle, request that the driver disclose the name and address of the owner;
- (d) give a copy of the notice to the owner, if the owner is present at the time of the seizure, or, if the owner is not present, without delay mail a copy to the owner
 - (i) at the owner's last known address as recorded in the registrar's records of motor vehicle registrations, or
 - (ii) if the owner's address is not recorded in the registrar's records, at the address indicated by the driver in response to the peace officer's request under clause (b);
- (e) mail a copy of the notice to the registrar;
- (f) cause a copy of the notice to be given to the garage operator who stores the motor vehicle; and
- (g) retain a copy of the notice.

(2) The notice of impoundment shall be in the form set by the registrar and shall contain

- (a) a statement of the right to apply to the registrar for the release of the motor vehicle under section 10 of these regulations and instructions on applying for a review; and
- (b) a statement that the motor vehicle may be disposed of under section 9 of these regulations if the owner of the motor vehicle does not pay the costs referred to in section 8.

Storage and lien

8. (1) A motor vehicle that is seized and impounded under section 3 shall be stored with the garage operator that the peace officer directs

and a peace officer may later direct that the motor vehicle be moved to a different garage operator for impoundment.

(2) The garage operator has a lien on the motor vehicle for the following amounts

- (a) all costs and charges for the transportation, towing, care and storage respecting the seizure and impoundment of the motor vehicle; and
- (b) expenditures for searches and registrations under the *Personal Property Security Act* and *Judgment Enforcement Act* that are reasonably necessary to fulfil the obligations of the person who took custody of the impounded motor vehicle.

(3) A lien under this section and a garage operator's right to hold the vehicle has priority over and is not subject to a lien or other charge or encumbrance upon or in respect of the motor vehicle existing at the time of seizure.

(4) A motor vehicle that is subject to a lien under this section shall remain impounded until

- (a) the lien is paid; or
- (b) the vehicle is disposed of under section 9.

(5) Notwithstanding subsection (4), a garage operator may surrender possession of the motor vehicle to the owner without losing the lien if he registers a financing statement relating to that interest under the *Personal Property Security Act* within 15 days of the surrender.

Disposal of motor
vehicle

9. (1) Where a motor vehicle remains impounded for 30 days or more after the expiration of the impoundment period, the garage operator who stored the motor vehicle during the impoundment may enforce the lien under section 8 by selling the motor vehicle by public auction in the manner set out in section 5 of the *Warehouser's Lien Act*, as if the garage operator was a warehouser and the motor vehicle was goods within the meaning of that Act.

(2) Where a motor vehicle is sold under subsection (1), the garage operator shall satisfy the lien under section 8 and deliver the sur-

plus to the registrar with a statement of account showing how the surplus was calculated.

(3) The registrar shall apply any surplus received under subsection (2) towards any amounts that the registrar may require to be paid under section 16.1 of the Act and any remaining amount to the owner of the vehicle with a statement showing how the remaining amount was calculated.

(4) Notwithstanding subsection (1), a garage operator may, with the approval of the registrar, dispose of the impounded vehicle referred to in subsection (1) by sale or otherwise, if the garage operator

(a) surrenders the licence plate from the motor vehicle to the registrar; and

(b) files with the Registrar

(i) a statutory declaration in the form set by the registrar declaring that

(A) the amount of the garage operator's lien on the motor vehicle exceeds the garage operator's estimate of the value of the motor vehicle, and

(B) the garage operator, at least 14 days before making the statutory declaration, sent by registered or certified mail to the registered owner of the motor vehicle, a notice that the garage operator intends to dispose of the motor vehicle if the lien is not paid, and

(ii) a certificate showing that no security interest is registered against the motor vehicle under the *Personal Property Security Act* or the *Judgment Enforcement Act*.

(5) Where the registrar approves the disposal of a motor vehicle under subsection (3), the registrar shall transfer the registration of the motor vehicle from the owner of the motor vehicle to the garage operator.

Application for
early release by
owner

10. (1) Where the owner of a motor vehicle impounded under these regulations was not the driver or person who had care or control at the time the vehicle was seized, the owner may before the expiry of the

period of impoundment apply to the registrar for the release of the vehicle on the grounds that

- (a) the driver was not disqualified from driving under subsection 73(2) of the Act at the time of the seizure;
- (b) the driver was in possession of the motor vehicle without the knowledge or consent of the owner;
- (c) the owner could not reasonably be expected to have known that the driver was disqualified from driving under subsection 73(2) of the Act; or
- (d) the continued impoundment of the motor vehicle will
 - (i) cause the owner to suffer a loss or curtailment of employment or educational opportunities; or
 - (ii) prevent the owner, or someone under the care of the owner, from obtaining medical treatment.

(2) Where the owner of a motor vehicle impounded under these regulations was the driver or person who had care and control at the time the vehicle was seized, he or she may before the expiry of the period of impoundment apply to the registrar for the release of the vehicle on the grounds that he or she

- (a) was not disqualified from driving under subsection 73(2) of the Act at the time of the seizure; or
- (b) could not reasonably be expected to have known that he or she was disqualified from driving under subsection 73(2) of the Act.

(3) The application for release shall be in the form set by the registrar and be accompanied by the fee set by the minister.

(4) The applicant may attach to the application sworn statements or other evidence that the applicant wishes the registrar to consider.

(5) The applicant shall provide the registrar with information related to the application that the registrar may require.

(6) Where an application is made under subsections (1) or (2), the registrar shall consider the report of the peace officer respecting the seizure of the motor vehicle and may consider

- (a) the driving record maintained by the registrar of
 - (i) the person named as the driver of the motor vehicle in the report of the peace officer,
 - (ii) the person named as the driver of the motor vehicle in the application for release by the owner, if that person is not the person referred to in subparagraph (i), or
 - (iii) the applicant; and
- (b) records maintained by the registrar respecting a previous seizure and impoundment under these regulations of a motor vehicle registered in the name of, or owned by, the applicant.

(7) The registrar is not required to hold an oral hearing in respect of an application under this section unless the applicant

- (a) requests an oral hearing when the application is made; and
- (b) pays the oral hearing fee set by the minister.

(8) Where an applicant requests an oral hearing and fails to appear, without giving prior notice, on the date and at the time and place set by the registrar, the applicant's right to an oral hearing is considered to have been waived.

Decision of registrar

11. (1) Where, after considering an application for release under section 10 the registrar is satisfied that the motor vehicle should not have been seized or impounded for the reasons set out in paragraph 10(1)(a) or 10(2)(a), the registrar shall

- (a) revoke the seizure and impoundment;
- (b) direct that the garage operator with custody of the motor vehicle release the motor vehicle to the owner or a person authorized by the owner;
- (c) refund the application fee; and

(d) indemnify the owner of the motor vehicle for the amount paid by the owner to satisfy the lien described in section 8.

(2) Where, after considering an application for release under section 10 the registrar is satisfied that the motor vehicle should be released before the period of impoundment expires for the reason set out in paragraph 10(1)(b), (c), (d) or 10(2)(b), the registrar shall

(a) direct that the garage operator with custody of the motor vehicle release the motor vehicle to the owner or a person authorized by the owner; and

(b) where the reason for releasing the motor vehicle is set out in paragraphs 10(1)(b), (c) or 10(2)(b), refund the application fee.

(3) The registrar shall provide his or her decision on an application in writing to the applicant within 7 days of the date the application was considered or oral hearing held.

Release of vehicle
on expiry of im-
poundment

12. Subject to section 8, the registrar shall direct that an impounded motor vehicle be released to the owner or a person authorized by the owner after the period of impoundment expires.

Report of garage
operator

13. Where a garage operator has in a month stored or disposed of a motor vehicle impounded under these regulations, the garage operator shall, on or before the 7th day of the following month make a report to the registrar in the form set by the registrar.

Owner's right
against driver

14. (1) The owner of a motor vehicle impounded under these regulations may recover from the person who was the driver at the time the motor vehicle was seized, as a debt in a court of competent jurisdiction, the amount the owner paid to have the vehicle released, including amounts required to release the lien described in section 8 and any fees paid to the registrar.

(2) Notwithstanding subsection (1), the owner may not recover from the driver any amount that the owner was required to pay the registrar in respect of fines or penalties not related to the seizure and impoundment of the motor vehicle under these regulations.

Offence

15. A person who removes or releases, or permits the removal or release of, an impounded motor vehicle from the place of impoundment

except in accordance with these regulations, is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000.

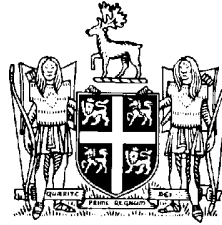
Fees and forms

16. The minister may set fees and the registrar may set forms required for the administration of these regulations.

Commencement

17. These regulations come into force on the day on which *An Act to Amend the Highway Traffic Act*, SNL2002 c11, comes into force.

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NEWFOUNDLAND AND LABRADOR REGULATION 74/03

Highway Traffic Driver Regulations, 1999 (Amendment)
under the
Highway Traffic Act
(O.C. 2003-359)

(Filed July 18, 2003)

Under the authority of sections 55.1 and 186 of the *Highway Traffic Act*, the Minister of Government Services and Lands and the Lieutenant-Governor in Council make the following regulations.

Dated at St. John's, July 11, 2003.

George Sweeney
Minister of Government Services and Lands

Tim Murphy
Deputy Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|---|--|
| 1. PART I Heading Added
INTERPRETATION | 3. Part II Heading Added
DRIVER LICENSING |
| 2. S.2 Amdt.
Interpretation | |

- | | |
|--|--|
| 4. Part III Heading Added
DRIVER EDUCATION
AND UPGRADING | 26.6 Registrar's Advisory
Committee |
| 5. PART IV Added | 26.7 Inspection |
| PART IV | 26.8 Offence |
| IGNITION INTERLOCK
PROGRAM | 6. Part V Heading Added
GENERAL |
| 26.1 Ignition interlock
application | 7. S.27 R&S
Evidence of program com-
pletion |
| 26.2 Extension of ignition
interlock restriction | 8. Ss.29&30 Rep. |
| 26.3 Installation | 29. Transitional learner |
| 26.4 Costs | 30. Transitional novice
driver, age 17 |
| 26.5 Duties of licence
holder | 9. Sch A R&S |
| | 10. Commencement |

NLR 110/98

1. The *Highway Traffic Driver Regulations, 1999* are amended by adding immediately after section 1 the following:

**PART I
INTERPRETATION**

2. (1) Subsection 2(1) of the regulations is amended by adding immediately after paragraph (e) the following:

- (e.1) "authorized installer" means a person authorized by the registrar under section 26.3 to install, maintain and remove ignition interlock devices;

(2) Subsection 2(1) of the regulations is amended by adding immediately after paragraph (f) the following:

- (f.1) "ignition interlock device" means a device approved by the registrar that is designed to ascertain the presence of alcohol in a driver's body and to prevent a motor vehicle from being started if the concentration of alcohol in the driver's body exceeds 20 milligrams of alcohol in 100 millilitres of blood;
- (f.2) "ignition interlock restriction" means a restriction on a person's driver's licence that they may only operate a motor vehicle that is equipped with an ignition interlock device;

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

PART II
DRIVER LICENSING

4. The regulations are amended by adding immediately after section 22 the following:

PART III
DRIVER EDUCATION AND UPGRADING

5. The regulations are amended by adding immediately after section 26 the following:

PART IV
IGNITION INTERLOCK PROGRAM

Ignition interlock
application

26.1 (1) A person whose driver's licence or driving privileges are suspended under subsection 65(1) of the Act may apply to the registrar during the suspension period for reinstatement of his or her driver's licence or driving privileges with an ignition interlock restriction where he or she is

- (a) no longer subject to a prohibition under section 259 of the *Criminal Code* from operating a motor vehicle; or
- (b) authorized by the court under section 259 of the *Criminal Code* to operate a motor vehicle with ignition interlock during the court ordered prohibition period.

(2) An application under subsection (1) shall be made in the form set by the registrar which shall include a notification to applicants that participation in the ignition interlock program could result in the ignition interlock restriction continuing beyond the period of suspension of their driver's licence.

(3) The application shall be accompanied by the application fee set by the minister.

(4) The registrar may issue to an applicant a driver's licence with an ignition interlock restriction where the applicant

- (a) is not otherwise prohibited or disqualified from driving under another provision of the Act or a law of another jurisdiction;

(b) has complied with the requirements in subsection 27(2) of these regulations;

(c) has paid the reinstatement fee set by the minister; and

(d) has provided proof of payment of all outstanding fines or late payment penalties that the registrar may require to be paid under section 16.1 of the Act.

(5) Where the registrar decides to accept an application under this section the registrar shall

(a) approve the applicant for installation and use of an ignition interlock device; and

(b) issue a driver's licence with a restriction that the holder may only operate a motor vehicle that is equipped with an ignition interlock device.

(6) The restriction on a licence issued under this section shall remain in place until the expiry of the suspension period under section 65 of the Act and the court ordered prohibition period.

(7) Where the restriction on a licence issued under this section lapses, the registrar shall authorize the removal of an ignition interlock device installed by the licence holder.

Extension of ignition interlock restriction

26.2 (1) Notwithstanding subsection 26.1(6), the registrar may upon review of a person's driving record and the records submitted under section 26.3 in relation to the operation of ignition interlock devices installed by that person, extend the restriction on the person's driver's licence under subsection 26.1(5) beyond the expiry of the suspension period under section 65 of the Act and the court ordered prohibition period.

(2) Where the registrar intends to extend a person's ignition interlock restriction under subsection (1), the registrar shall give the person notice in writing 90 days prior to the later of the expiry of the suspension period under section 65 of the Act and the court ordered prohibition period,

(a) that the registrar intends to extend the ignition interlock restriction on the person's driver's licence beyond the expiry

of the suspension period under section 65 of the Act and the court ordered prohibition period for the reasons specified in the notice; and

- (b) that the person has 15 days, if he or she wishes to object to the extension, to respond in writing to the registrar setting out his or her reasons for objecting to the extension or to request an opportunity to appear before the registrar to object in person.

(3) Where the registrar receives a response described in paragraph (2)(b), the registrar shall

- (a) review the reasons given in the response for the person's objection to the extension and may request that the person appear in person in the manner described in paragraph (b); or
- (b) where the person requests an opportunity to appear before the registrar, advise the person in writing of the time, date and place at which the person may appear.

(4) After considering the reasons for the person's objection to the extension or where the person does not object, the registrar shall decide whether to extend their ignition interlock restriction and notify the person in writing of the decision at least 45 days prior to the later of the expiry of the suspension period under section 65 of the Act and the court ordered prohibition period.

(5) Notwithstanding subsections (2) to (4), where the registrar becomes aware of information justifying an extension of a person's ignition interlock restriction within 90 days of the expiry of their suspension period under section 65 of the Act or their court ordered prohibition period, the registrar shall immediately give that person notice in writing

- (a) that the registrar intends to extend the ignition interlock restriction on the person's driver's licence beyond the expiry of the suspension period under section 65 of the Act and the court ordered prohibition period for the reasons specified in the notice; and

- (b) of a time, date and place before the expiry of the suspension or prohibition period at which the person may appear to object to the extension,

and after hearing the reasons for the person's objection or where the person does not appear, the registrar shall decide whether to extend their ignition interlock restriction and immediately notify the person in writing of the decision.

(6) A person who has been notified by the registrar of an extension of their ignition interlock restriction under subsection (4) or (5) may, within 30 days after receiving notice of the decision, appeal the decision or order to the Trial Division by filing a notice of appeal with the Registrar of the Supreme Court.

(7) An appeal under subsection (6) does not stay the decision being appealed unless the Trial Division orders otherwise.

Installation

26.3 (1) The registrar shall authorize one or more persons to install, maintain and remove ignition interlock devices.

(2) An authorized installer shall maintain for a period of 6 years from the removal of an ignition interlock device a record of

- (a) the approval for the installation of the ignition interlock device received by the installer from the registrar;
- (b) the installation, inspection, maintenance and removal of the ignition interlock device by the installer; and
- (c) the results of each inspection of the ignition interlock device carried out by the installer.

(3) An authorized installer shall notify the registrar if an inspection by the installer reveals evidence that an ignition interlock device has been tampered with.

(4) An authorized installer shall notify the registrar of any outstanding payments required under section 26.4.

(5) An authorized installer shall submit the records described in this section to the registrar in the manner and at the times set by the registrar.

Costs

26.4 (1) A person who holds a driver's licence issued under section 26.1 shall pay

(a) all costs associated with the installation, monitoring, servicing and removal of an ignition interlock device in each motor vehicle the holder operates; and

(b) the administrative fee set by the minister.

(2) Where a person fails to pay an amount described in subsection (1), the registrar may revoke the approval of the person for the use of an ignition interlock device and

(a) reinstate the suspension of his or her driver's licence; or

(b) where the person is driving with an ignition interlock restriction extended under section 26.2, suspend his or her driver's license until subsection (1) is complied with or until the expiry of the extension under 26.2, whichever occurs first.

Duties of licence holder

26.5 (1) A person who holds a driver's licence issued under section 26.1 shall bring a motor vehicle in which he or she has had an ignition interlock device installed to an authorized installer or a facility designated by an authorized installer for inspection and maintenance at least once every 60 days.

(2) Where a person fails to comply with the requirements of subsection (1), the registrar may revoke the approval of the person for the use of an ignition interlock device and

(a) reinstate the suspension of his or her driver's licence; or

(b) where the person is driving with an ignition interlock restriction extended under section 26.2, suspend his or her driver's license until subsection (1) is complied with or until the expiry of the extension under 26.2, whichever occurs first.

Registrar's Advisory Committee

26.6 The registrar may seek the advice of the Registrar's Advisory Committee in determining whether to

(a) approve an application for reinstatement under 26.1; and

- (b) extend the ignition interlock restriction under section 26.2 beyond the expiry of the suspension period and court ordered prohibition.

Inspection

26.7 Where a peace officer stops a motor vehicle and determines that the driver of the vehicle is prohibited from driving a motor vehicle that is not equipped with an ignition interlock device, the peace officer may, without warrant or court order, inspect the vehicle to the extent reasonably necessary to determine

- (a) if the vehicle is equipped with an ignition interlock device; and
- (b) if the vehicle is properly equipped, if the device has been tampered with.

Offence

26.8 (1) A person who is only permitted to operate a motor vehicle that is equipped with an ignition interlock device, who operates a motor vehicle that is not equipped with an ignition interlock device is guilty of an offence and is liable on summary conviction

- (a) in a case involving a commercial motor vehicle to a fine of not less than \$200 and not more than \$20,000; and
- (b) in every other case, to a fine of not less than \$200 and not more than \$1,000.

(2) A person who is only permitted to operate a motor vehicle that is equipped with an ignition interlock device who solicits a breath sample from any individual for the purpose of assisting the person to:

- (a) start a vehicle equipped with an ignition interlock device; or
- (b) keep a vehicle equipped with an ignition interlock device in motion,

is guilty of an offence and is liable on summary conviction,

- (c) in a case involving a commercial motor vehicle to a fine of not less than \$200 and not more than \$20,000; and
- (d) in every other case, to a fine of not less than \$200 and not more than \$1,000.

(3) A person who knowingly assists a person who is only permitted to operate a motor vehicle that is equipped with an ignition interlock device to

- (a) start a vehicle equipped with an ignition interlock device; or
- (b) keep a vehicle equipped with an ignition interlock device in motion,

is guilty of an offence and is liable on summary conviction,

- (c) in a case involving a commercial motor vehicle to a fine of not less than \$200 and not more than \$20,000; and
- (d) in every other case, to a fine of not less than \$200 and not more than \$1,000.

(4) A person who tampers with an ignition interlock device installed in a motor vehicle is guilty of an offence and is liable on summary conviction

- (a) in a case involving a commercial motor vehicle to a fine of not less than \$200 and not more than \$20,000; and
- (b) in every other case, to a fine of not less than \$200 and not more than \$1,000.

(5) A person who is the owner or is in possession or control of a motor vehicle that is not equipped with an ignition interlock device who knowingly permits a person who is only permitted to operate a motor vehicle that is equipped with an ignition interlock device to drive the vehicle is guilty of an offence and is liable on summary conviction

- (a) in a case involving a commercial motor vehicle to a fine of not less than \$200 and not more than \$20,000; and
- (b) in every other case, to a fine of not less than \$200 and not more than \$1,000.

6. The regulations are amended by adding immediately before section 27 the following:

**PART V
GENERAL**

7. Section 27 of the regulations is repealed and the following substituted:

Evidence of program completion

27. (1) The registrar may reinstate the driver's licence of a person, including a novice driver, whose licence has been suspended under section 60.4 of the Act, suspended due to a 24 hour or 90 day roadside suspension or due to a conviction under the *Criminal Code* (Canada) upon expiry of the suspension.

(2) The registrar shall require a person whose licence is reinstated under subsection (1) to provide proof of successful completion of one or more of the following programs as set out in Schedule A, within a time set by the registrar:

(a) an alcohol education program; and

(b) an alcohol dependency assessment, followed by an alcohol rehabilitation program where the program is recommended in the assessment.

(3) Where a person does not provide the proof required by the registrar under subsection (2) within the time set by the registrar, the registrar shall suspend the driver's licence of that person until proof is provided.

8. Sections 29 and 30 of the regulations are repealed.

9. Schedule A of the regulations is repealed and the following substituted:

Schedule A

Suspension type	No. of Suspensions	Within a period of	Requires evidence of completion of
24 hour	2	2 years	Alcohol education program

24 hour	3 or more	2 years	Alcohol dependency assessment / rehabilitation
90 day	1		Alcohol education program
90 day	2 or more	2 years	Alcohol dependency assessment / rehabilitation
<i>Criminal Code</i>	1		Alcohol education program
<i>Criminal Code</i>	2 or more	10 years	Alcohol dependency-assessment / rehabilitation
Combination of 24 hour or 90 day and <i>Criminal Code</i>	2 and 1	2 years	Alcohol dependency-assessment / rehabilitation
Section 60.4 of Act			
2 months	1		-
4 months	2		Alcohol education program
6 months	3		Alcohol dependency-assessment / rehabilitation

Commencement

10. These regulations come into force on the day on which *An Act to Amend the Highway Traffic Act*, SNL2002 c11, comes into force.

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Highway Traffic (Amendment) Act			
Proclamation bringing Act into force (August 1, 2003)	NLR 72/03	New	July 25/03, p. 735
Highway Traffic Act			
Vehicle Seizure and Impoundment Regulations (In force August 1, 2003)	NLR 73/03	New	July 25/03, p.737
Highway Traffic Driver Regulations, 1999 (Amdt) (In force August 1, 2003)	NLR 74/03	Amends NLR 110/98 Part I Heading Added S. 2 Amdt; Part II Heading added; Part III Heading added; Part IV Added, Ss. 26.1-26.8 Added; Part V Heading Added, S. 27 R&S Ss. 29 & 30 Rep. Sch. A. Amdt	July 25/03, p 747

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**STATUTES OF NEWFOUNDLAND AND LABRADOR
2003**

**Fifth Session, 44th General Assembly
52 Elizabeth II, 2003**

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	(ASSENTED TO MARCH 25, 2003)	
3	<i>Supply Act, 2003</i>	2
10	<i>Expropriation (Amendment) Act</i>	3
5	<i>Income Tax (Amendment) Act</i>	4
12	<i>City of Corner Brook (Amendment) Act, City of Mount Pearl (Amendment) Act, City of St. John's (Amendment) Act, Mu- nicipalities (Amendment) Act, 1999 and Urban and Rural Planning (Amendment) Act, 2000</i>	5
6	<i>Income Tax (Amendment) Act No. 2</i>	6
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4	<i>Tobacco Tax (Amendment) Act</i>	8
	(ASSENTED TO May 15, 2003)	

* Bills amended in Committee of the Whole House.

This list was prepared by the Office of the Legislative Counsel.

Questions or omissions should be brought to the attention of that Office.