



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

PUBLISHED BY AUTHORITY

Vol. 79

ST. JOHN'S, FRIDAY, AUGUST 6, 2004

No. 32

### AUTOMOBILE INSURANCE ACT

#### STANDARD AUTOMOBILE POLICY CHANGES

Pursuant to subsection 4. (1) of the *Automobile Insurance Act*, R.S.N.L. 1990, as amended, the following changes to the S.P.F. No. 1, Standard Automobile Policy (Owner's Form) as published in Part I of *The Newfoundland and Labrador Gazette* on June 30, 1994 are hereby approved for use in the Province effective August 1, 2004.

WINSTON MORRIS  
Superintendent of Insurance

1. Under SECTION A - THIRD PARTY LIABILITY, under The insurer shall not be liable under this Section,
  - delete the "." at the end of paragraph (h) and add "; or", and
  - add after paragraph (h) the following:
    - (i) for any liability arising from the use or operation of the automobile by an excluded driver.
2. Under (3) EXCLUSIONS of the SPECIAL PROVISIONS, DEFINITIONS AND EXCLUSIONS OF SECTION B,
  - (a) delete the word "or" at the end of paragraph (a) (ii),
  - (b) delete the "." at the end of paragraph (a) (iii) and add "; or", and
  - (c) add after paragraph a (iii) the following:
    - (iv) resulting from the use or operation of the automobile by an excluded driver.
3. Under EXCLUSIONS of SECTION C - LOSS OF OR DAMAGE TO INSURED AUTOMOBILE, under The insurer shall not be liable,
  - add after paragraph (1) (h) the following:
    - (i) where the automobile is being used or operated by an excluded driver; or
4. Under LIMITS AND EXCLUSIONS of SECTION D - UNINSURED AUTOMOBILE AND UNIDENTIFIED AUTOMOBILE COVERAGE,

- (a) delete the word “and” at the end of paragraph 3. (1) (g),
  - (b) delete the “.” at the end of paragraph 3. (1) (h) and add “; or”, and
  - (c) add after paragraph 3. (1) (h) the following:
    - (i) for loss or damage that occurs while the insured automobile is being used or operated by an excluded driver.
5. Under the GENERAL PROVISION, DEFINITIONS AND EXCLUSIONS section of the policy, add the following:
- 3.1 EXCLUDED DRIVER DEFINED

In this Policy the words “excluded driver” mean a person who is named in an endorsement to the Policy, which endorsement eliminates coverage under the Policy while the named person drives or operates an automobile identified in the endorsement including any temporary substitute automobile or any newly acquired automobile.

Aug 6

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### FORESTRY ACT

#### NOTICE

In accordance with Section 55 (2) of the *Forestry Act*, a copy of the Assessment Roll for 2004 with a Certificate of the Assessor will be available for examination during regular business hours commencing the 9<sup>th</sup> day of August, 2004 to the 20<sup>th</sup> day of August, 2004, both days inclusive.

Interested persons should contact Forest Ecosystem Management Division, Department of Natural Resources, Fortis Building, Corner Brook, Newfoundland and Labrador.

Dated this 30<sup>th</sup> day of July, 2004.

IVAN N. DOWNTON  
Director  
Forest Ecosystem Management Division

TAKE NOTICE that the St. John’s Municipal Council has enacted the Council Pension by-Law..

The said By-Law was passed by Council on the 26<sup>th</sup> day of July, 2004 and will have the effect of repealing the Pension By-Law passed April 9, 1980.

All persons are hereby required to take notice that any person who wishes to view such By-Law may view same at the Office of the City Solicitor of the St. John’s Municipal Council at City Hall, and that any person who wishes to obtain a copy thereof may obtain it at the said office upon the payment of a reasonable charge as established by the St. John’s Municipal Council for such copy.

Dated this 29<sup>th</sup> day of July, 2004.

PHYLLIS BARTLETT  
Per: Neil Martin - City Clerk

P. O. # 35743

Aug 6

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Aug 6

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### CITY OF ST. JOHN’S ACT



ST. JOHN’S MUNICIPAL COUNCIL  
NOTICE  
ST. JOHN’S COUNCIL PENSION BY-LAW

### URBAN AND RURAL PLANNING ACT

#### NOTICE OF REGISTRATION ST. JOHN’S MUNICIPAL PLAN AMENDMENT NUMBER 8, 2004 AND ST. JOHN’S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 312, 2004

Take notice that the St. John’s Municipal Plan Amendment No. 8, 2004 and St. John’s Development Regulations Amendment Number 312, 2004, adopted on the 25<sup>th</sup> day of May, 2004 and approved on the 26<sup>th</sup> day of July, 2004, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of St. John’s Municipal Plan Amendment No. 8, 2004 is to redesignate properties at Civic Numbers 251, 253, 255, 257, 259, 259A, 261, 263, 265, 267, 269 and 269A Blackmarsh Road and properties at

Civic Numbers 2, 4, 6 and 8 Mercer's Lane to the Commercial General District.

In general terms the purpose of St. John's Development Regulations Amendment Number 312, 2004, is to rezone properties at Civic Numbers 251, 253, 255, 257, 259A, 261, 263, 265, 267, 269 and 269A Blackmarsh Road and properties at Civic Numbers 2, 4, 6 and 8 Mercer's Lane to the Commercial Neighbourhood (CN) Zone.

The St. John's Municipal Plan Amendment No.8, 2004 and St. John's Development Regulations Amendment Number 312, 2004 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 Department of Planning, 3<sup>rd</sup> Floor, St. John's City Hall during regular business hours (Monday through Friday, 9:00 a.m. to 4:30 p.m.).

CITY OF ST. JOHN'S  
Engineering & Planning Department

Aug 6

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### MOTOR CARRIER ACT

#### IN THE MATTER OF THE *MOTOR CARRIER ACT*, CHAPTER M-19, R.S.N. 1990

AND

#### IN THE MATTER OF THE APPLICATION FOR A MOTOR CARRIER CERTIFICATE

#### NOTICE OF APPLICATION

TAKE NOTICE that Mr. Alvin Vallis, of Coomb's Cove, NL A0H 1K0, has applied to the Board of Commissioners of Public Utilities under the provisions of the *Motor Carrier Act*, Chapter M-19, R.S.N. 1990, for the issuance of a Certificate as a motor carrier to provide the following service:

#### ***REGULAR PUBLIC PASSENGER BUS SERVICE*** *for the transportation of passengers* *and their baggage at separate fares*

**from any point on highway route numbers 360,362 and 363 to Grand Falls-Windsor and the reverse thereof with pick up and drop off privileges at all points enroute. This authority is restricted to the use of a vehicle with a maximum seating capacity of up to 24 passengers.**

**Service will be supplied 3 days per week, Monday, Wednesday and Friday departing Coomb's Cove at 6:30am and departing Grand Falls-Windsor 4:30 pm.**

The Board, having reviewed the application, has granted provisional approval and shall issue said Certificate, unless a person who objects to the application files with the Board a notice of objection to the application together with a written statement setting out in full the reasons why the application should be denied and relevant documentary evidence. The objector must also serve on the applicant a copy of the notice of objection, the statement of reasons

and the relevant documentary evidence filed with the Board by personal service or by prepaid, registered mail, at the address shown on the application, and proof of service must be supplied to the Board.

The evidence to be submitted must be received by the Board within twenty days of the date of the publication of this notice, at the office of the Board at Suite East 210, Prince Charles Building, Torbay Road, NL or by mail to P. O. Box 21040, St. John's, NL A1A 5B2.

Dated at Coomb's Cove, Newfoundland and Labrador, this 29<sup>th</sup> day of July, 2004.

ALVIN VALLIS  
Signature of Applicant

Aug 6

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### TRUSTEE ACT ESTATE NOTICE

#### **IN THE MATTER OF the Estate and Effects of Lawrence White, late, of the Town of Stephenville, in the Province of Newfoundland and Labrador, pensioner, deceased:**

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Lawrence White, late of the Town of Stephenville, 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 Executor of the Estate on or before the 4<sup>th</sup> day of September, 2004 after which date the said Executor 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 1<sup>st</sup> day of August, 2004.

MARCHE-WHITE LAW OFFICE  
Solicitor for the Executor  
PER: Marie Marche-White

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

Aug 6

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### ESTATE NOTICE

#### **IN THE MATTER OF the Estate and Effects of Walter G. Miller of Placentia, in the Province of Newfoundland and Labrador, Retired, deceased.**

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Walter G. Miller, the aforesaid deceased, who died at St. John's, in the Province of Newfoundland and Labrador on or about the 3<sup>rd</sup> day of April, 2002, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitors for the Executor of the Estate on or before the 6<sup>th</sup> day of August, 2004, after which date the

Executor will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

Dated at St. John's, Newfoundland and Labrador, this 21<sup>st</sup> day of July, 2004.

LEWIS, SINNOTT, SHORTALL, HURLEY  
Solicitors for the Executor  
PER: Andrew A. Fitzgerald

ADDRESS FOR SERVICE  
Suite 300, 140 Water Street  
P. O. Box 884  
St. John's, NL A1C 5L7

July 30 & Aug 6

**QUIETING OF TITLES ACT**

**2004 01 T 2876  
IN THE SUPREME COURT OF  
NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION**

**IN THE MATTER OF** an Application of William Short pursuant to the *Quieting of Titles Act*, Chapter Q-3 of the Revised Statutes of Newfoundland, 1990

AND

**IN THE MATTER OF** a piece or parcel of land situate at Pouch Cove, in the Province of Newfoundland and Labrador

**NOTICE**

NOTICE OF APPLICATION under the *Quieting of Titles Act*, Chapter Q-3 of the Revised Statutes of Newfoundland and Labrador, 1990.

NOTICE is hereby given to all parties that William Short of Riverhead, Harbour Grace, in the Province of Newfoundland and Labrador, has applied to the Supreme Court of Newfoundland and Labrador, St. John's, to have the title to ALL THAT piece or parcel of land situate at Pouch Cove, in the Province of Newfoundland and Labrador being more particularly described in Schedule "A" hereto annexed and outlined on the plan annexed hereto marked Schedule "B" for which he claims to be owner, investigated and for a Declaration that he is the absolute owner in fee simple and that the said William Short has been ordered to publish notice of the Application as required by the before noted Act.

ALL persons having title adverse to the said title claimed by William Short shall file in the Registry of the Supreme Court of Newfoundland and Labrador at St. John's, in the Province of Newfoundland and Labrador, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitor for the Applicant on or before the 27<sup>th</sup> day of August, 2004 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 then be investigated in such manner as the said Supreme Court of Newfoundland and Labrador, St. John's, may direct.

DATED at Carbonear, in the Province of Newfoundland and Labrador this 23<sup>rd</sup> day of June, 2004.

JR. WILLIAM FINN  
Solicitor for the Applicant

ADDRESS FOR SERVICE.  
66 Powell Drive  
Carbonear, NL  
A1Y 1A5

Aug 6

**SCHEDULE "A"**

**Boundary Description  
Wall's Road, Pouch Cove, NL**

BEGINNING at a point, said point having the following NAD83 coordinates in Zone 1 of the Transverse Mercator Projection as modified for the Province of Newfoundland and Labrador;

N 5 290 822.326  
E 324 152.599

THENCE along the grid bearing of N11°00'26"E for a distance of 12.080 metres.

THENCE along the grid bearing of N04°34'04"E for a distance of 7.923 metres.

THENCE along the grid bearing of N25°23'00"E for a distance of 19.086 metres.

THENCE along the grid bearing of N18°36'47"E for a distance of 28.029 metres.

THENCE along the grid bearing of N06°25'23"E for a distance of 17.975 metres.

THENCE along the grid bearing of N23°20'47"E for a distance of 58.190 metres.

THENCE along the grid bearing of S83°13'47"E for a distance of 9.343 metres.

THENCE along the grid bearing of S07°05'04"E for a distance of 50.657 metres.

THENCE along the grid bearing of S08°23'24"E for a distance of 50.682 metres.

THENCE along the grid bearing of S79°14'46"W for a distance of 17.167 metres.



**CHANGE OF NAME ACT**

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**C-8 RSN 1990**  
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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

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

ANN MARIE BAGGS

of 10B Chapel Street, St. John's, in the Province of Newfoundland and Labrador, as follows:

To change my name from

ANN MARIE BAGGS  
to  
ANN MARIE SHIRAN

DATED this 23<sup>rd</sup> day of July, 2004.

ANN MARIE BAGGS  
(Signature of Applicant)

Aug 6

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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

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

CHRISTINE LORRAINE BRAKE

of Box 2917, RR #2, Corner Brook, NL A2H 6B9, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

JESSICA MARILYN TERRY  
to  
JESSICA MARILYN BRAKE

DATED this 22<sup>nd</sup> day of July, 2004.

CHRISTINE BRAKE  
(Signature of Applicant)

Aug 6

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION  
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

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Vol. 79

ST. JOHN'S, FRIDAY, AUGUST 6, 2004

No. 32

## NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 79/04  
NLR 80/04  
NLR 81/04  
NLR 82/04  
NLR 83/04  
NLR 84/04  
NLR 85/04  
NLR 86/04  
NLR 87/04



**NEWFOUNDLAND AND LABRADOR  
REGULATION 79/04**

Proclamation bringing Act into force  
under  
*Automobile Insurance (Amendment) Act,  
Insurance Companies (Amendment) Act  
and Highway Traffic (Amendment) Act*

(O.C. 2004-294)

*(Filed July 28, 2004)*

*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.*

EDWARD ROBERTS  
Lieutenant Governor

JOHN CUMMINGS  
Deputy Minister of Justice

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

**A PROCLAMATION**

WHEREAS in and by section 25 of *An Act to Amend the Automobile Insurance Act*, the *Insurance Companies Act* and the *Highway Traffic Act* to Effect Certain Reforms Respecting Automobile Insurance, S.N.L. 2004 c.27 (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 *An Act to Amend the Automobile Insurance Act*, the *Insurance Companies Act* and the *Highway Traffic Act* to Effect Certain Reforms Respecting Automobile Insurance, S.N.L. 2004 c. 27, shall come into force on August 1, 2004.

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 Edward Roberts, one of Her  
Majesty's Counsel learned in the law,  
Lieutenant Governor in and for Our  
Province of Newfoundland and Labrador.

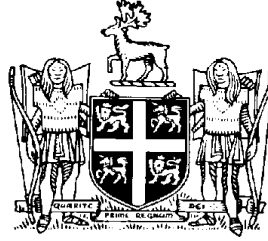


AT OUR GOVERNMENT HOUSE in Our City of St. John's  
this 28<sup>th</sup> day of July, in the year of Our Lord two  
thousand and four and in the fifty-  
third year of Our Reign.

BY COMMAND,

JACK BYRNE  
Registrar General

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 80/04**

*Automobile Insurance Prohibited Underwriting  
Regulations*  
under the  
*Insurance Companies Act*  
(O.C. 2004-297)

*(Filed July 28, 2004)*

Under the authority of paragraph 107(e.1) of the *Insurance Companies Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, July 28, 2004.

Robert C. Thompson  
Clerk of the Executive Council

**REGULATIONS**

*Analysis*

- |  |   |
|--|---|
| 1. Short title                               | 4. Prohibition - risk classification system |
| 2. Definitions                               | 5. Commencement                             |
| 3. Prohibition: Refusal to provide insurance |   |

Short title                    **1.** These regulations may be cited as *Automobile Insurance Prohibited Underwriting Regulations*.

Definitions                **2.** In these regulations

(a) "Act" means the *Insurance Companies Act*; and

(b) "minister" means the minister appointed under the *Executive Council Act* to administer the Act.

Prohibition: Re-  
fusal to provide  
insurance

3. (1) For the purpose of subsection 96.1(2) of the Act, an insurer shall not decline to issue, terminate or refuse to renew a contract or refuse to provide or continue a coverage or endorsement on one or more of the following grounds:

- (a) the insured, the applicant or another person who is or would be an insured under the contract
  - (i) had an accident in the past, or claimed in the past under a contract as a result of an accident, for which the insured, applicant or other person was not at fault,
  - (ii) has enquired as to coverage under a contract or has advised of an accident for which indemnity or coverage is provided for under a contract, and no payment was made to indemnify an insured or to an insured under the contract,
  - (iii) failed to make a payment to an insurer or a payment was returned to the insurer dishonored, other than the first payment due on a contract, if the missed payment or dishonored payment was replaced within 30 days of the date on which it was originally due,
  - (iv) has been declined insurance or refused a renewal of insurance by an insurer,
  - (v) has a lapse in coverage for a period of less than 24 months, unless the lapse resulted directly or indirectly from
    - (A) termination of a contract for failure to pay premiums due under a contract,
    - (B) termination of a contract for failing to disclose a conviction or claim and the conviction or claim would likely have led to a higher premium being charged, or

- (C) suspension of the person's drivers licence for an offence related to the use or operation of an automobile,
- (vi) does not have another insurance policy of any kind with the insurer or its affiliates or that he or she refused to consider or purchase another insurance policy from the insurer or its affiliates, or
- (vii) is or has been insured through the Facility Association;
- (b) the age of the vehicle, except that an inspection satisfactory to the insurer may be required once the vehicle is 8 years old, provided that the inspection requirements are set out in writing by the insurer and given to the applicant for a contract; and
- (c) another ground approved by the minister.

(2) For the purpose of this section, section 7 of the *Corporations Act* applies, with the necessary changes, to the determination of whether there is an affiliation between 2 or more insurers.

Prohibition - risk  
classification  
system

4. (1) For the purpose of paragraph 96.2(3)(d), an insurer shall not use one or more of the following elements in its risk classification system:

- (a) an accident or a claim resulting from an accident for which the insured was not at fault;
- (b) an inquiry by an insured as to coverage under a contract, or any advice of an accident by an insured for which indemnity or coverage is provided for under a contract, where no payment was made to indemnify an insured or to an insured under a contract;
- (c) failure by the insured to make a payment to an insurer, or a payment being returned to an insurer dishonored, other than the first payment due on a contract, if the missed payment or dishonored payment was replaced within 30 days of the date on which it was originally due;

- (d) the insured was declined insurance or refused a renewal of insurance by an insurer;
- (e) the insured has a lapse in coverage under a contract for a period of less than 24 months, unless the lapse resulted directly or indirectly from
  - (i) termination of a contract for failure to pay premiums due under a contract,
  - (ii) termination of a contract for failing to disclose a conviction or claim and the conviction or claim would likely have led to a higher premium being charged, or
  - (iii) suspension of the person's drivers licence for an offence related to the use or operation of an automobile; and
- (f) another element approved by the minister.

Commencement

**5. These regulations shall come into force on August 1, 2004.**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 81/04**

*Automobile Insurance Regulations*  
under the  
*Automobile Insurance Act*  
(O.C. 2004-296)

*(Filed July 28, 2004)*

Under the authority of paragraphs 60(1)(g.1) and (g.2) of the *Automobile Insurance Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, July 28, 2004.

Robert C. Thompson  
Clerk of the Executive Council

**REGULATIONS**

*Analysis*

- |                       |                                       |
|-----------------------|---------------------------------------|
| 1. Short title        | 5. Net loss of earning capacity       |
| 2. Definitions        | 6. Deductible on non-pecuniary damage |
| 3. Application        |                                       |
| 4. Net loss of income |                                       |

Short title                    **1.** These regulations may be cited as *Automobile Insurance Regulations*.

Definitions                    **2.** In these regulations, "Act means the *Automobile Insurance Act*.

Application                    **3.** These regulations apply to an action arising from the use or operation of an automobile on or after August 1, 2004.

- Net loss of income      **4.** For the purpose of paragraph 26.4(1)(a) of the Act, net loss of income means total income lost less the following:
- (a) the premium otherwise payable on that income under the *Employment Insurance Act* (Canada);
  - (b) the contribution otherwise payable on that income under the Canada Pension Plan (Canada); and
  - (c) the income tax otherwise payable on that income under the *Income Tax Act* (Canada) and the *Income Tax Act, 2000*.
- Net loss of earning capacity      **5.** For the purpose of paragraph 26.4(1)(b) of the Act, net loss of earning capacity means total loss of earning capacity or loss of future income less the following:
- (a) the premium otherwise payable on that income under the *Employment Insurance Act* (Canada);
  - (b) the contribution otherwise payable on that income under the Canada Pension Plan (Canada); and
  - (c) the income tax otherwise payable on that income under the *Income Tax Act* (Canada) and the *Income Tax Act, 2000*.
- Deductible on non-pecuniary damage      **6.** For the purpose of section 39.1 of the Act, the amount by which the damages to which a plaintiff is entitled in relation to each cause of action for non-pecuniary loss or damage shall be reduced is \$2,500.

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 82/04**

*Uninsured Automobile and Unidentified Automobile  
Coverage Regulations (Amendment)*  
under the  
*Automobile Insurance Act*  
(O.C. 2004-295)

*(Filed July 28, 2004)*

Under the authority of subsection 33(4) of the *Automobile Insurance Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, July 28, 2004.

Robert C. Thompson  
Clerk of the Executive Council

**REGULATION**

*Analysis*

- |                                       |                 |
|---------------------------------------|-----------------|
| 1. Sch Amdt.<br>Limits and exclusions | 2. Commencement |
|---------------------------------------|-----------------|

CNLR 985/96

**1. Subsection 3(1) of the Schedule to the *Uninsured Automobile and Unidentified Automobile Coverage Regulations* is amended**

- (a) by striking out the word "and" at the end of paragraph (g);**



**(b) by striking out the period at the end of paragraph (h) and substituting a semicolon and the word "or"; and**

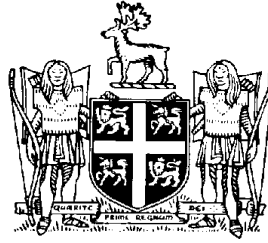
**(c) by adding immediately after paragraph (h) the following:**

(i) for loss or damage that occurs while the insured automobile is being used or operated by an excluded driver.

Commencement

**2. These regulations come into force on August 1, 2004.**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 83/04**

*Insurance Premiums Interest Rates Regulations*  
under the  
*Automobile Insurance Act*

(July 28, 2004)

Under the authority of subsection 6.3(2) of the *Automobile Insurance Act*, the minister makes the following regulations.

Dated at St. John's, July 28, 2004.

Dianne Whalen  
Minister of Government Services

**REGULATIONS**

*Analysis*

1. Short title
2. Definitions
3. Application of rates

Short title

**1.** These regulations may be cited as *Insurance Premiums Interest Rates Regulations*.

Definitions

**2.** Where an insured pays a premium required under an automobile insurance contract in equal monthly instalments, an insurer shall not charge a rate of interest exceeding

- (a) 3% of the total premium payable under the contract if the term of the contract is 12 months or more;

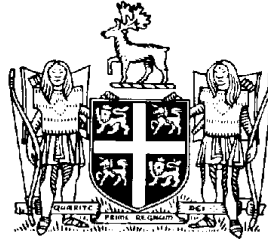
(b) 1.5% of the total premium payable under the contract if the term of the contract is 6 months or more but less than 12 months; and

(c) 0.5% of the total premium payable under the contract if the term of the contract is less than 6 months.

Application of rates

3. The interest rates set out in section 2 apply to contracts of automobile insurance renewed or entered into after August 1, 2004.

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 84/04**

*Happy Adventure Municipal Planning Area*  
under the  
*Urban and Rural Planning Act, 2000*

*(Filed August 3, 2004)*

Under the authority of section 11 of the *Urban and Rural Planning Act, 2000*, I define the following area as the Happy Adventure Municipal Planning Area.

Dated at St. John's, August 3, 2004.

Jack Byrne  
Minister of Municipal and Provincial Affairs

**PLANNING AREA**

Beginning at the most easterly point of Long Pond and then running south  $8^{\circ} 30'$  west a distance of 2,075 metres, more or less, to a point at high water mark on the northern shoreline of North Broad Cove in Newman Sound;

Then running along the sinuosities of the northern shoreline of Newman Sound in a generally easterly direction to the point 325 metres west of the easternmost tip of Sandy Cove Point;

Then running north  $17^{\circ}$  west a distance of 1,450 metres, more or less, to a point on the southern limit of the road from Sandy Cove to Eastport;

Then in a general westerly direction to the point of crossing of Southwest Brook and the Happy Adventure - Eastport Road;

Then due west a distance of 575 metres, more or less, to a point in the southwest corner of land belonging to Holy Cross Church;

Then along the west boundary of the land north  $9^{\circ}$  east a distance of 375 metres, more or less, to a point in the northwest corner of Holy Cross land;

Then south  $85^{\circ} 30'$  west a distance of 3,350 metres, more or less, to the point of beginning.

All bearings being referred to the true meridian

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 85/04**

*Interim Development Regulations, 2003  
(Amendment)  
under the  
Urban and Rural Planning Act, 2000*

*(Filed August 3, 2004)*

Under the authority of section 34 of the *Urban and Rural Planning Act, 2000*, I make the following regulations.

Dated at St. John's, August 3, 2004.

Jack Byrne  
Minister of Municipal and Provincial Affairs

*Analysis*

1. Sch. Amdt.

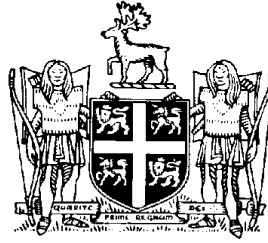
**REGULATIONS**

**1. The Schedule to the *Interim Development Regulations* is amended**

- (a) by adding immediately after the words "Eastport Municipal Planning Area" the words "Happy Adventure Municipal Planning Area"; and
- (b) by adding immediately after the words "Postville Municipal Planning Area" the words "Salvage Municipal Planning Area".

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NLR 137/03  
as amended



**NEWFOUNDLAND AND LABRADOR  
REGULATION 86/04**

*Salvage Municipal Planning Area*  
under the  
*Urban and Rural Planning Act, 2000*

*(Filed August 3, 2004)*

Under the authority of section 11 of the *Urban and Rural Planning Act, 2000*, I define the following area as the Salvage Municipal Planning Area.

Dated at St. John's, August 3, 2004.

Jack Byrne  
Minister of Municipal and Provincial Affairs

**PLANNING AREA**

Beginning at the most easterly point of the shoreline of Southern Head at the north entrance to Broomclose and then running in generally southwesterly and northeasterly directions along the sinuosities of the shorelines of Broomclose to the most easterly point of Broomclose;

Then running along the sinuosities of the shorelines of Little Barrow Harbour to Tilley's Point;

Then running in a generally southwesterly direction along the western shoreline of Barrow Harbour to a point at the west entrance to Scott's Tickle;

Then running north 71° west a distance of 3,300 metres, more or less;

Then south 65° west a distance of 925 metres, more or less, to the most easterly point in the municipality of Eastport;

Then north 10° west a distance of 500 metres, more or less, to a point locally known as Crow Gulch on the southern shoreline of Eastport Bay;

Then running in a generally northeasterly direction along the shoreline to North Point at the west entrance to Bishop's Harbour;

Then running along the sinuosities of the shoreline of Bishop's Harbour to Net Point;

Then running in a generally easterly direction along the shoreline to the point of beginning.

All bearings being referred to the true meridian.

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## NEWFOUNDLAND AND LABRADOR REGULATION 87/04

*Private Training Institutions Regulations (Amendment)*  
under the  
*Private Training Institutions Act*  
(O.C. 2004-298)

*(Filed August 5, 2004)*

Under the authority of section 19 of the *Private Training Institutions Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, August 3, 2004.

Robert C. Thompson  
Clerk of the Executive Council

### REGULATIONS

#### *Analysis*

- |  |  |
|--|--|
| 1. S.10 Amdt.<br>Security                                | 3. S.10.02 Amdt.<br>Distribution of insufficient<br>proceeds |
| 2. S.10.01 R&S<br>Distribution of sufficient<br>proceeds | 4. S.10.03 Amdt<br>Time limit                                |

CNLR 1114/96  
as amended

**1. Section 10 of the *Private Training Institutions Regulations* is amended by adding immediately after subsection (9) the following:**

(9.1) For the purpose of these regulations, the date of forfeiture of security is the date the minister calls upon the surety company or finan-

cial institution to satisfy the amounts payable under the security in accordance with subsection (9).

**2. Section 10.01 of the regulations is repealed and the following substituted:**

Distribution of  
sufficient proceeds

**10.01** (1) Where the proceeds of the security are sufficient to satisfy the total amount of all claims filed with the minister within the 6 month period from the date of forfeiture mentioned in subsection 10 (9.1), the superintendent shall distribute the proceeds of the security among the claimants as required by this section.

(2) Where

(a) a judgment based on a claim in respect of fees owing to a student under section 17 or 18 of these regulations is obtained by a student and filed with the minister;

(b) a judgment based on a claim in respect of a course of study or contract for a course of study is obtained by a student and filed with the minister; or

(c) the minister or the corporation provides evidence satisfactory to the superintendent as to the validity of a claim referred to in paragraph 10(9)(b)

the superintendent may, within 6 months of the date of forfeiture, pay over the money recovered under the security.

(3) A claim by a student under paragraphs (2)(a) and (b) shall include reasonable legal expenses incurred by the student to obtain judgment, as determined by the superintendent.

(4) Where proceeds remain after distribution under this section, the remainder shall be paid to the security company or the financial institution from which the security was obtained.

(5) This section applies to any security required under the Act or these regulations, including any security forfeited but not distributed at the time of the coming into force of this section.

**3. (1) Subsection 10.02(1) of the regulations is amended by deleting the reference "10(9)" and substituting the reference "10(9.1)".**

**(2) Paragraph 10.02(2)(e) of the regulations is repealed and the following substituted:**

(e) secondly, where proceeds remain after distribution under paragraph (d) and the minister or the corporation has provided evidence satisfactory to the superintendent as to the validity of the claim, those proceeds shall be distributed to the minister or the corporation to replace tuition fees paid by a student to a private training institution for services which the student did not receive before the closure of that institution or the cancellation of the security or the registration of the institution;

**(3) Paragraph 10.02(2)(g) of the regulations is repealed and the following substituted:**

(g) finally, where proceeds remain after distribution under paragraph (f) and the minister or the corporation has provided evidence satisfactory to the superintendent as to the validity of the claim, those proceeds shall be paid to the minister or the corporation for costs incurred by the minister or the corporation to facilitate the train-out of the students.

**4. Section 10.03 of the regulations is amended by deleting the reference "10.01" and by substituting the reference "10(9.1).**

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