

NOTE: Attached to the end of Part II is a list of Statutes of Newfoundland and Labrador, 2006 as enacted up to Dec. 12, 2006.

Attached is a list of publication dates for the year 2007.



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 81

ST. JOHN'S, FRIDAY, DECEMBER 22, 2006

No. 51

MUNICIPALITIES ACT

ORDER RESPECTING A FEASIBILITY REPORT

I, Jack Byrne, Minister of Municipal Affairs, pursuant to the provisions of the *Municipalities Act*, make the following Order:

ORDER

1. A Feasibility Report shall be prepared to consider the proposal by the Town of Carbonear to extend the Carbonear municipal boundary westward along Valley (Line) Road.
2. Tom Strickland is hereby appointed to prepare the said Feasibility Report.
3. The Feasibility Report shall be prepared in accordance with the provisions of the *Municipalities Act* and shall be completed and submitted to me on or before the 28th day of February, 2007.

Dated at St. John's, this 7th day of December, 2006.

JACK BYRNE
Minister of Municipal Affairs

Dec 22

LANDS ACT

NOTICE OF INTENT

LANDS ACT, Chapter 36, S.N. 1991

Notice is hereby given that Paul Merlin of RR #2, Wentworth Valley, Cumberland County, Nova Scotia, B0M 1Z0 intends to apply to the Department of Environment and Conservation, two months from the publication of this Notice, to acquire title, pursuant to Section 7(2)(b) of the said Act, to that piece of Crown Land situated within fifteen (15) metres of the waters of Riverhead Brook, West Pond and Barneys Brook, in the Electoral District of Windsor-Springdale for the purpose of a Fish Nursery for Aquaculture purposes and being more particularly described as follows:

*Bounded on the North by Riverhead Brook
for a distance of 626 m;*

*Bounded on the East by Crown Land
for a distance of 193 m;*

*Bounded on the South by Crown Land
for a distance of 411 m;*

*Bounded on the West by West Pond and Barneys Brook
for a distance of 419 m;*

*and containing an area of 150,000
approximately 15,675 square metres.*

Any person wishing to object to the application must file the objection, in writing, within one month from the publication of this notice, with reasons for it, to the Minister of Environment and Conservation, c/o Central

Regional Lands Office, P. O. Box 2222, Gander, NL, A1V 2N9.

For further information on the proposed application, please contact Paul Merlin, Telephone (902) 548-2687

Dec 22

TRUSTEE ACT
ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of late Lloyd Reddick of the Town of Herring Neck, in the Province of Newfoundland and Labrador, Retired Fish Plant Worker and Fisherman, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Lloyd Reddick, the aforesaid deceased, who died at the Town of Summerford, in the Province of Newfoundland and Labrador on or about the 18th day of December, 2002, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Administrator of the Estate on or before the 24th day of December, 2006 after which date the Administrator will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 4th day of December, 2006.

BONNELL LAW
Solicitor for the Administrator
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:

P. O. Box 563
218 Airport Boulevard
Gander, NL
A1V 2E1

Dec 15 & 22

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of late Mildred Blanche Pike of the Town of Gander, in the Province of Newfoundland and Labrador, Retired Person, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Mildred Blanche Pike, the aforesaid deceased, who died at the Town of Gander, in the Province of Newfoundland and Labrador on or about the 24th day of August, 2006, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 24th day of December, 2006 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 the Town of Gander, Newfoundland and Labrador, this 6th day of December, 2006.

BONNELL LAW
Solicitor for the Executor
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:

P. O. Box 563
218 Airport Boulevard
Gander, NL
A1V 2E1

Dec 15 & 22

ESTATE NOTICE

IN THE MATTER OF the Estate of Ina Charlotte Saunders, late of the Town of Cormack, in the Province of Newfoundland and Labrador, Retail Manager, deceased..

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Ina Charlotte Saunders, late of the Town of Cormack, 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 Solicitors for the Executor of the Estate on or before the 22nd day of January, 2007, after which date the said Executor will proceed to distribute the said Estate having regard only to the claims of which he shall then have been notice.

DATED at Corner Brook, Newfoundland and Labrador, this 12th day of December, 2006.

POOLE ALTHOUSE
Solicitors for the Executor
PER: Janet M. Christian

ADDRESS FOR SERVICE:

P. O. Box 812, 49-51 Park Street
Corner Brook, NL
A2H 6H7

Dec 22

ESTATE NOTICE

IN THE MATTER OF the Estate of Agnes Isobel Murray of Chancellor Park in the City of St. John's, in the Province of Newfoundland and Labrador, Deceased, who died on or about the 22nd day of October, 2005, widow, retired.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Agnes Isobel Murray are hereby requested to send particulars thereof in writing, duly attested to the undersigned Solicitor for the Executors of the Estate of the said deceased on or before the 5th day of January, 2007, after which date the Executors will proceed to distribute the Estate having regard only to the claims of which it shall then have had notice.

DATED at St. John's, Newfoundland and Labrador, this 14th day of December, 2006.

J. DAVID B. BAIRD, Q.C.
Solicitor for the Executors

MILLS, HUSSEY & PITTMAN
Solicitors for the Applicants
PER: Corwin Mills, Q.C.

ADDRESS FOR SERVICE:

Suite 706, TD Place
P. O. Box 665
140 Water Street
St. John's, NL
A1C 5L4

Dec 22 & 29

ADDRESS FOR SERVICE:

111 Manitoba Drive
Suite 201
Clareville, NL
A5A 1K2

Dec 22

QUIETING OF TITLES

**2006 05T No. 0224
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION**

NOTICE OF APPLICATION

**Notice of Application, under the *Quieting of Titles Act*,
RSNL, 1990, cQ-3, as amended.**

NOTICE IS HEREBY GIVEN to all parties that Clyde Matthews and Sandra Matthews, of the Town of Clareville, in the District of Trinity North, in the Province of Newfoundland and Labrador, have applied to the Supreme Court, Trial Division, Gander, to have title to all that piece or parcel of property situate at Shoal Harbour, Town of Clareville, in the Province of Newfoundland and Labrador, which property is more particularly described in Schedule "A" hereto annexed and shown in Schedule "B" hereto annexed.

ALL BEARINGS aforementioned, for which Clyde Matthews and Sandra Matthews claim to be the owners investigated and for a Declaration that they are the absolute owners in fee simple in possession and the said Clyde Matthews and Sandra Matthews have been ordered to public Notice of Application as required by the above named Act.

All persons having title adverse to the title claimed by the said Clyde Matthews and Sandra Matthews shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, Gander, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitors for the Petitioner on or before the 14th day of January, 2007, 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 a manner as the Supreme Court of Newfoundland and Labrador, Trial Division, Gander, may direct.

DATED AT Clareville, in the Province of Newfoundland and Labrador, this 15th day of December, 2006.

SCHEDULE 'A'

K.A.R.A. Investments Limited
Shoal Harbour, NL
Job No. 06-022

ALL THAT piece or parcel of land situate at Shoal Harbour, in the Electoral District of Trinity North, in the Province of Newfoundland and Labrador, abutted and bounded as follows, that is to say:

BEGINNING at a point, the said point being distant (337.005) metres, as measured on a bearing of north (50) degrees (51) minutes (05) seconds west from Coordinate Monument No. 78G2018:

THENCE running along the northerly limit of Harbour Drive, variable width, south (58) degrees (42) minutes (14) seconds west, a distance of (31.895) metres;

THENCE running by land of Clyde Matthews, north (30) degrees (53) minutes (18) seconds west, a distance of (42.548) metres;

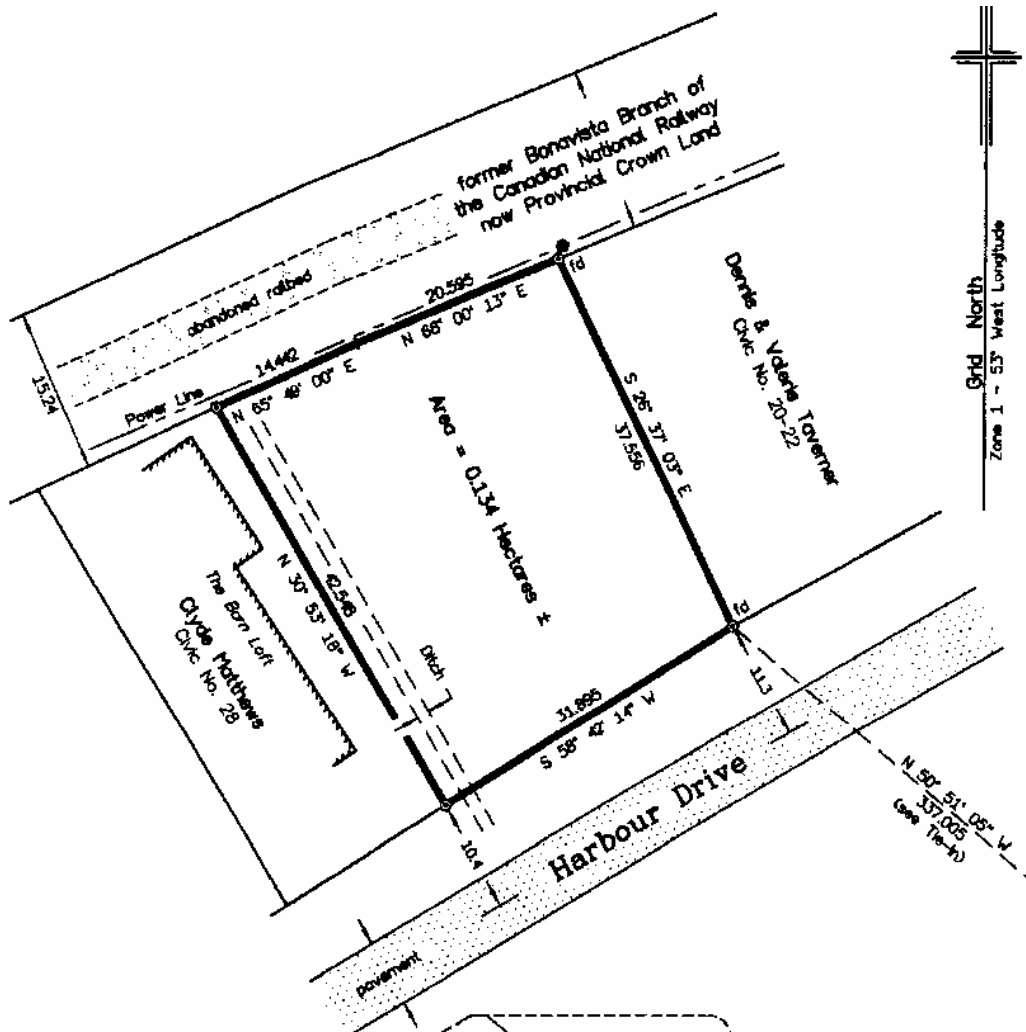
THENCE running along the southerly limit of the former Bonavista Branch of the Canadian National Railway, (15.24) metres wide, now Provincial Crown Land, north (65) degrees (49) minutes (00) seconds east, a distance of (14.442) metres;

THENCE north (68) degrees (00) minutes (13) seconds east, a distance of (20.595) metres

THENCE running by land of Dennis and Valerie Tavernor, south (26) degrees (37) minutes (03) seconds east, a distance of (37.556) metres, more or less, to the point of beginning and being more particularly shown and delineated on the attached plan;

CONTAINING an area of (0.134) hectares, more or less;

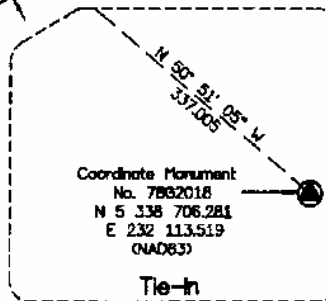
ALL BEARINGS being referred to the meridian of (53) degrees west longitude of the Three Degree Transverse Mercator Projection (NAD83)



Note:

1. fd = Found
- = Iron Pin
- ⊗ = Capped Iron Pin
- x — = Fence Line

2. Copyright 2006, D. W. Hodder, MLS
Barrow & Hodder Surveys Ltd.



Barrow & Hodder
Surveys Ltd.

PLAN SHOWING LAND SURVEYED FOR
K.A.R.A. Investments Limited
Shoal Harbour, NL

Scale - 1 : 500

Job No. 06-022

Date - 25 APR 2006

2006 01 T 5292
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

SCHEDULE 'A'

IN THE MATTER OF an Application of Ocean Resource Industries Limited pursuant to the *Quieting of Titles Act*, cQ-3, RSNL 1990

AND

IN THE MATTER OF pieces or parcels of land situate at Carbonear, in the Province of Newfoundland and Labrador

Notice of Application under the *Quieting of Titles Act*, cQ-3, RSNL 1990.

Notice is hereby given to all parties that Ocean Resource Industries Limited, a duly incorporated company under the laws of 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 those pieces or parcels of land situate at Carbonear, in the Province of Newfoundland and Labrador and being more particularly described in Schedules "A" and "C" hereto annexed and outlined on the plans annexed hereto marked Schedules "B" and "D", for which it claims to be owner, investigated and for a Declaration that it is the absolute owner in fee simple free from private rights-of-way and/or easements and/or public rights-of-way and/or easements, or other title or liens as may be provided for pursuant to either S. 22(1)(c) or S. 22 (1)(e) of the *Quieting of Titles Act* but excepting nevertheless public highways and excepting of a 26m wide easement to Newfoundland Light & Power Company Ltd. as more particularly delineated on the plan attached hereto marked Schedule "B", and that the said Ocean Resource Industries Limited 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 Ocean Resource Industries Limited shall file in the Registry of the Supreme Court 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 15th day of January, 2007 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 7th day of December, 2006.

J. WILLIAM FINN
Solicitor of the Applicant

ADDRESS FOR SERVICE:
66 Powell Drive
Carbonear, NL A1Y 1A5
Dec 22

Metes and bounds description of property surveyed for Dominion Investments Limited, located at Carbonear, in the Electoral District of Carbonear, province of Newfoundland and Labrador and is more particularly described as follows:

All that lot, piece or parcel of land situate to the southwest of the New Conception Bay Highway, forty-six meters wide (46m).

Beginning at a point, such point being a placed iron pin located on the southwestern limit of said New Conception Bay Highway, forty-six meters wide (46m), and having co-ordinates of N 5 286 899.805m and E 286 822.321m of the modified three degree transverse mercator projection for the Province of Newfoundland and Labrador;

Thence running in an irregular line along a Reservation, ten meters wide (10m), on Fitzgerald's Brook a distance of three hundred meters (300m), more or less, to a point on said Reservation which bears south fifty-eight degrees zero zero minutes west (S 58° 00' W) a distance of two hundred ninety decimal seven five meters (290.75m) from the previously described point.

Thence running along Crown Land south thirty-four degrees nineteen minutes west (S 34° 19' W) a distance of two hundred twenty decimal nine six meters (220.96m);

Thence running along, now or formerly, O'Keefe Property south fifty-five degrees thirty-nine minutes east (S 55° 39' E) a distance of three hundred four decimal eight one meters (304.81m);

Thence running along, now or formerly, Curran Property north forty-two degrees zero zero minutes east (N 42° 00' E) a distance of two hundred fifty-three decimal seven eight meters (253.78m);

Thence running along, now or formerly, said Curran Property north sixty degrees fifty-six minutes east (N60° 56' E) a distance of forty-three decimal eight two meters (43.82m);

Thence running along, now or formerly, said Curran Property and the property of Augustus Earle north forty-eight degrees forty-eight minutes east (N 48° 48' E) a distance of eighty seven decimal two nine meters (87.29m);

Thence running along said property of Augustus Earle north thirty-seven degrees twenty-five minutes east (N37° 25' E) a distance of twenty-three decimal four two meters (23.42m);

Thence running along said property of Augustus Earle north fifty-three degrees zero four minutes east (N53° 04' E) a distance of forty-two decimal zero zero meters (42.00m);

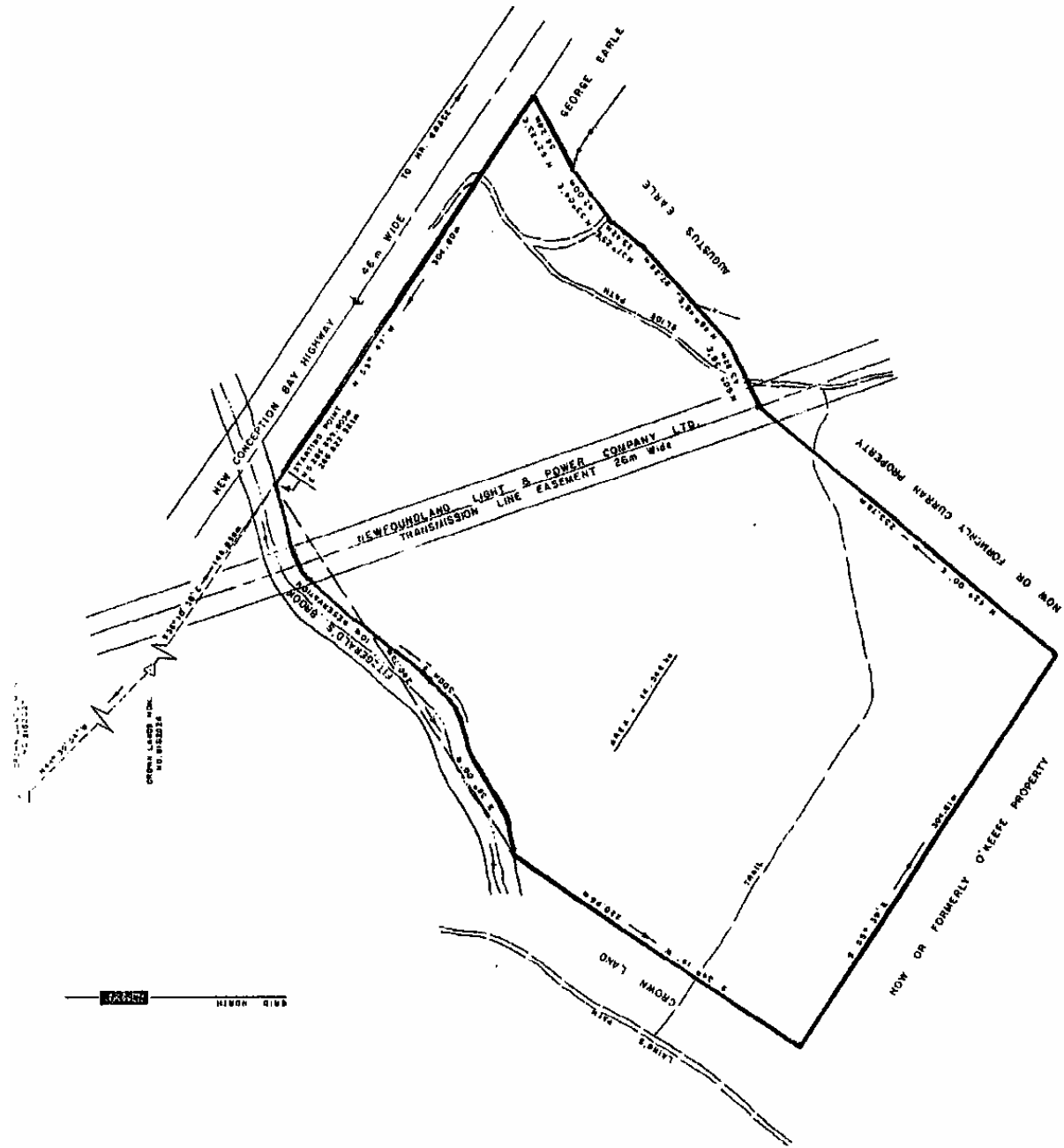
Thence running along the property of George Earle north sixty-two degrees twenty-three minutes east (N62° 23' E) a distance of fifty-six decimal two eight meters (56.28m);

Thence running along said southwestern limit of the New Conception Bay Highway, 46m wide, north fifty-five degrees forty-seven minutes west (N 55° 47' W) a distance

of three hundred and four decimal eight zero meters (304.80m), more or less, to the point of commencement. Reserving, nevertheless, from the above described parcel a Transmission Line Easement, 26m wide, by NF Power Inc. and which is more particularly shown, shaded yellow, on the attached plan.

All bearings are referenced from the modified three degree transverse mercator projection having a central meridian of fifty-three degrees west longitude and the whole parcel containing a calculated area of 14.548 hectares, more or less, and is more particularly shown, outlined in red, on the attached plan.

SCHEDULE "B"



SCHEDULE "C"

All that lot piece or parcel of land, situate and being at Carbonear in the electoral district of Carbonear- Harbour Grace, Province of Newfoundland and Labrador abutted and bounded as follows, that is to say:

Beginning at a point, such point being a capped iron bar located on the southeastern limit of Laings Path, fifteen meters wide, and having NAD83 coordinates of N 5 286 796.281 and E 286 494.060 of the modified three degree transverse mercator projection for the Province of Newfoundland and Labrador;

Thence running along the southeastern limit of said Laings Path, fifteen meters wide, north thirty-five degrees seventeen minutes thirty-three seconds east a distance of seventy-six decimal three one four meters;

Thence running along the southeastern limit of said Laings Path, fifteen meters wide, north twenty-six degrees forty-three minutes twenty-seven seconds east a distance of thirty-one decimal nine five six meters;

Thence running along the southeastern limit of said Laings Path, fifteen meters wide, north thirty-five degrees forty-seven minutes twelve seconds east a distance of sixty-one decimal six three eight meters;

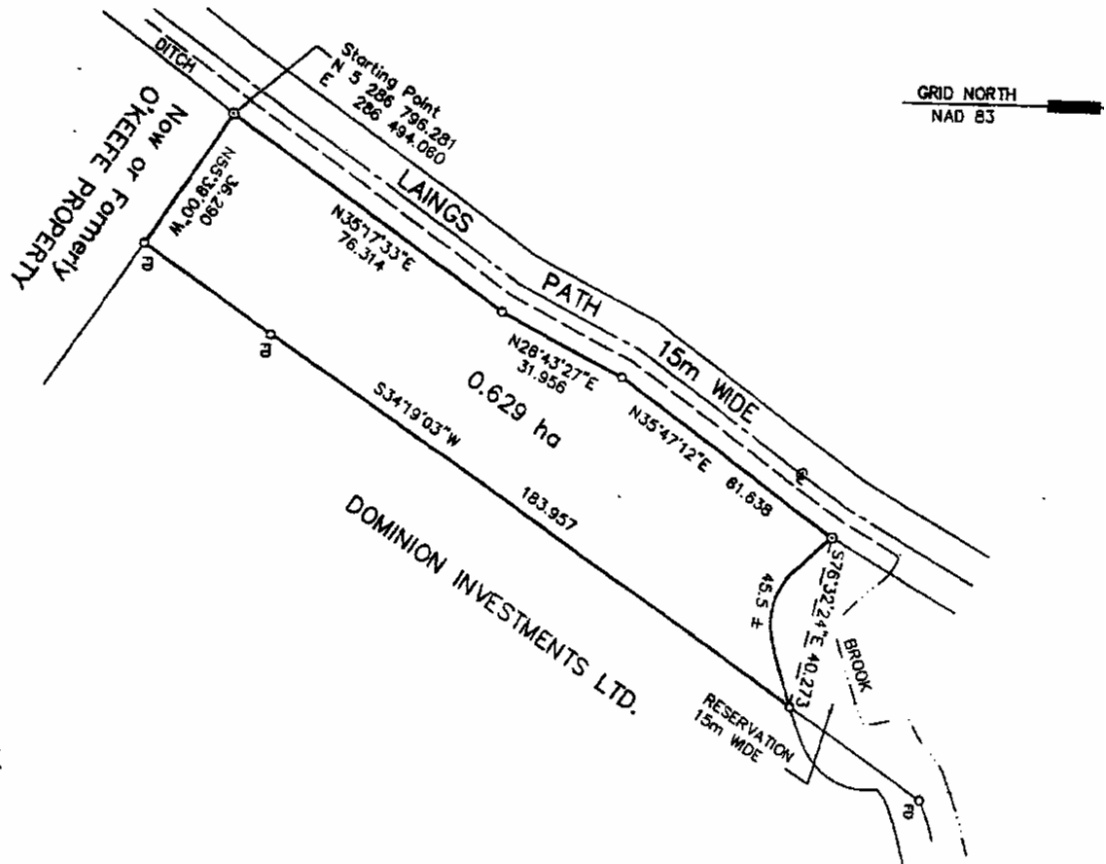
Thence running in an irregular line along the southwestern limit of a reservation, fifteen meters wide, on a brook a distance of forty-five decimal five meters, more or less, to a point on the southeastern limit of said reservation from which the previously described point bears south seventy-six degrees thirty-two minutes twenty-four seconds east a distance of forty decimal two seven three meters;

Thence running along the property of Dominion Investments Limited south thirty-four degrees nineteen minutes zero three minutes west a distance of one hundred and eighty-three decimal nine five seven meters;

Thence running along, now or formerly, O'Keefe property north fifty-five degrees thirty-nine minutes zero zero seconds west a distance of thirty-six decimal two nine zero meters, more or less, to the point of commencement.

All bearings are referenced from the modified three degree transverse mercator projection having a central meridian of fifty-three degrees west longitude and the whole parcel containing a calculated area of 0.629 hectares, more or less. The above described survey was calculated using NAD 83 co-ordinates.

Schedule "D"



2006 01T No. 1479
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

IN THE MATTER of the *Quieting of Titles Act*, cQ-3 of the RSNL, 1990 (as amended)

AND

IN THE MATTER of an Application by Patricia O'Connell with respect to that piece or parcel of land being at North Arm, in the Town of Holyrood, in the Province of Newfoundland and Labrador

Notice of Application under the *Quieting of Titles Act*, RSNL, 1990 cQ-3, as amended, (the "Act"):

NOTICE is hereby given to all parties that Patricia O'Connell, of the Town of Holyrood, in the Province of Newfoundland and Labrador, has applied to the Supreme Court of Newfoundland and Labrador – Trial Division, to have the title to ALL THAT piece or parcel of land situate and being at North Arm, in the Town of Holyrood, in the Province of Newfoundland and Labrador, Canada, and as more particularly described in Schedule "A" hereto annexed, of which the said Patricia O'Connell claims of her own behalf to be the owner, investigated and for a declaration that the said Patricia O'Connell is the absolute owner thereof.

The Honourable Mr. Justice Raymond Halley having ordered Notice of the said Application to be published as required under the above-named Act.

All persons having a claim adverse to this title claimed by the said Patricia O'Connell shall file in the Registry of the Supreme Court of Newfoundland and Labrador – Trial Division, at the Court House, Duckworth Street, St. John's, Newfoundland and Labrador, Canada, A1C 5M3, particulars of such adverse claim, together with an Affidavit verifying same, and serve same on the undersigned solicitors for the Applicant on or before the 19th day of January, 2007, 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 conditions the Court may deem just.

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

DATED at the City of St. John's, in the Province of Newfoundland and Labrador this 18th day of December, 2006.

SMYTH WOODLAND DEL RIZZO & LeDREW
Solicitors for the Petitioner
PER: D. Gordon Woodland

ADDRESS FOR SERVICE:
Old Queen's College
Suite 100
16 Forest Road
St. John's, Newfoundland and Labrador
A1C 2B9

Dec 22

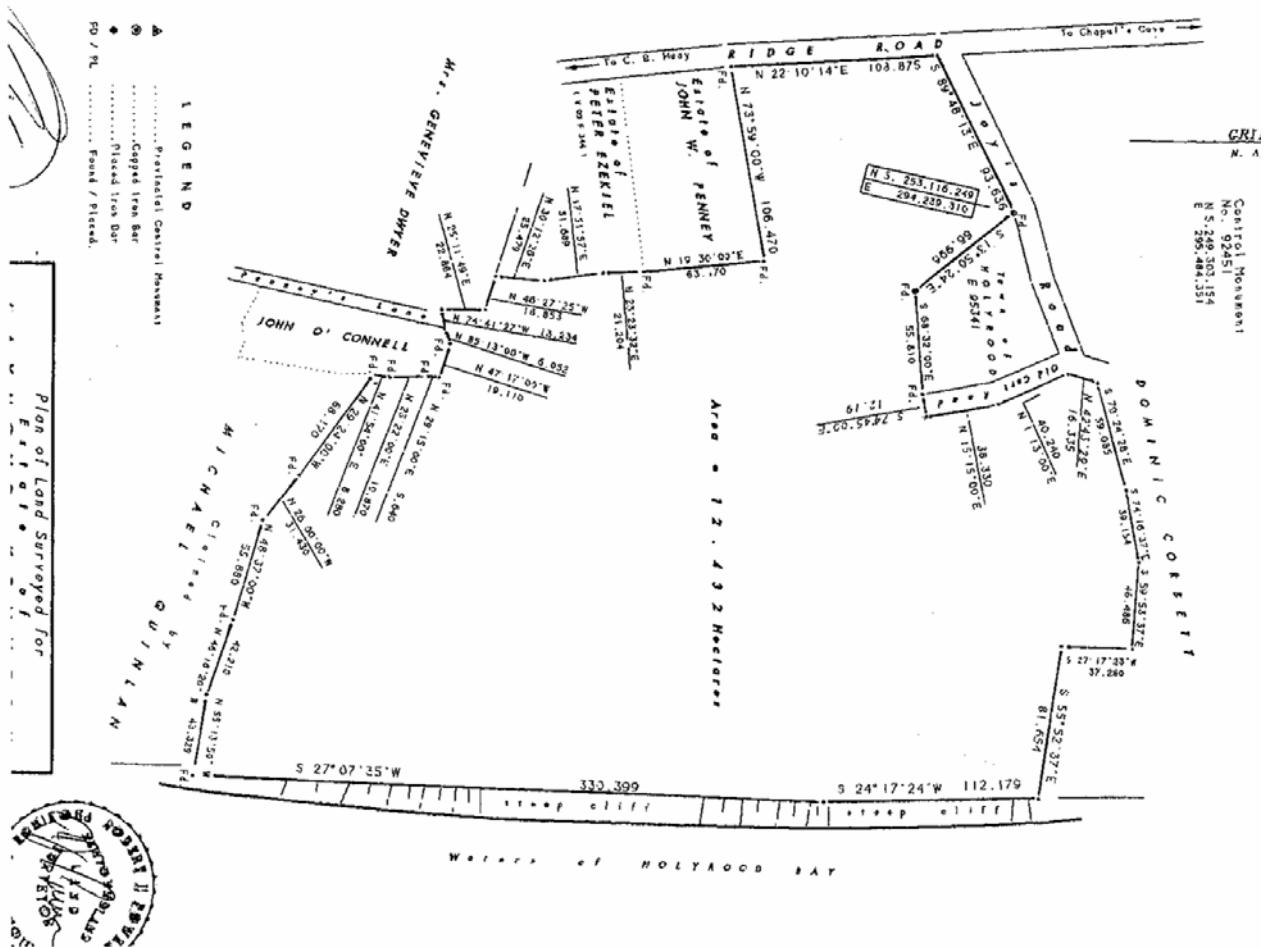
SCHEDULE "A"

ALL THAT piece or parcel of land situate and being at North Arm, Holyrood in the Electoral District of Harbor Main in the Province of Newfoundland and being abutted and bounded as follows; THAT IS TO SAY: By a line beginning at a point said point being a Standard Survey Marker set in the South Limit of Joy's Road (R/W = 12.19 m) at the North West angle of land described in Crown Lease No. E95341 (Town of Holyrood) and having co-ordinates of N 5,253,116.249 and E 294,239.310 metres of the Modified Transverse Mercator Projection for the Province of Newfoundland; Thence running by land described in Crown Lease No. E95341 (Town of Holyrood) South thirteen degrees fifty minutes twenty-four seconds East a distance of sixty six decimal nine ninety six metres; Thence South sixty-eight degrees thirty-two minutes zero seconds East a distance of fifty-five decimal eight ten metres; thence along the Southern Extremity of an Old Cart Road South seventy-four degrees forty-five minutes zero seconds East a distance of twelve decimal nineteen metres; Thence along the Eastern Limit of the aforementioned Old Cart Road North fifteen degrees fifteen minutes zero seconds East a distance of thirty-eight decimal three thirty metres; Thence North one degree thirteen minutes zero seconds East a distance of forty decimal two forty metres; Thence along the East Limit of Joy's Road North forty-two degrees forty-three minutes twenty-nine seconds East a distance of sixteen decimal three thirty five metres; Thence by land of Dominic Corbett South seventy-nine degrees twenty-four minutes twenty-eight seconds East a distance of fifty-nine decimal zero eighty-five metres; Thence South seventy-four degrees sixteen minutes thirty-seven seconds East a distance of thirty-nine decimal one fifty four metres; Thence South fifty-nine degrees fifty-three minutes thirty-seven seconds East a distance of forty-six decimal four eighty six metres; Thence South twenty-seven degrees seventeen minutes twenty-three seconds West a distance of thirty-seven decimal two eighty metres; Thence South fifty-five degrees fifty-two minutes thirty-seven seconds East a distance of eighty-one decimal six fifty four metres to a point on the top of a steep cliff on the Shoreline of Holyrood Bay; Thence following the Shoreline Sinuosities of Holyrood Bay to point distant one hundred and twelve decimal one seventy nine metres on a bearing of South twenty-four degrees seventeen minutes twenty-four seconds West; Thence continuing along the Shoreline Sinuosities of Holyrood Bay to a point distant three hundred and thirty decimal three ninety nine metres on a bearing of South twenty-seven degrees seven minutes thirty-five seconds West; Thence by land claimed by Michael Quinlan North fifty-five degrees thirteen minutes fifty seconds West a distance of forty-three decimal three twenty nine metres; Thence North forty-six degrees sixteen

minutes twenty seconds west a distance of forty-two decimal two ten metres; Thence North forty-eight degrees thirty-seven minutes zero seconds West a distance of fifty-five decimal eight eighty metres; Thence North twenty-six degrees zero minutes zero seconds West a distance of thirty-one decimal four thirty metres; Thence North twenty-nine degrees twenty-four minutes zero seconds West a distance of sixty-eight decimal one seventy metres; Thence by land of John O'Connell North forty-one degrees fifty-four minutes zero seconds East a distance of eight decimal two eighty metres; Thence North twenty-three degrees twenty-two minutes zero seconds East a distance of nineteen decimal eight seventy metres; Thence North twenty-nine degrees fifteen minutes zero seconds East a distance of five decimal six forty metres; Thence North forty-seven degrees seventeen minutes zero seconds West a distance of nineteen decimal one one zero metres; Thence North eighty-five degrees thirteen minutes zero seconds West a distance of six decimal zero fifty two metres; Thence along the Northern Extremity of Penney's Lane North seventy-four degrees forty-one minutes twenty-seven seconds West a distance of thirteen decimal two thirty four metres; Thence by land of Mrs. Genevieve Dwyer North twenty-five degrees eleven minutes forty-nine seconds East a distance of twenty-two decimal eight sixty-four metres; Thence North forty-six degrees twenty-seven minutes twenty-five seconds West a distance of eighteen decimal

eight fifty three metres; Thence by land of the Estate of Peter Ezekiel (Vol 99 Fol 344) North thirty degrees twelve minutes twenty-six seconds East a distance of twenty-five decimal four seventy nine metres; Thence North seventeen degrees fifty-one minutes fifty-seven seconds East a distance of thirty-one decimal six eighty nine metres; Thence North twenty-three degrees twenty-three minutes thirty-two seconds East a distance of twenty-one decimal two zero four metres; Thence by land of the Estate of John W. Penny North nineteen degrees thirty minutes zero seconds East a distance of sixty-three decimal one seventy metres; Thence North seventy-three degrees fifty-nine minutes zero seconds West a distance of one hundred and six decimal four seventy metres; Thence along the eastern Limit of Ridge Road North twenty-two degrees ten minutes fourteen seconds East a distance of one hundred and eight decimal eight seventy five metres; Thence along the Southern Limit of Joy's Road South eight-nine degrees forty-eight minutes thirteen seconds East a distance of ninety-three decimal six thirty six metres, more or less to the point of beginning and containing an area of 12.432 hectares and being more completely described and delineated on the drawing hereto attached. All bearings refer to Grid North N.A.D. (1983).

SCHEDULE "B"



2006 01T NO. 5295
IN THE SUPREME COURT OF NEWFOUNDLAND
AND LABRADOR
TRIAL DIVISION

IN THE MATTER OF the *Quieting of Titles Act*, cQ-3 of the RSNL, 1990, and amendments thereto;

AND IN THE MATTER OF all that piece and parcel of land situate and being at Middle Ridge, Kelligrews, in the Province of Newfoundland and Labrador, Canada;

AND IN THE MATTER OF an Application by Gerald Hibbs, of the Town of Alban, in the Municipality of the French River, in the Province of Ontario, Canada;

NOTICE OF PUBLICATION

NOTICE is hereby given to all parties that Gerald Hibbs (hereinafter called the "Applicant") has applied to the Supreme Court of Newfoundland and Labrador, Trial Division, to have the title to ALL THAT piece or parcel of land situate and being at Middle Ridge, Kelligrews, in the Province of Newfoundland and Labrador, and being more particularly described in Schedule "A" hereto, of which piece or parcel of land the said Applicant claims to be the owner, investigated, and for a Declaration that the Applicant is the absolute owner in fee simple in possession thereof subject to the rights of those claiming through them and the said Applicant has been ordered to publish notice of the Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said Applicant shall file in the Registry of the Supreme Court of Newfoundland and Labrador at St. John's, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned solicitors for the Applicant on or before January 29, 2007, after which date no party having any claim shall be permitted to file the same or to be heard except by 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 may direct.

DATED at St. John's, Newfoundland and Labrador, this 18th day of December, 2006.

MCINNES COOPER
Solicitors for the Applicant
PER: Barry C. Lake

ADDRESS FOR SERVICE:
5th Floor, Baine Johnston Centre
10 Fort William Place
St. John's, NL
A1C 5X4

Dec 22

SCHEDULE "A"
SURVEY DESCRIPTION FOR GERALD HIBBS
MIDDLE RIDGE, KELLIGREWS

All that piece or parcel of land situate and being on the eastern side of Middle Ridge at Kelligrews, in the electoral district of Conception Bay South, Newfoundland, Canada and being abutted as follows, that is to say:

BEGINNING at a point, said point having NAD83 coordinates of North 5261392.646 meters and East 304723.394 meters with reference to Crown Land Monument No. 026 606 having coordinates of North 5262002.238 meters and East 305582.395 meters and Crown Land Monument No. 026 604 having coordinates of North 5260301.086 meters and East 305658.971 meters of the Modified Three Degree Transverse Mercator Projection for Newfoundland having a central meridian of 53 degrees west longitude;

THENCE running along by land belonging to Edward and Karen Power registered in roll 828 frame 115 of the Registry of Deeds in Newfoundland and Labrador North seventy-two degrees twenty minutes fifteen seconds East, nine decimal nine two four meters;

AND THENCE running North sixty-eight degrees forty-nine minutes thirty-three seconds East, thirty-four decimal seven five zero meters;

AND THENCE running North seventy degrees thirty minutes twenty-five seconds East, fourteen decimal eight four six meters;

THENCE running along by land belonging to Edward and Karen Power registered in roll 828 frame 115 of the Registry of Deeds in Newfoundland and Labrador and thence by land belonging to Derrick Stuckey registered in roll 730 frame 2299 of the Registry of Deeds in Newfoundland and Labrador North sixty-six degrees forty-one minutes zero two seconds East, twenty decimal five nine two meters; THENCE running along by land belonging to Derrick Stuckey registered in roll 730 frame 2299 of the Registry of Deeds in Newfoundland and Labrador and thence by land belonging to the Department of Works, Services and Transportation registered in roll 541 frame 1276 of the Registry of Deeds in Newfoundland and Labrador North sixty-seven degrees thirty-six minutes thirty-three seconds East, forty-eight decimal seven five three meters;

THENCE running along by land belonging to the Department of Works, Services and Transportation registered in roll 541 frame 1276 of the Registry of Deeds in Newfoundland and Labrador North fifty degrees ten minutes zero four seconds East, seven decimal one two one meters;

THENCE running along by land now or formerly belonging to the Estate of Joseph Butler formerly being a portion of Crown Grant registered in volume 9 folio 51 of the Registry of Deeds in Newfoundland and Labrador

South thirty-three degrees fifty-six minutes zero eight seconds West, twenty-seven decimal one two nine meters;

AND THENCE running South twenty-three degrees twenty-seven minutes ten seconds West, twenty-six decimal three two zero meters;

AND THENCE running South thirteen degrees fifty minutes thirty-four seconds West, twenty-five decimal four four eight meters;

AND THENCE running South fifteen degrees fifty-one minutes twenty-five seconds West, fifty-eight decimal one seven four meters;

AND THENCE running South twenty-one degrees forty-one minutes twenty-eight seconds West, forty-two decimal three one one meters;

AND THENCE running South twenty-three degrees twenty-one minutes zero nine seconds West, thirty-one decimal eight three seven meters;

AND THENCE running South sixty-one degrees forty-five minutes thirty-nine seconds West, twenty-nine decimal six one nine meters;

THENCE running along by Middle Ridge North eighteen degrees eleven minutes forty-one seconds West, five decimal seven four one meters;

AND THENCE running North ten degrees forty-nine minutes forty-eight seconds West, eight decimal zero six six meters;

AND THENCE running North five degrees zero two minutes twenty-five seconds West, sixteen decimal eight five four meters;

AND THENCE running North fourteen degrees thirty-one minutes sixteen seconds West, twenty-six decimal three zero seven meters;

AND THENCE running North fifteen degrees zero one minute forty-three seconds West, twenty-three decimal one one six meters;

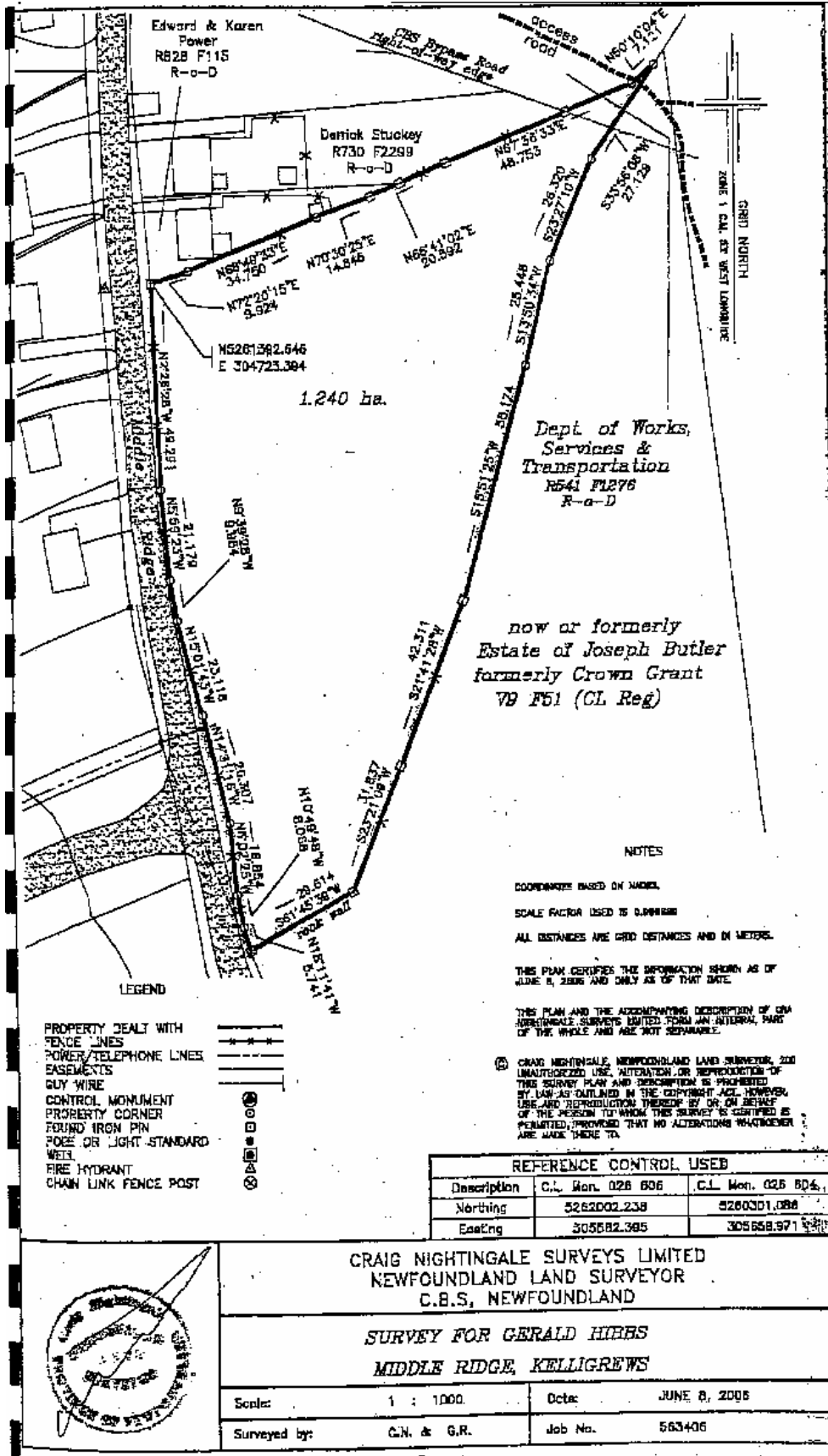
AND THENCE running North nine degrees thirty-nine minutes twenty-eight seconds West, nine decimal nine five four meters;

AND THENCE running North five degrees fifty-nine minutes twenty-three seconds West, twenty-one decimal one seven nine meters;

AND THENCE running North two degrees twenty-six minutes twenty-eight seconds West, forty-nine decimal two nine one meters, more or less, to the point of beginning.

The above described parcel of land has an area of 1.240 hectares more or less, and is shown more full delineated on

the adjoining plan having Job no. 563406 dated June 8, 2006. There are no visible signs of encroachment on the parcel of land, EXCEPT FOR a guy wire and an access road leading to the property to the east at the northern point of the reference survey as shown on the adjoining plan. It should be noted that the right-of-way allotted for the Conception Bay South Bypass Road is within the limits of the reference survey as shown 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 for a change of name, pursuant to the provisions of the *Change of Name Act, by me:-*

LEAH MARIE GORMAN

of 145A Marine Drive, Torbay, A1K 1B1, in the Province of Newfoundland and Labrador, as follows:

To change my name from

LEAH MARIE GORMAN
to
LEAH MARIE WHITE

DATED this 7th day of December, 2006

LEAH GORMAN
(Signature of Applicant)

Dec 22

**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:-*

PATRICIA MILLER

of 41 Jackman Drive, Mount Pearl, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

JENNIFER JANETTE PENTON
to
JENNIFER JANETTE MILLER

DATED this 8th day of December, 2006

PATRICIA MILLER
(Signature of Applicant)

Dec 22

**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:-*

KATHLEEN ANN RUMBOLT

of 41 O'Regan Road, St. John's, in the Province of Newfoundland and Labrador, as follows:

To change my name from

KATHLEEN ANN RUMBOLT
to
KATHLEEN ANN MITCHELL

DATED this 11th day of December, 2006

KATHLEEN RUMBOLT
(Signature of Applicant)

Dec 22



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 81

ST. JOHN'S, FRIDAY, DECEMBER 22, 2006

No. 51

NEWFOUNDLAND AND LABRADOR

REGULATION

NLR 93/06
NLR 94/06
NLR 95/06
NLR 96/06
NLR 97/06
NLR 98/06
NLR 99/06
NLR 100/06
NLR 101/06



**NEWFOUNDLAND AND LABRADOR
REGULATION 93/06**

Judgment Interest Order, 2007
under the
Judgment Interest Act

(Filed December 15, 2006)

Under the authority of section 6 of the *Judgment Interest Act*, I make the following Order.

Dated at St. John's, December 15, 2006.

Thomas W. Marshall, QC
Minister of Justice

ORDER

Analysis

- | | |
|----------------|------------------|
| 1. Short title | 2. Interest rate |
|----------------|------------------|

Short title

1. This Order may be cited as the *Judgment Interest Order, 2007*.

Interest rate

2. Effective January 1, 2007, the pre-judgment and post-judgment interest rate shall be 4%.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 94/06**

Hours of Service Regulations, 2006
under the
Highway Traffic Act

(Filed December 20, 2006)

Under the authority of section 197 of the *Highway Traffic Act*, I make the following regulations.

Dated at St. John's, December 20, 2006.

Dianne Whalen
Minister of Government Services

REGULATIONS

Analysis

- | | |
|---|---|
| 1. Short title | 8. Daily driving and on-duty time |
| 2. Definitions | 9. Mandatory off-duty time |
| 3. Application | 10. Daily off-duty time |
| 4. Director and inspectors designated | 11. Deferral of daily off-duty time |
| 5. Responsibilities of motor carriers, shippers, consignees and drivers | 12. Ferries |
| 6. Travelling as a passenger, off duty time | 13. Splitting of daily off-duty time, single driver |
| | 14. Splitting of daily off-duty time, team of drivers |
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| 7. Driving south of latitude 60°north | 18. Prohibition |
| | 19. Cycle reset, off-duty time |

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Short title **1.** These regulations shall be cited as the *Hours of Service Regulations, 2006*.

Definitions **2.** In these regulations

(a) "adverse driving conditions" means snow, sleet, fog or other adverse weather or road conditions that were not known to a driver or a motor carrier dispatching a driver immediately

- before the driver began driving or could not reasonably have been known to them;
- (b) "co-driver" means a person who is present in a commercial vehicle because of having been, or being about to be, its driver;
 - (c) "commercial vehicle" means a vehicle that
 - (i) is operated by a motor carrier and propelled otherwise than by muscular power, and
 - (ii) is a truck, tractor, trailer or any combination of them that has a registered gross vehicle weight in excess of 4,500 kilograms or a bus that is designed and constructed to have a designated seating capacity of more than 10 persons, including the driver;
 - (d) "cycle" means
 - (i) cycle 1, under which on-duty time is accumulated over a period of 7 days, and
 - (ii) cycle 2, under which on-duty time is accumulated over a period of 14 days;
 - (f) "daily log" means a record in the form prescribed by the minister containing the information required by section 44; and
 - (g) "day", in respect of a driver, means a 24-hour period that begins at the hour designated by the motor carrier for the duration of the driver's cycle;
 - (h) "director" means a federal director or a provincial director;
 - (i) "driver" means
 - (i) a person who operates a commercial vehicle,
 - (ii) with respect to a motor carrier, a person employed or otherwise engaged by the motor carrier to operate a commercial vehicle, including a self-employed driver

- and for the purpose of section 53, includes a co-driver;
- (j) "duty status" means any of the following periods:
 - (i) off-duty time, other than time spent in a sleeper berth,
 - (ii) off-duty time spent in a sleeper berth,
 - (iii) driving time, or
 - (iv) on-duty time, other than driving time;
 - (k) "electronic recording device" means an electric, electronic or telematic device that is installed in a commercial vehicle and is capable of accurately recording, in accordance with section 45, each period of duty status, in whole or in part;
 - (l) "emergency vehicle" means a fire-fighting vehicle, ambulance, police vehicle or other vehicle that is used for emergency purposes;
 - (m) "federal director" means an official of the Road Safety and Motor Vehicle Regulation Directorate of the federal Department of Transport;
 - (n) "home terminal" means the place of business of a motor carrier at which a driver ordinarily reports for work and, for the purposes of sections 42 to 44, includes a temporary work site designated by the motor carrier;
 - (o) "inspector" means
 - (i) a person designated under subsection 4(2), or
 - (ii) a peace officer within the meaning of section 2 of the *Criminal Code*;
 - (p) "motor carrier" means a person who is engaged in the operation of an intra-provincial or extra-provincial bus undertaking or an intra-provincial or extra-provincial truck undertaking;
 - (q) off-duty time" means any period other than on-duty time;

- (r) "oil well service vehicle" means a commercial vehicle that is
 - (i) specially constructed, altered or equipped to accommodate a specific service requirement associated with the oil or natural gas industry, and
 - (ii) used exclusively in the oil or natural gas industry for transporting equipment or materials to and from oil or natural gas facilities or for servicing and repairing oil or natural gas facilities;
- (s) "on-duty time" means the period that begins when a driver begins work or is required by the motor carrier to be available to work, except where the driver is waiting to be assigned to work, and ends when the driver stops work or is relieved of responsibility by the motor carrier, and includes driving time and time spent by the driver
 - (i) inspecting, servicing, repairing, conditioning or starting a commercial vehicle,
 - (ii) travelling in a commercial vehicle as a co-driver when the time is not spent in the sleeper berth,
 - (iii) participating in the loading or unloading of a commercial vehicle,
 - (iv) inspecting or checking the load of a commercial vehicle,
 - (v) waiting for a commercial vehicle to be serviced, loaded, unloaded or dispatched,
 - (vi) waiting for a commercial vehicle or its load to be inspected,
 - (vii) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
 - (viii) resting in or occupying a commercial vehicle for any other purpose, except
 - (A) time counted as off-duty time in accordance with section 6,

- (B) time spent in a sleeper berth,
 - (C) time spent in a stationary commercial vehicle to satisfy the requirements of sections 9 and 10, and
 - (D) time spent in a stationary commercial vehicle that is in addition to the off-duty requirements of section 10, and
 - (E) performing any work for any motor carrier;
- (t) "out-of-service declaration" means a declaration issued by a director or inspector under section 50;
 - (u) "principal place of business" means the place or places designated by the motor carrier where daily logs, supporting documents and other relevant records required by these regulations are kept;
 - (v) "sleeper berth" means an area of a commercial vehicle that meets the requirements of the schedule; and
 - (w) "supporting document" means a document or information recorded or stored by any means required by a director or inspector to assess compliance with these regulations.

Application

- 3. (1) These regulations apply to all commercial vehicles except:
 - (a) a two or three-axle commercial vehicle being used for
 - (i) transporting the primary products of a farm, forest, sea or lake, if the driver or the motor carrier is the producer of the products, or
 - (ii) a return trip after transporting the primary products of a farm, forest, sea or lake, if the vehicle is empty or is transporting products used in the principal operation of a farm, forest, sea or lake;
 - (b) an emergency vehicle;

- (c) a vehicle engaged in providing relief in the case of a public welfare emergency, as that expression is defined in section 5 of the *Emergencies Act* (Canada);
- (d) a bus that is part of the public transit service that is provided in a municipality, in contiguous municipalities or within 25 kilometres of the boundary of the municipality or contiguous municipalities in which the public transit service is provided; and
- (e) a commercial vehicle when driven for personal use, if
 - (i) the vehicle has been unloaded,
 - (ii) any trailers have been unhitched,
 - (iii) the distance travelled does not exceed 75 kilometres in a day,
 - (iv) the driver has recorded in the logbook the odometer reading at the beginning and end of the personal use, and
 - (v) the driver is not the subject of an out-of-service declaration under section 50.

(2) Notwithstanding subsection (1), the minister may exempt a commercial vehicle or motor carrier from the application of these regulations where that exemption is, in the opinion of the minister, required in the interest of public safety, and the exemption may be subject to the terms and conditions that the minister may impose.

(3) In this section, the expression "commercial vehicle when driven for personal use" excludes use, by the driver, of the vehicle in the course of business as a motor carrier.

Director and inspectors designated

4. (1) The minister may designate a person to exercise in the province the duties and functions of a director for the purposes of these regulations.

(2) A director may designate inspectors for the purpose of these regulations.

Responsibilities of motor carriers, shippers, consignees and drivers

5. (1) A motor carrier, shipper, consignee or other person shall not request, require or allow a driver to drive and a driver shall not drive if

- (a) the driver's faculties are impaired to the point where it is unsafe for the driver to drive;
- (b) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the motor carrier;
- (c) the driver is the subject of an out-of-service declaration; or
- (d) the driver, in doing so, would not be in compliance with these regulations.

(2) A person who contravenes subsection (1) is guilty of an offence.

Travelling as a passenger, off duty time

6. If a driver who has, at the request of the motor carrier by whom the driver is employed or otherwise engaged, spent time travelling as a passenger in a commercial vehicle to the destination at which the driver will begin driving takes 8 consecutive hours of off-duty time before beginning to drive, the time spent as a passenger shall be counted as off-duty time.

**PART I
DRIVING SOUTH OF LATITUDE 60° NORTH**

Driving south of latitude 60° north

7. Sections 8 to 20 apply with respect to driving south of latitude 60° north.

Daily driving and on-duty time

8. (1) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated 13 hours of driving time in a day.

(2) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated 14 hours of on-duty time in a day.

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of not less than \$25 nor more than \$100.

Mandatory off-duty time

9. (1) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated 13 hours of driving time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.

(2) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated 14 hours of on-duty time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.

(3) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after 16 hours of time have elapsed between the conclusion of the most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.

(4) A person who contravenes this section is guilty of an offence.

Daily off-duty time

10. (1) A motor carrier shall ensure that a driver takes and the driver shall take at least 10 hours of off-duty time in a day.

(2) Off-duty time other than the mandatory 8 consecutive hours may be distributed throughout the day in blocks of no less than 30 minutes each.

(3) The total amount of off-duty time taken by a driver in a day shall include at least 2 hours of off-duty time that does not form part of a period of 8 consecutive hours of off-duty time required by section 9.

(4) A person who contravenes this section is guilty of an offence.

Deferral of daily off-duty time

11. Notwithstanding sections 8 and 10, a driver who is not splitting off-duty time in accordance with section 13 or 14 may defer a maximum of 2 hours of the daily off-duty time to the following day if

(a) the off-duty time deferred is not part of the mandatory 8 consecutive hours of off-duty time;

(b) the total off-duty time taken in the 2 days is at least 20 hours;

- (c) the off-duty time deferred is added to the 8 consecutive hours of off-duty time taken in the second day;
- (d) the total driving time in the 2 days does not exceed 26 hours; and
- (e) there is a declaration in the "Remarks" section of the daily log that states that the driver is deferring off-duty time under this section and that clearly indicates whether the driver is driving under day one or day two of that time.

Ferries

12. Notwithstanding sections 9 and 10, a driver travelling by a ferry crossing that takes more than 5 hours is not required to take the mandatory 8 consecutive hours of off-duty time if

- (a) the time spent resting in a sleeper berth while waiting at the terminal to board the ferry, in rest accommodations on the ferry and at a rest stop that is no more than 25 kilometres from the point of disembarkation from the ferry combine to total a minimum of 8 hours;
- (b) the hours are recorded in the daily log as off-duty time spent in a sleeper berth;
- (c) the driver retains, as a supporting document, the receipt for the crossing and rest accommodation fees; and
- (d) the supporting document coincides with the daily log entries.

Splitting of daily off-duty time, single driver

13. (1) A driver who is driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 9 and 10 by accumulating off-duty time in no more than 2 periods if

- (a) neither period of off-duty time is shorter than 2 hours;
- (b) the total of the 2 periods of off-duty time is at least 10 hours;
- (c) the off-duty time is spent resting in the sleeper berth;
- (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours;

- (e) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the sixteenth hour after the driver comes on-duty;
- (f) none of the daily off-duty time is deferred to the next day; and
- (g) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time referred to in paragraph (b) does not include any driving time after the 14th hour.

(2) The sixteenth hour is calculated by

- (a) excluding any period spent in the sleeper berth that is 2 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 10 hours; and
- (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 2 hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

(3) A motor carrier shall not request, require or allow a driver to begin to drive again and a driver shall not begin to drive again in accordance with the requirements of sections 9 and 10 without first taking at least 8 consecutive hours of off-duty time.

Splitting of daily off-duty time, team of drivers

14. (1) A team of drivers driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 9 and 10 by accumulating off-duty time in no more than 2 periods if

- (a) neither period of off-duty time is shorter than 4 hours;

- (b) the total of the 2 periods of off-duty time is at least 8 hours;
 - (c) the off-duty time is spent resting in the sleeper berth;
 - (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours;
 - (e) the elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the sixteenth hour after the driver comes on duty;
 - (f) none of the daily off-duty time is deferred to the next day; and
 - (g) the total of the on-duty time in the periods immediately before and after each of the periods of off-duty time referred to in paragraph (b) does not include any driving time after the 14th hour.
- (2) The sixteenth hour is calculated by
- (a) excluding any period spent in the sleeper berth that is 4 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours; and
 - (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 4 hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.
- (3) A motor carrier shall not request, require or allow a driver to begin to drive again and a driver shall not begin to drive again in ac-

cordance with the requirements of sections 9 and 10 without first taking at least 8 consecutive hours of off-duty time.

Cycles required

15. A motor carrier shall require that a driver follows and the driver shall follow either cycle 1 or cycle 2.

Prohibition

16. (1) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive unless the driver has taken at least 24 consecutive hours of off-duty time in the preceding 14 days.

(2) A person who contravenes subsection (1) is guilty of an offence.

Prohibition

17. (1) A motor carrier shall not request, require or allow a driver who is following cycle 1 to drive and a driver who is following cycle 1 shall not drive after the driver has accumulated 70 hours of on-duty time during any period of 7 days or, if the driver has reset the cycle in accordance with section 19, during the period of the cycle that was ended.

(2) A person who contravenes subsection (1) is guilty of an offence.

Prohibition

18. (1) A motor carrier shall not request, require or allow a driver who is following cycle 2 to drive and a driver who is following cycle 2 shall not drive after the driver has accumulated

(a) 120 hours of on-duty time during any period of 14 days or, if the driver has reset the cycle in accordance with section 19, during the period of the cycle that was ended; or

(b) 70 hours of on-duty time without having taken at least 24 consecutive hours of off-duty time.

(2) A person who contravenes this section is guilty of an offence.

Cycle reset, off-duty time

19. (1) Notwithstanding sections 16, 17 or 18, a driver may end the current cycle and begin a new cycle if the driver first takes the following off-duty time:

(a) for cycle 1, at least 36 consecutive hours; or

(b) for cycle 2, at least 72 consecutive hours.

(2) After taking the off-duty time, the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Cycle switching,
off-duty time

20. (1) A motor carrier shall not request, require or allow a driver to switch and a driver shall not switch from one cycle to the other without first taking the following off-duty time before beginning to drive again:

(a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours; or

(b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

(2) After taking the off-duty time, the driver begins the other cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

PART II
DRIVING NORTH OF LATITUDE 60° NORTH

Application

21. Sections 22 to 32 apply with respect to driving north of latitude 60° north.

Driving and on-duty
time

22. (1) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated 15 hours of driving time.

(2) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated 18 hours of on-duty time.

(3) A person who contravenes this section is guilty of an offence.

Mandatory off-duty
time

23. (1) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive after the driver has accumulated more than 15 hours of driving time or 18 hours of on-duty time unless they take at least 8 consecutive hours of off-duty time before driving again.

(2) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive if more than 20 hours of time has elapsed between the conclusion of the most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.

(3) A person who contravenes this section is guilty of an offence.

Daily off-duty time

24. (1) A motor carrier shall ensure that a driver takes and the driver shall take at least 8 hours of off-duty time.

(2) A person who contravenes subsection (1) is guilty of an offence.

Splitting of daily off-duty time, single driver

25. (1) A driver who is driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 23 and 24 by accumulating off-duty time in no more than 2 periods if

- (a) neither period of off-duty time is shorter than 2 hours;
- (b) the total of the 2 periods of off-duty time is at least 8 hours;
- (c) the off-duty time is spent resting in the sleeper berth;
- (d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 15 hours;
- (e) the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 18th hour after the driver comes on duty, calculated in accordance with subsection (2); and
- (f) none of the daily off-duty time is deferred to the next day.

(2) The 18th hour is calculated by

- (a) excluding any period spent in the sleeper berth that is 2 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours; and

(b) including

(i) all on-duty time,

(ii) all off-duty time not spent in the sleeper berth,

(iii) all periods of less than 2 hours spent in the sleeper berth, and

(iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

(3) A motor carrier shall not request, require or allow the driver to begin to drive again in accordance with the requirements of sections 23 and 24 and a driver shall not begin to drive again without first taking at least 8 consecutive hours of off-duty time.

Splitting of daily
off-duty time, team
of drivers

26. (1) A team of drivers driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time and daily off-duty time requirements of sections 23 and 24 by accumulating off-duty time in no more than 2 periods if

(a) neither period of off-duty time is shorter than 4 hours;

(b) the total of the 2 periods of off-duty time is at least 8 hours;

(c) the off-duty time is spent resting in the sleeper berth;

(d) the total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 15 hours;

(e) the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 18th hour after the driver comes on duty, calculated in accordance with subsection (2); and

(f) none of the off-duty time is deferred to the next day.

(2) The 18th hour is calculated by

- (a) excluding any period spent in the sleeper berth that is 4 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 8 hours; and
- (b) including
 - (i) all on-duty time,
 - (ii) all off-duty time not spent in the sleeper berth,
 - (iii) all periods of less than 4 hours spent in the sleeper berth, and
 - (iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this section.

(3) A motor carrier shall not request, require or allow the driver to begin to drive again in accordance with the requirements of sections 23 and 24 and a driver shall not begin to drive again without first taking at least 8 consecutive hours of off-duty time.

Cycles

27. A motor carrier shall require that a driver follows and the driver shall follow either cycle 1 or cycle 2.

Prohibition

28. (1) A motor carrier shall not request, require or allow a driver to drive and a driver shall not drive unless the driver has taken at least 24 consecutive hours of off-duty time in the preceding 14 days.

(2) A person who contravenes subsection (1) is guilty of an offence.

Prohibition

29. (1) A motor carrier shall not request, require or allow a driver who is following cycle 1 to drive and a driver who is following cycle 1 shall not drive after the driver has accumulated 80 hours of on-duty time during any period of 7 days.

(2) A person who contravenes subsection (1) is guilty of an offence.

Prohibition

30. (1) A motor carrier shall not request, require or allow a driver who is following cycle 2 to drive and driver who is following cycle 2 shall not drive after the driver has accumulated

- (a) 120 hours of on-duty time in any period of 14 days; or
- (b) 80 hours of on-duty time, without having taken at least 24 consecutive hours of off-duty time.

(2) A person who contravenes subsection (1) is guilty of an offence.

Cycle reset, off-duty time

31. (1) Notwithstanding section 28, 29 or 30, a driver may end the current cycle and begin a new cycle if the driver first takes the following off-duty time:

- (a) for cycle 1, at least 36 consecutive hours; or
- (b) for cycle 2, at least 72 consecutive hours.

(2) After taking the off-duty time, the driver begins a new cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

Cycle switching, off-duty time

32. (1) A motor carrier shall not request, require or allow a driver to switch and a driver shall not switch from one cycle to the other without first taking the following off-duty time before beginning to drive again:

- (a) to switch from cycle 1 to cycle 2, at least 36 consecutive hours; or
- (b) to switch from cycle 2 to cycle 1, at least 72 consecutive hours.

(2) After taking the off-duty time, the driver begins the other cycle, the accumulated hours are set back to zero and the driver's hours begin to accumulate again.

PART III PERMITS

Special permits

33. (1) A federal director may issue a special permit to a motor carrier for the purpose of a research or pilot project if the safety and health of the public, the driver or the employees of the motor carrier are not or are unlikely to be jeopardized.

(2) Sections 8 to 32 and 41 to 54 do not apply in respect of special permits, but sections 36 to 40 apply with the modifications that the circumstances may require.

(3) The applicant shall provide to the federal director a detailed work plan that includes at least the following information:

- (a) the nature of the proposed research or pilot project;
- (b) the objectives of the proposed research or pilot project;
- (c) the competence of the applicant to participate in the proposed research or pilot project;
- (d) the criteria and method for measuring results;
- (e) the safety implications and the approach to addressing any possible risks identified;
- (f) the duration of the proposed research or pilot project; and
- (g) the manner of and timing for reporting results.

Permits for commercial vehicles other than oil well service vehicles

34. (1) A provincial director may issue a permit to a motor carrier in respect of a commercial vehicle other than an oil well service vehicle if

- (a) the safety and health of the public, the driver or the employees of the motor carrier are not or are unlikely to be jeopardized; and
- (b) a reduction of off-duty time or an increase in driving time is required
 - (i) to allow a driver following a regular itinerary to reach their home terminal or destination,
 - (ii) to allow the delivery of perishable goods, or
 - (iii) to accommodate a significant temporary increase in the transportation of passengers or goods by the motor carrier.

(2) The only deviations from the requirements of these regulations that may be authorised in the permit are

- (a) a reduction of the 2 hours of daily off-duty time required by subsection 10(3) if the commercial vehicle is operated south of latitude 60° north; and
- (b) an increase in driving time and on-duty time of up to a total of 2 hours.

Oil well service
vehicle permits

35. (1) A provincial director may issue a permit to a motor carrier in respect of an oil well service vehicle if

- (a) the driver has successfully completed training directly related to safety requirements associated with operating within the field services sector of the oil or natural gas industry; and
- (b) the safety and health of the public, the driver or the employees of the motor carrier are not or are unlikely to be jeopardized.

(2) Sections 15 to 20 and 27 to 32 do not apply in respect of an oil well service vehicle permit, but instead the permit shall require that the driver take

- (a) at least 3 periods of off-duty time, each at least 24 hours long, in any period of 24 days, the periods being taken consecutively or separated by on-duty time; and
- (b) at least 72 consecutive hours of off-duty time after ending driving under the provisions of the permit and beginning driving under those sections.

(3) When the driver begins to drive again under sections 15 to 20 or 27 to 32, they begin to accumulate hours in the cycle.

(4) Waiting time and standby time at an oil or natural gas well site or ancillary facility shall not be included as on-duty time if

- (a) the driver performs no work during the time;

- (b) the time is fully and accurately recorded in the daily log as off-duty time and denoted as waiting or standby time in the "Remarks" section; and
 - (c) the time is not included in the mandatory minimum of 8 consecutive hours of off-duty time.
- (5) None of the daily off-duty time shall be deferred to the next day.

Applications for permits

36. (1) A motor carrier may apply to a director for a permit by providing the following information and documents:

- (a) the name of the motor carrier;
- (b) the names of the drivers who will operate a commercial vehicle under the permit;
- (c) the driver licence numbers of the drivers and the provinces of issuance;
- (d) a list of the commercial vehicles operated by the motor carrier;
- (e) a list of all accidents involving the motor carrier or any driver of the motor carrier that occurred during the 6 months before the date of the application if they are required by the laws of the province, state or country in which the accident occurred to be reported to the police;
- (f) the requested duration of the permit;
- (g) in the case of an extra-provincial truck undertaking, a detailed description of the load and the provinces in respect of which the permit is to apply;
- (h) in the case of an extra-provincial bus undertaking, a detailed description of the routes in respect of which the permit is to apply;
- (i) the requested schedule;
- (j) the reasons for the application, with supporting evidence;

- (k) a copy of every permit issued to the motor carrier under these regulations in the previous 5 years;
- (l) a signed declaration that discloses any other application for a permit under these regulations made by the motor carrier to any director within the 6 months before the date of the application; and
- (m) any other information required by the director to evaluate whether the granting of a permit would or would be likely to jeopardize the safety or health of the public, the driver or the employees of the motor carrier.

(2) If requested by the director to do so, the motor carrier shall make available to the director the daily logs, supporting documents or records of on-duty times, for the 6 months before the date of the application, of every driver who will operate a commercial vehicle of the motor carrier under the permit.

Approval of other directors

37. (1) Before issuing a permit, a director shall obtain the written approval of the provincial directors of the provinces in which the commercial vehicle will be driven under the permit.

- (2) A provincial director from whom approval is sought shall
 - (a) respond to the request for approval within 30 days after receiving it; and
 - (b) give their approval if they have no reason to believe that the safety or health of the public, the driver or the employees of the motor carrier would be or would be likely to be jeopardized by the granting of the permit.

Issuance of permits

- 38.** A director who issues a permit shall specify in the permit
- (a) the reasons for issuing it;
 - (b) its duration, which shall not exceed one year; and
 - (c) any terms or conditions required for the protection of the safety or health of the public, the driver or the employees of the motor carrier.

Obligations of permit holders

- 39.** (1) A motor carrier to whom a permit is issued shall
- (a) require that a copy of the permit is placed in each commercial vehicle in respect of which it applies;
 - (b) provide the director with a list of the commercial vehicles in respect of which the permit applies and keep the director informed of any changes so that the director may accurately and quickly identify the vehicles;
 - (c) make available for inspection by the director, immediately on request, the daily log and the supporting documents of the drivers of the commercial vehicles in respect of which the permit applies; and
 - (d) notify the director without delay of any accident involving any of the commercial vehicles to which the permit applies if it is required by the laws of the province, state or country in which the accident occurred to be reported to the police.

(2) Every driver who is driving under a permit shall drive and the motor carrier shall ensure that they drive in accordance with the terms and conditions of the permit.

Amendment, cancellation and suspension of permits

40. (1) A director who issues a permit may amend, cancel or suspend it, and a director who approves a permit issued by another director may withdraw the approval, on written notification to the motor carrier, if

- (a) the motor carrier or the driver contravenes these regulations or any condition of the permit; or
- (b) the director determines that the safety and health of the public, the driver or the employees of the motor carrier are or are likely to be jeopardized.

(2) The director shall choose among amendment, cancellation and suspension of the permit

- (a) if the director is a provincial director, in accordance with the laws of the province; and

(b) if the director is the federal director, in accordance with the laws of the province in which the vehicle is base-plated.

(3) When a director withdraws approval for a permit issued by another director, the director who issued the permit shall amend it to remove the authority for a commercial vehicle to be operated under the permit in the province in respect of which approval is withdrawn.

**PART IV
EMERGENCIES AND ADVERSE DRIVING
CONDITIONS**

Non-application

41. (1) The requirements of these regulations with respect to driving time, on-duty time and off-duty time do not apply to a driver who, in an emergency, requires more driving time to reach a destination that provides safety for the occupants of the commercial vehicle and for other users of the road or the security of the commercial vehicle and its load.

(2) A driver who encounters adverse driving conditions while operating the vehicle during a trip south of latitude 60° north may extend the permitted 13 hours of driving time specified in sections 8 and 9 and reduce the 2 hours of daily off-duty time required by subsection 10(3) by the amount of time needed to complete the trip if

- (a) the driving, on-duty and elapsed time in the elected cycle is not extended more than 2 hours;
- (b) the driver still takes the required 8 consecutive hours of off-duty time; and
- (c) the trip could have been completed under normal driving conditions without the reduction.

(3) A driver who encounters adverse driving conditions while operating the vehicle during a trip north of latitude 60° north may extend the permitted 15 hours of driving time specified in section 22 by the amount of time needed to complete the trip if

- (a) the extension of the driving time is no more than 2 hours;
- (b) the driver still takes the required 8 consecutive hours of off-duty time; and

(c) the trip could have been completed under normal driving conditions without the extension.

(4) A driver who extends their driving, on-duty or elapsed time because of an emergency or adverse driving conditions shall record the reason for doing so in the "Remarks" section of the daily log.

**PART V
DAILY LOGS**

Interpretation

42. A requirement that a driver record time in a daily log is a requirement to record the time using the local time at the driver's home terminal.

Requirement to fill out a daily log

43. (1) A motor carrier shall require every driver to fill out and every driver shall fill out a daily log each day that accounts for all of the driver's on-duty time and off-duty time for that day.

(2) This section does not apply if

(a) the driver operates or is instructed by the motor carrier to operate a commercial vehicle within a radius of 160 kilometres of the home terminal;

(b) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time;

(c) the motor carrier maintains accurate and legible records showing, for each day, the driver's duty status and elected cycle, the hour at which each duty status begins and ends and the total number of hours spent in each status and keeps those records for a minimum period of 6 months after the day on which they were recorded; and

(d) the driver is not driving under a permit issued under these regulations.

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of not less than \$125 nor more than \$1,000.

Content of daily logs

44. (1) At the beginning of each day, a motor carrier shall require that a driver enters legibly and the driver shall enter legibly the following information in the daily log:

- (a) the date, the start time if different than midnight, the name of the driver and, if the driver is a member of a team of drivers, the names of the co-drivers;
- (b) in the case of a driver who is not driving under the provisions of an oil well service permit, the cycle that the driver is following;
- (c) the commercial vehicle licence plates or unit numbers;
- (d) the odometer reading of each of the commercial vehicles operated by the driver;
- (e) the names and the addresses of the home terminal and the principal place of business of every motor carrier by whom the driver was employed or otherwise engaged during that day;
- (f) in the "Remarks" section of the daily log, if the motor carrier or driver was not required to keep a daily log immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day; and
- (g) if applicable, a declaration in the "Remarks" section of the daily log that states that the driver is deferring off-duty time under section 11 and that clearly indicates whether the driver is driving under day one or day two of that time.

(2) The motor carrier shall require that the driver records and the driver shall record in the daily log the hours in each duty status during the day covered by the daily log, in the manner prescribed by the minister, and the location of the driver each time their duty status changes, as that information becomes known.

(3) At the end of each day, the motor carrier shall require that the driver records and the driver shall record the total hours for each duty status and the total distance driven by the driver that day, exclud-

ing the distance driven in respect of the driver's personal use of the vehicle, as well as the odometer reading at the end of the day and sign the daily log attesting to the accuracy of the information recorded in it.

(4) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of not less than \$25 nor more than \$100.

Use of electronic recording devices

45. A driver may use an electronic recording device for recording his or her duty status if

- (a) the information contained in the electronic recording device is the same as the information that would have been provided if it had been submitted as a daily log in paper format;
- (b) when requested to do so by a director or an inspector, the driver can immediately provide the information for the previous 14 days by producing it on a digital display screen of the electronic recording device or in handwritten form or on a print-out or any other intelligible output, or any combination of these;
- (c) the device is capable of displaying
 - (i) the driving time and other on-duty time for each day on which the device is used,
 - (ii) the total on-duty time remaining and the total on-duty time accumulated in the cycle being followed by the driver, and
 - (iii) the sequential changes in duty status and the time at which each change occurred for each day on which the device is used;
- (d) the driver is capable, if so requested by an inspector, of preparing a handwritten daily log from the information stored in the device for each day on which the device is used;
- (e) the device automatically records when it is disconnected and reconnected and keeps a record of the time and date of these occurrences;

- (f) the device records the time spent in each duty status of the driver;
- (g) any hard copy of the daily log that is generated from the information that is stored in the device is signed on each page by the driver attesting to its accuracy; and
- (h) the motor carrier provides blank daily log forms in the commercial vehicle for the driver's use.

Possession of daily logs and supporting documents by drivers

46. (1) A driver who is required to fill out a daily log shall not drive and a motor carrier shall not request, require or allow the driver to drive unless the driver has in his or her possession

- (a) a copy of the daily logs for the preceding 14 days and, in the case of a driver driving under an oil well service permit, for each of the required 3 periods of 24 consecutive hours of off-duty time in any period of 24 days;
- (b) the daily log for the current day, completed up to the time at which the last change in the driver's duty status occurred; and
- (c) any supporting documents or other relevant records that the driver received in the course of the current trip.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than \$25 nor more than \$100.

Distribution and keeping of daily logs

47. (1) A driver shall, within 20 days after completing a daily log, forward the original daily log and supporting documents to the home terminal and the motor carrier shall ensure that the driver does so.

(2) A driver who is employed or otherwise engaged by more than one motor carrier in any day shall forward, within 20 days after completing a daily log, and the motor carriers shall ensure that the driver forwards

- (a) the original of the daily log to the home terminal of the first motor carrier for which the driver worked and a copy of it to the home terminal of each other carrier for which the driver worked; and

(b) the original supporting documents to the home terminal of the applicable motor carrier.

(3) The motor carrier shall

(a) deposit the daily logs and supporting documents at its principal place of business within 30 days after receiving them; and

(b) keep the daily logs and supporting documents in chronological order for each driver for a period of at least 6 months.

(4) A person who contravenes this section is guilty of an offence.

Tampering

48. (1) A motor carrier shall not request, require or allow a driver to keep and a driver shall not keep more than one daily log in respect of any day.

(2) A motor carrier shall not request, require or allow any person to enter and a person shall not enter inaccurate information in a daily log, whether it is handwritten or produced using an electronic recording device, or falsify, mutilate or deface a daily log or supporting documents.

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of not less than \$500 nor more than \$2,000.

Monitoring by motor carriers

49. (1) A motor carrier shall monitor the compliance of each driver with these regulations.

(2) A motor carrier that determines that there has been non-compliance with these regulations shall take immediate remedial action and record the dates on which the non-compliance occurred, the date of issuance of a notice of non-compliance and the action taken.

PART VI OUT-OF-SERVICE DECLARATIONS

Out of service declarations

50. (1) A director or an inspector may issue an out-of-service declaration in respect of a driver if

- (a) the driver contravenes paragraph 5(a) or (b);
- (b) the driver fails to comply with any of the driving time or off-duty time requirements of Part I, Part II or a permit;
- (c) the driver is unable or refuses to produce their daily log book in accordance with section 53;
- (d) there is evidence that shows that the driver has completed more than one daily log, has entered inaccurate information in the daily log or has falsified information in the daily log; or
- (e) the driver has mutilated or defaced a daily log or a supporting document in such a way that the director or inspector cannot determine whether the driver has complied with the driving time and off-duty time requirements of Part I, Part II or a permit.

(2) The director or inspector shall notify the driver and the motor carrier in writing of the reason that the driver has been made the subject of an out-of-service declaration and the period during which it applies.

(3) An out-of-service declaration applies

- (a) for 10 consecutive hours, if the driver contravenes paragraph 5(a) or (b);
- (b) for 10 consecutive hours, if the driver contravenes section 8 or 22;
- (c) for the number of hours needed to correct the failure, if the driver fails to comply with the off-duty time requirements of any of Part I or Part II; and
- (d) for 72 consecutive hours, if the driver contravenes section 48 or 53.

(4) The out-of-service declaration in respect of a driver who contravenes section 48 or 53 continues to apply beyond the 72 hours until the driver rectifies the daily log, if applicable, and provides it to

the director or inspector so that the director or inspector is able to determine whether the driver has complied with these regulations.

(5) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of not less than \$1,000 nor more than \$3,000.

PART VII INSPECTIONS

Proof of authority

51. An inspector shall, at all times during the exercise of their functions, produce on request proof of their designation and title.

Authority to enter premises for an inspection

52. (1) An inspector may, during business hours, enter a motor carrier's home terminal or principal place of business, other than living quarters, for the purpose of inspecting the daily logs, supporting documents and other relevant records.

(2) An inspector may at any time stop and enter a commercial vehicle, except for its sleeper berth, for the purpose of inspecting the daily logs and supporting documents.

(3) An inspector may, at any time, stop a commercial vehicle and enter its sleeper berth for the purpose of verifying that the sleeper berth meets the requirements of the Schedule.

(4) A person shall not obstruct or hinder, or knowingly make any false or misleading statements either orally or in writing to, a director or an inspector engaged in carrying out their duties and functions under these regulations.

Production of daily logs and Supporting documents

53. (1) At the request of an inspector, a driver shall immediately produce for inspection daily logs, supporting documents and other relevant records for the current trip and the preceding 14 days as well as any permit under which the driver may be driving.

(2) If an electronic recording device is installed in the commercial vehicle, the driver shall retrieve the information stored by the device for each day that it was used.

(3) The driver shall, at the request of an inspector, immediately give the inspector a copy of the daily logs, supporting documents and other relevant records for the preceding 14 days, or the originals if it is

not possible in the circumstances to make copies, as well as any permit the driver may be driving under.

(4) The inspector shall provide a receipt in the form prescribed by the minister for the copy of the daily logs, supporting documents and other relevant records.

Inspection

54. (1) A motor carrier shall, during business hours, at the request of an inspector, immediately make available for inspection at a place specified by the inspector daily logs, supporting documents and other relevant records as well as any permit a driver may be driving under or have been driving under during the period for which the inspector makes the request for the documents.

(2) The inspector shall

(a) immediately return the permit if it is still a current permit and provide a receipt in the form prescribed by the minister for any expired permit as well as for the daily logs, supporting documents and other relevant records; and

(b) return the expired permits, daily logs, supporting documents and other relevant records within 14 days after receiving them.

PART VIII OFFENCE, REPEAL AND COMMENCEMENT

Offence

55. A person who contravenes a provision of these regulations for which a penalty is not specifically provided is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 nor more than \$100 for each contravention.

CNLR 1001/96
Rep.

56. *The Highway Traffic Hours of Service Regulations, Consolidated Newfoundland and Labrador Regulation 1001/96, are repealed.*

Commencement

57. *These regulations shall come into force on January 1, 2007.*

Schedule

Sleeper berths

1. An area of a commercial vehicle is a sleeper berth if
 - (a) it is designed to be used as sleeping accommodation;
 - (b) it is located in the cab of the commercial vehicle or immediately adjacent to the cab and is securely fixed to it;
 - (c) it is not located in or on a semi-trailer or a full trailer;
 - (d) if it is located in the cargo space, it is securely compartmentalized from the remainder of the cargo space;
 - (e) in the case of a bus,
 - (i) it is located in the passenger compartment,
 - (ii) it is at least 1.9 metres in length, 60 centimetres in width and 60 centimetres in height,
 - (iii) it is separated from the passenger area by a solid physical barrier that is equipped with a door that can be locked,
 - (iv) it provides privacy for the occupant, and
 - (v) it is equipped with a means to significantly limit the amount of light entering the area;
 - (f) in the case of a commercial vehicle other than a bus, it is rectangular in shape with at least the following dimensions:
 - (i) 1.9 metres in length, measured on the centre line of the longitudinal axis,
 - (ii) 60 centimetres in width, measured on the centre line of the transverse axis, and
 - (iii) 60 centimetres in height, measured from the sleeping mattress to the highest point of the area;

- (g) it is constructed so that there are no impediments to ready entrance to or exit from the area;
- (h) there is a direct and readily accessible means of passing from it into the driver's seat or compartment;
- (i) it is protected against leaks and overheating from the vehicle's exhaust system;
- (j) it is equipped to provide adequate heating, cooling and ventilation;
- (k) it is reasonably sealed against dust and rain;
- (l) it is equipped with a mattress that is at least 10 centimetres thick and adequate sheets and blankets so that the occupant can get restful sleep; and
- (m) it is equipped with a means of preventing ejection of the occupant during deceleration of the commercial vehicle, the means being designed, installed and maintained to withstand a total force of 2,700 kilograms applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 95/06**

Proclamation bringing sections 2 and 5 of the Act into force
under
An Act to Amend the Highway Traffic Act
(O.C. 2006-482)

(Filed December 21, 2006)

*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

THOMAS W. MARSHALL, Q.C.
Minister of Justice

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 15 of “*An Act to Amend the Highway Traffic Act*,” SNL 2006 c23, (the “Act”), it is provided that sections 2 and 5 shall come into force on a day to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that sections 2 and 5 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 sections 2 and 5 of “*An Act to Amend the Highway Traffic Act*”, SNL 2006 c23 shall come into force on the date of publication in *The Newfoundland and Labrador Gazette*.

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.

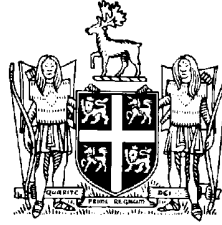
IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

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 20th day of December, in the year of Our Lord two
thousand and six and in the fifty-
fifth year of Our Reign.

BY COMMAND,

JACK BYRNE
Registrar General



**NEWFOUNDLAND AND LABRADOR
REGULATION 96/06**

Licensing and Equipment Regulations (Amendment)
under the
Highway Traffic Act
(O.C. 2006-480)

(Filed December 21, 2006)

Under the authority of sections 186 and 195 of the *Highway Traffic Act*, the Minister of Government Services and the Lieutenant-Governor in Council make the following regulations.

Dated at St. John's, December 20, 2006.

Dianne Whalen
Minister of Government Services

Robert C. Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|---------------------------|---------------------------------------|
| 1. S.3 Amdt.
Licensing | 2. S.4 Amdt.
Identification plates |
|---------------------------|---------------------------------------|

CNLR 1007/96
as amended

1. (1) Subsection 3(1) of the *Licensing and Equipment Regulations* is amended by deleting the words and comma "satisfactory security," and substituting the words and comma "security that is satisfactory to the registrar,".

(2) Subparagraph 3(2)(a)(ii) of the regulations is repealed and the following substituted:

(ii) within 10 days after issuing that permit, send the application and fee referred to in subsection (1) to the registrar; and

(3) Subparagraph 3(2)(b)(iv) of the regulations is repealed and the following substituted:

(iv) within 10 days after issuing that plate, sticker or marker and that permit, send the application and fee referred to in subsection (1) to the registrar.

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

(4) Where a person pays the prescribed fee for registration at a bank, that registration shall be considered to be valid for 40 days from the date of payment of that fee.

2. (1) Subsection 4(1) of the regulations is amended by deleting the word "shall" and substituting the word "may".

(2) Subsection 4(3) of the regulations is repealed and the following substituted:

(3) The registrar or a person designated by him or her shall audit a dealer at that dealer's place of business to

(a) determine the security of the licence plates, stickers and completed registration forms; and

(b) account for and determine the security of the fees collected under section 3.

(4) A dealer shall, upon receipt of a written request from the registrar or his or her designate, immediately return to the registrar all

fees collected under section 3 and licence plates, stickers and registration forms provided to the dealer by the registrar.

(5) The registrar may suspend the vehicle registration privileges of a dealer who does not comply with subsection (2) or (4).

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**NEWFOUNDLAND AND LABRADOR
REGULATION 97/06**

Official Inspection Station Regulations (Amendment)
under the
Highway Traffic Act
(O.C. 2006-481)

(Filed December 21, 2006)

Under the authority of subsection 196(1) of the *Highway Traffic Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 20, 2006.

Robert C. Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|-----------------------------|--------------|
| 1. S.2 Amdt.
Definitions | 2. Sch Amdt. |
|-----------------------------|--------------|

CNLR 1002/96
as amended

1. Section 2 of the *Official Inspection Station Regulations* is amended by adding immediately after paragraph (o) the following:

- (o.1) "school contract vehicle" means a passenger vehicle, designed to carry 6 or fewer passengers in addition to the

driver, under a contract with a school board to carry children to and from school and school related activities;

2. Schedule B of the regulations is amended by adding immediately after the last row under Columns 1, 2 and 3, the following:

as published by the Registrar as a notice in the Gazette	school contract vehicle	within 30 days of signing a contract with the school board and every 6 months afterwards
--	-------------------------	--

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**NEWFOUNDLAND AND LABRADOR
REGULATION 98/06**

Highway Traffic Driver Regulations, 1999 (Amendment)
under the
Highway Traffic Act
(O.C. 2006-479)

(Filed December 21, 2006)

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, December 20, 2006.

Robert C. Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|------------------------------------|--------------------------|
| 1. S.3 Amdt.
Classes of licence | 2. S.20 Amdt.
Renewal |
|------------------------------------|--------------------------|

NLR 110/98
as amended

1. Paragraph 3(2)(d) of the *Highway Traffic Driver Regulations, 1999* is repealed and the following substituted:

(d) class 4 driver's licence which shall permit the holder to operate

(i) taxis, ambulances and buses which carry not more than 24 passengers, and

(ii) passenger vehicles designed to carry 6 or fewer passengers in addition to the driver, under a contract with a school board to carry school children to and from school and school related activities

and may, on that class 4 licence, indicate other classes of driver's licence as shown by the endorsements of the registrar;

2. Section 20 of the regulations is amended by renumbering it as subsection 20(1) and by adding immediately after that subsection the following:

(2) Where a person pays the prescribed fee for the renewal of a driver's licence at the bank, that driver's licence shall be considered to be valid for 40 days from the date of payment of that fee.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 99/06**

*Ambulance, Bus, School Bus, Taxi and Commercial Motor Vehicles
Insurance Regulations (Amendment)*
under the
Highway Traffic Act

(Filed December 21, 2006)

Under the authority of section 77 of the *Highway Traffic Act*, I
make the following regulations.

Dated at St. John's, December 20, 2006.

Dianne Whalen
Minister of Government Services

REGULATIONS

Analysis

- | | |
|-----------------------------|--|
| 1. S.2 Amdt.
Definitions | 4. Insurance required |
| 2. Ss.3, 4 & 5 Amdt. | 5. Commercial motor
vehicle insurance |
| 3. Application | 3. Schedule Amdt. |

CNLR 999/96
as amended

**1. Section 2 of the *Ambulance, Bus, School Bus, Taxi and
Commercial Motor Vehicle Insurance Regulations* is amended by**

(a) deleting the word "and" at the end of paragraph (h);

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

(c) adding immediately after paragraph (i) the following:

(j) "school contract vehicle" means a passenger vehicle, designed to carry 6 or fewer passengers in addition to the driver, under a contract with a school board to carry children to and from school and school related activities.

2. Sections 3, 4 and 5 of the regulations are amended by adding immediately after the word and comma "bus," where it first occurs, the words and comma "school contract vehicle,".

3. The Schedule to the regulations is amended by adding immediately after the words and comma "Bus," where it first occurs, the words and comma "School Contract Vehicle,".

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**NEWFOUNDLAND AND LABRADOR
REGULATION 100/06**

Mineral Regulations (Amendment)
under the
Mineral Act

(Filed December 21, 2006)

Under the authority of section 41.1 of the *Mineral Act*, I make the following regulations.

Dated at St. John's, December 21, 2006.

John Ottenheimer
Minister of Natural Resources
(First Alternate)

REGULATIONS

Analysis

1. Sch. A Amdt.

CNLR 1143/96
as amended

1. Schedule A of the *Mineral Regulations* is amended by adding immediately after paragraph KKK the following:

LLL. All that piece or parcel of land and land under water surrounding and including Okak Bay and Okak Islands in the province being described as follows:

Beginning at a point that point having UTM co-ordinates of 6,412,500 metres north, 571,000 metres east;

Then on a bearing of 90° for 2,000 metres;

Then on a bearing of 180° for 500 metres;

Then on a bearing of 90° for 500 metres;

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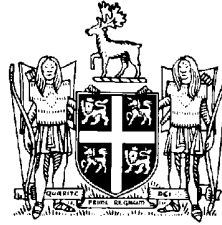
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All bearings are referred to the UTM Grid, Zone 20, NAD 27.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 101/06**

Proclamation bringing the Act into force
under the
City of St. John's Municipal Taxation Act
(O.C. 2006-570)

(Filed December 22, 2006)

*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

CHRISTOPHER CURRAN
Deputy Minister of Justice

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 50 of "*An Act Respecting Municipal Taxation in the City of St. John's*," SNL 2006 cC-17.1, (the "Act"), it is provided that this Act shall come into force on a day to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall come into force on the date set out below.

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 Respecting Municipal Taxation in the City of St. John's*", SNL 2006 cC-17.1 shall come into force on January 1, 2007.

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 21st day of December, in the year of Our Lord two
thousand and six and in the fifty-
fifth year of Our Reign.

BY COMMAND,

DON OSMOND
Registrar General

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Proclamation bringing Sections 2 and 5 of the Act Into force	NLR 95/06	New	Dec 22/06, p. 641
City of St. John's Municipal Taxation Act			
Proclamation Bringing Act into force (Jan. 1/07)	NLR 101/06	New	Dec 22/06, p. 673
Highway Traffic Act			
Hours of Service Regulations, 2006 (In force January 1, 2007)	NLR 94/06	R & S CNLR 1001/99	Dec 22/06, p. 607
Licensing and Equipment Regulations (Amdt)	NLR 96/06	Amends CNLR 1007/96, Ss. 3 & 4 Amdt.	Dec 22/06, p. 643
Official Inspection Station Regulations (Amdt)	NLR 97/06	Amends CNLR 1002/96, S. 2 Amdt Sch. Amdt	Dec 22/06, p. 647
Highway Traffic Driver Regulations, 1999 (Amdt)	NLR 98/06	Amends NLR 110/98 S. 3 Amdt S. 20 Amdt.	Dec 22/06, p. 649

PART II
CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
Cont' Highway Traffic Act			
Ambulance, Bus, School Bus, Taxi and Commercial Motor Vehicles Insurance Regulations (Amdt)	NLR 99/06	Amends CNLR 999/96 Ss. 2, 3, 4, 5 & Sch. Amdt.	Dec 22/06, p. 651
Judgment Interest Act			
Judgment Interest Order, 2007	NLR 93/06	Replaces NLR 111/05	Dec 22/06, p. 605
Medical Act			
Mineral Regulations (Amdt)	NLR 100/06	Amends CNLR 1143/96 Sch. Amdt.	Dec 22/06, p. 653

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

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

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Government Information Product

Publication Rate Mail

G.S.T. # R107442683

All requests for Subscription and Legislation MUST be prepaid.

The Newfoundland and Labrador Gazette
Publication Dates 2007

JANUARY 5/07
Vol 82, No. 1.

MAY 11/07
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**STATUTES OF NEWFOUNDLAND AND LABRADOR
2006**

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Bill	Act	Chapter
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Bill	Act	Chapter
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* 32	<i>Fishery Products International Limited (Amendment) Act (To be proclaimed)</i>	27
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Bill	Act	Chapter
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Bill	Act	Chapter
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67	<i>Highway Traffic (Amendment) Act and Provincial Offences (Amendment) Act</i>	54
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* Bills amended in Committee of the Whole House.

In researching the law readers should note that the following Statutes of Newfoundland and Labrador, 2006 include amendments to other Statutes as listed below:

Chapter A-18.1	<u>Assessment Act, 2006</u> - (In force Jan. 1/07) <i>Assessment Act (Repealed)</i> <i>Citizens' Representative Act</i> <i>City of Corner Brook Act</i> <i>City of Mount Pearl Act</i> <i>Municipalities Act, 1999</i>
Chapter 40	<u>Attorney General Statutes Amendment Act, 1991</u> <i>Adoption Act</i> <i>Attorney General Statutes Amendment Act, 2004</i> <i>City of Corner Brook Act</i> <i>City of Mount Pearl Act</i> <i>Court Security Act</i> <i>Family Violence Protection Act</i> <i>Fish Inspection Act</i> <i>Labour Relations Act</i> <i>Lobbyist Registration Act</i> <i>Members of the House of Assembly Retiring Allowances Act</i> <i>Mineral Regulation</i> <i>Municipalities Act, 1999</i> <i>Private Training Institutions Act</i> <i>Provincial Parks Regulations</i> <i>Public Service Commission Act</i> <i>Securities Act</i> <i>Student Financial Assistance Act</i> <i>Support Orders Enforcement Act, 2006</i> <i>Waste Management Regulations, 2003</i> General Amdt.
Chapter C-17.1	<u>City of St. John's Municipal Taxation Act</u> - (To be proclaimed) <i>City of St. John's Act</i> <i>St. John's Assessment Act (Repealed)</i> <i>Urban and Rural Planning Act, 2000</i>
Chapter C-37.001	<u>Council on Higher Education Act</u> - (To be proclaimed) <i>College Act, 1996</i> <i>Memorial University Act</i>
Chapter 27	<u>Fishery Products International Limited (Amendment) Act</u> - (To be proclaimed) Fishery Products International Limited (Amendment) Act, SNL2005 c32 (Repealed)
Chapter 22	<u>Human Rights Code (Amendment) Act</u> - (S.6(2) in force on first anniversary of the date this Act received Royal Assent) <i>Workplace Health, Safety and Compensation Act</i>
Chapter M-9.1	<u>Mental Health Care and Treatment Act</u> - (In force Oct. 1/07, ex- cept Part IV which comes into force on Jan. 1/08)

	<p><i>Access to Information and Protection of Privacy Act</i> <i>Advance Health Care Directives Act</i> <i>Child and Youth Advocate Act</i> <i>Citizens' Representative Act</i> <i>Fatalities Investigations Act</i> <i>Mental Health Act (Repealed)</i> <i>Mentally Disabled Persons' Estates Act</i> <i>Neglected Adults Welfare Act</i></p>
Chapter 13	<p><u><i>Obsolete Acts Repeal Act</i></u> <i>Automobile Dealer Act (Repealed)</i> <i>Highway Traffic Act</i> <i>Lodgers' Goods Protection Act (Repealed)</i> <i>Salvage Dealers Licensing Act (Repealed)</i></p>
Chapter P-12.01	<p><u><i>Pharmaceutical Services Act</i></u> - (To be proclaimed) <i>Income and Employment Support Act</i> <i>Medical Act, 2005</i> <i>Pharmacy Act</i> <i>Pharmacy Regulations</i></p>
Chapter P-13.1	<p><u><i>Physiotherapy Act, 2006</i></u> <i>Physiotherapy Act (Repealed)</i></p>
Chapter P-38.1	<p><u><i>Public Inquiries Act, 2006</i></u> <i>Public Inquiries Act (Repealed)</i></p>
Chapter R-7.1	<p><u><i>Regional Health Authorities Act</i></u> - (To be proclaimed) <i>Adoption Act</i> <i>Cancer Treatment and Research Foundation Act (Repealed)</i> <i>Child Care Services Act</i> <i>Child, Youth and Family Services Act</i> <i>Consolidated Orders under the Public Service Collective Bargaining Act</i> <i>Health and Community Services Act</i> <i>Hospitals Act (Repealed)</i> <i>Public Service Collective Bargaining Act</i> <i>Regional Integrated Health Authority Order under the Hospitals Act (Repealed)</i></p>
Chapter S-31.1	<p><u><i>Support Orders Enforcement Act, 2006</i></u> - (To be proclaimed) <i>Enforcement of Canadian Judgments</i> <i>Family Law Act</i> <i>Highway Traffic Act</i> <i>Income and Employment Support Act</i> <i>Interjurisdictional Support Orders</i> <i>Judgment Enforcement Act</i> <i>Support Orders Enforcement Act (Repealed)</i> <i>Wild Life Act</i></p>

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

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