

**NOTE:** Attached to the end of Part II is a revised list of Statutes of Newfoundland and Labrador, 2013 as enacted up to March 21, 2013.



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 88

ST. JOHN'S, THURSDAY, MARCH 28, 2013

No. 13

## PROCLAMATION

*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.*

FRANK F. FAGAN  
Lieutenant Governor

PAUL NOBLE  
Deputy Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS the Forty-Seventh General Assembly stands prorogued;

AND WHEREAS I think fit to summon the Second Session of the said General Assembly to meet on Monday, the 25<sup>th</sup> day of March, 2013;

I DO, THEREFORE, by this My Proclamation summon the Second Session of the said General Assembly to meet for the dispatch of business at 2:00 p.m. on Monday, the 25<sup>th</sup> day of March, 2013 of which all persons concerned are hereby required to take due notice and govern themselves accordingly.

WITNESS: Our trusty and well-beloved the Honourable Frank F. Fagan, A Member of the Order of Canada, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE in Our City of St. John's this 25<sup>th</sup> day of March in the year of Our Lord two thousand and thirteen in the sixty second year of Our Reign.

BY COMMAND,

KEVIN O'BRIEN  
REGISTRAR GENERAL

Mar 28

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**JUDICATURE ACT**

***Rules of the Supreme Court, 1986***

**REPEAL OF PRACTICE NOTE**

DATE ISSUED: March 15, 2013

RULES AFFECTED: n/a

EFFECTIVE DATE: Upon Publication

PREVIOUS PRACTICE NOTES REVISED:  
Practice Note (not numbered) titled "Transcripts of Civil Proceedings", dated December 22, 1995, repealed

**Background**

1. The fees set out in the Practice Note titled "Transcripts of Civil Proceedings" have been superseded by the fees set out in the *Supreme Court Fees Regulations*, NLR 90/07, as amended, thus requiring repeal of the Practice Note.

**Repeal**

2. The Practice Note (not numbered) titled "Transcript of Civil Proceedings" and dated December 22, 1995, is hereby repealed.

AUTHORIZED BY:

DAVID B. ORSBORN  
Chief Justice, Trial Division  
Supreme Court of Newfoundland and Labrador

DARLENE WELLS  
for the Registrar  
Supreme Court of Newfoundland and Labrador

Mar 28

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*Rules of the Supreme Court, 1986*

**PRACTICE NOTE**

PN (TD) No. 2013-01

DATE ISSUED: March 15, 2013

RULES AFFECTED: n/a

EFFECTIVE DATE: Upon Publication

PREVIOUS PRACTICE NOTES REVISED:

Practice Note (not numbered and not titled) on affixing the seal of the court, dated October 17, 1988, repealed and substituted

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

**AFFIXING COURT SEAL**

**Background**

1. The fees contained in the untitled Practice Note on affixing the court seal, dated October 17, 1988, have been superseded by the fees set out in the *Supreme Court Fees Regulations*, NLR 90/07.

2. As a consequence, the untitled Practice Note on affixing the court seal, dated October 17, 1988, is repealed and the following substituted:

**Practice Note**

3. All documents that are issued out of the Supreme Court, Trial Division are to have the Seal of the Court affixed. The fees to be charged are set out in the *Supreme Court Fees Regulations*, NLR 90/07, as amended. There will be no charge for issuing documents in criminal cases.

AUTHORIZED BY:

DAVID B. ORSBORN  
Chief Justice, Trial Division  
Supreme Court of Newfoundland and Labrador

DARLENE WELLS  
for the Registrar  
Supreme Court of Newfoundland and Labrador

Mar 28

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**URBAN AND RURAL PLANNING ACT**

**NOTICE OF REGISTRATION  
PROTECTED ROAD ZONING PLAN  
TRANS CANADA HIGHWAY – CHANNEL-  
PORT AUX BASQUES TO CORNER BROOK  
AMENDMENT NO. 2, 2012**

TAKE NOTICE that Amendment No. 2, 2012 to the Protected Road Zoning Plan Trans Canada Highway Channel-Port Aux Basques to Corner Brook has been registered by the Department of Municipal Affairs.

In general terms, the purpose of the amendment is to recognize existing and proposed development as follows:

Re-zone area west of Pinchgut Lake from “Rural Conservation” to “Cottage” and “Highway Commercial”

Re-zone areas in the Codroy Valley:

- from “Rural Conservation” to “Mixed”
- from “Highway Commercial” to “Mixed”
- from “Rural Conservation” to “Cottage”
- from “Rural Conservation” to “Highway Commercial”
- from “Rural Conservation” to “Buffer”

This amendment comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the

amendment may do so by contacting the Department of Municipal Affairs.

DEPARTMENT OF MUNICIPAL AFFAIRS  
Corrie Davis, MCIP, Land Use Planning

Mar 28

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**NOTICE OF REGISTRATION  
TOWN OF HAPPY VALLEY-GOOSE BAY  
DEVELOPMENT REGULATIONS 2008 – 2018,  
AMENDMENT NO. 5, 2013**

TAKE NOTICE that the TOWN OF HAPPY VALLEY-GOOSE BAY Development Regulations 2008-2018 Amendment No. 5, 2013 approved on February 26<sup>th</sup>, 2013 has been registered by the Minister of Municipal Affairs.

In general terms, Development Regulations Amendment No. 5, 2013 is a text amendment to add “animal” to the discretionary use class of the Industrial Commercial Northside (IC-NS) land use zone.

The HAPPY VALLEY-GOOSE BAY Development Regulations 2008-2018 Amendment No. 5, 2013 came into effect on the day this notice was published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of this amendment may do so at the Town Office of the TOWN OF HAPPY VALLEY-GOOSE BAY, 212 Hamilton River Road, Monday to Friday during normal business hours.

TOWN OF HAPPY VALLEY-GOOSE BAY  
Wyman Jacque, Town Manager

Mar 28

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**NOTICE  
TOWN OF STEPHENVILLE  
RESCISSION OF  
TOWN OF STEPHENVILLE  
TAXI REGULATIONS 1997**

At the Regular General Meeting of March 21<sup>st</sup>, 2013, by Motion No. 13-68, the Council of the TOWN OF STEPHENVILLE rescinded the Town of Stephenville Taxi Regulations 1997 and all amendment thereto, effective the date of publication of this notice in *The Newfoundland and Labrador Gazette*.

TOWN OF STEPHENVILLE  
Carolyn Lidstone, Town Clerk

P.O. # 80023577

Mar 28

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**LANDS ACT**

**NOTICE OF INTENT  
*Lands Act, c36, SNL 1991, as amended***

NOTICE IS HEREBY given that ROGER HYNES of Rocky Harbour, NL 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) (e) of the said Act, to that piece of Crown land situated within fifteen (15) metres of the waters of Neddies Waters in the Electoral District of St. Barbe for the purpose of a boat house and wharves wharf and being more particularly described as follows:

*Bounded on the North by Crown Land  
for a distance of 30 metres;  
Bounded on the East by Private Land  
for a distance of 50 metres;  
Bounded on the South by Private Land  
for a distance of 30 metres;  
Bounded on the West by Neddies Harbour  
for a distance of 50 metres;  
and containing an area of  
approximately 1500 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, and mail to the nearest Regional Lands Office:

c/o Eastern Regional Lands Office, P.O. Box 8700, 5 Mews Place, St. John's, NL, A1B 4J6.

c/o Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 1L7.

c/o Western Regional Lands Office, P.O. Box 2006, Noton Building, Corner Brook, NL, A2H 6J8.

c/o Labrador Regional Lands Office, P.O. Box 3014, Station “B”, Happy Valley-Goose Bay, NL, A0P 1E0.

For further information on the proposed application, please contact: ROGER HYNES, Telephone number: (709) 458-2113.

Mar 28

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**NOTICE OF INTENT  
*Lands Act, c36, SNL 1991, as amended***

NOTICE IS HEREBY given that MICHAEL JORDON of Trinity East, NL 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) (e) of the said Act, to that piece of Crown land situated within fifteen (15) metres of the waters of Trinity Bay in the Electoral District of Trinity North for the purpose of a wharf and being more particularly described as follows:

*Bounded on the North by a Road  
for a distance of 10 metres;  
Bounded on the East by Crown Land  
for a distance of 12 metres;  
Bounded on the South by Waters of Trinity Bay  
for a distance of 10 metres;  
Bounded on the West by property of Frazer Cooper  
for a distance of 12 metres;  
and containing an area of  
approximately 120 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, and mail to the nearest Regional Lands Office:

c/o Eastern Regional Lands Office, P.O. Box 8700, 5 Mews Place, St. John's, NL, A1B 4J6.

c/o Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 1L7.

c/o Western Regional Lands Office, P.O. Box 2006, Noton Building, Corner Brook, NL, A2H 6J8.

c/o Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0.

For further information on the proposed application, please contact: MICHAEL JORDON, Telephone number: (709) 464-2274.

Mar 28

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**TRUSTEE ACT**

**ESTATE NOTICE**

IN THE ESTATE of ALICE BROWN, late of the Town of Stephenville Crossing, in the Province of Newfoundland and Labrador, deceased: January 21<sup>st</sup>, 2013.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of ALICE BROWN, late of the Town of Stephenville Crossing, in the Province of Newfoundland and Labrador, deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 26<sup>th</sup> day of April, 2013, after which date the said Executor will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

DATED at Stephenville, Newfoundland and Labrador, this 21<sup>st</sup> day of March, 2013.

ROXANNE PIKE LAW OFFICE  
Solicitor for the Executor  
PER: Roxanne Pike

**ADDRESS FOR SERVICE:**

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

Tel: (709) 643-6436  
Fax: (709) 643-9343

Mar 28

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**ESTATE NOTICE**

IN THE MATTER OF the Estate and Effects of late ELIZABETH MARY KELLY of the Town of Gambo, 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 ELIZABETH MARY KELLY, the aforesaid deceased, who died at Town of Gander, in the Province of Newfoundland and Labrador on or about the 9<sup>th</sup> day of August, 2005, 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 12<sup>th</sup> day of April, 2013 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 19<sup>th</sup> day of March, 2013.

BONNELL LAW  
R. Archibald Bonnell  
Solicitor for the Executor

**ADDRESS FOR SERVICE:**

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

Tel: (709) 651-4949  
Fax: (709) 651-4951

Mar 28 & Apr 5

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART II

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

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Vol. 88

ST. JOHN'S, THURSDAY, MARCH 28, 2013

No. 13

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### NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 36/13  
NLR 37/13  
NLR 38/13  
NLR 39/13  
NLR 40/13  
NLR 41/13







## NEWFOUNDLAND AND LABRADOR REGULATION 36/13

*Student Financial Assistance Regulations (Amendment)*  
under the  
*Student Financial Assistance Act*  
(O.C. 2013-059)

*(Filed March 27, 2013)*

Under the authority of section 16 of the *Student Financial Assistance Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, March 20, 2013.

Robert Thompson  
Clerk of the Executive Council

### REGULATIONS

#### *Analysis*

- |  |   |
|--|---|
| 1. S.4 Amdt.<br>Amount of financial assistance         | 6. S.5.7 R&S<br>Student loan default              |
| 2. S.5 R&S<br>Granting of financial assistance         | 7. S.5.8 Amdt.<br>Consolidation and repayment     |
| 3. S.5.2 Amdt.<br>Payment free status                  | 8. S.5.09 Added<br>Repayment                      |
| 4. S.5.3 Amdt.<br>Rules respecting payment free status | 9. S.7 Amdt.<br>Debt reduction calculation        |
| 5. S.5.6 R&S<br>Amendment to prevent default           | 10. S.9 Amdt.<br>Early childhood education grants |
|  | 11. Commencement                                  |

NLR 105/03  
as amended

**1. Subsection 4(1) of the *Student Financial Assistance Regulations* is repealed and the following substituted:**

Amount of  
financial assistance

**4.** (1) Financial assistance shall not be issued in an amount that is less than \$67.

**2. Section 5 of the regulations is repealed and the following substituted:**

Granting of finan-  
cial assistance

**5.** (1) A person to whom a notice of financial assistance has been issued shall

- (a) be enrolled as a full time student as confirmed by an official of the educational institution;
- (b) sign a student loan agreement in which he or she agrees to repay his or her student loan in accordance with the terms and conditions of that agreement and these regulations;
- (c) submit the completed student loan agreement to the corporation or service provider before the last day of the month of his or her period of study end date; and
- (d) sign those consents, authorizations and certificates that the minister may require.

(2) Where a person complies with subsection (1), the corporation shall issue financial assistance to that person in the amount set out in the notice of financial assistance.

**3. (1) Subsection 5.2(1) of the regulations is repealed and the following substituted:**

Payment free status

**5.2** (1) Where a student loan is issued to a borrower, that student loan has payment free status during the period

- (a) commencing on the period of study start date as confirmed by his or her educational institution; and
- (b) ending 6 months after the last day of the month of the borrower's period of study end date as confirmed by his or her educational institution.

**(2) Section 5.2 of the Act is amended by adding immediately after subsection (2) the following:**

(2.1) Payments are not required on a student loan until the last day of the

- (a) seventh month after the last day of the borrower's period of study end date as confirmed by his or her educational institution; or
- (b) first month after payment free status under subsection (6) or (10) ended.

**4. Subsection 5.3(4) of the regulations is repealed and the following substituted:**

(4) Notwithstanding that the last day of the month of the period of study end date as confirmed by his or her educational institution has been reached, the student loan to which it applied retains its payment free status during the period between the previous period of study end date and the last day of the month of the next period of study end date as confirmed by his or her educational institution where

- (a) the period between the last day of the month of the previous period of study end date and next period of study start date as confirmed by his or her educational institution is less than 6 months; and
- (b) that borrower delivers his or her confirmation of enrolment to the minister within the 6 month period referred to in paragraph (a).

**5. Section 5.6 of the regulations is repealed and the following substituted:**

Amendment to  
prevent default

**5.6** A lender and a borrower may amend the terms of repayment if the borrower notifies the lender that the terms of repayment are such that he or she will be in default and if the lender considers that an amendment will enable the borrower to meet his or her obligations.

**6. Section 5.7 of the regulations is repealed and the following substituted:**

Student loan default

**5.7** (1) A borrower is in default of his or her obligation to repay a student loan if

- (a) he or she refuses to repay all or part of that loan;
- (b) he or she does not make a regularly scheduled payment and the failure to make the required payment continues for 2 months; or
- (c) the borrower becomes subject to or takes advantage of a law relating to bankruptcy and insolvency or seeks relief under a provincial law relating to the orderly payment of debts that includes a student loan.

(2) Where a borrower is in default of his or her obligation to repay all or part of his or her student loan, the loan is due and payable on the following dates:

- (a) if the default occurs because the borrower refuses to repay all or part of his or her student loan, on the date of the refusal;
- (b) if the default occurs because the borrower does not make a regularly scheduled payment to repay his or her student loan, on the day on which a regularly scheduled payment has been outstanding for 2 consecutive months; or
- (c) the date on which the borrower becomes subject to or takes advantage of a law relating to bankruptcy or insolvency or seeks relief under a provincial law relating to the orderly payment of debts that includes a student loan.

**7. Section 5.8 of the regulations is amended by adding immediately after subsection (3) the following:**

(4) This section does not apply to a borrower who enters into a student loan agreement with the corporation after July 31, 2012.

**8. The regulations are amended by adding immediately after section 5.8 the following:**

Repayment

**5.09** A borrower who enters into a student loan agreement with the corporation after July 31, 2012 shall, within 6 months after ceasing to

be a full time student, discharge all outstanding student loans of that borrower in accordance with the repayment terms established by the lender.

**9. Subsection 7(3) of the regulations is repealed and the following substituted:**

(3) Where a borrower entered into a student loan agreement on or before July 31, 2012, a grant to a borrower shall not exceed the principal amount of his or her student loan at the time of its consolidation.

(3.1) Where a borrower entered into a student loan agreement with the corporation after July 31, 2012, a grant to a borrower shall not exceed the principal amount of his or her student loan at the time the repayment terms are established by the lender.

**10. (1) Paragraph 9(1)(d) of the regulations is repealed and the following substituted:**

(d) is employed as an early childhood educator, at the time

(i) of its consolidation, where the borrower entered into a student loan agreement on or before July 31, 2012; or

(ii) the repayment terms are established by the lender, where the borrower entered into a student loan agreement after July 31, 2012

**(2) Subsection 9(4) of the Regulations is repealed and the following substituted:**

(4) A grant received under this section shall not exceed the principal amount of the student loan owing by the borrower at the time

(a) of its consolidation, where the borrower entered into a student loan agreement on or before July 31, 2012; or

(b) the repayment terms are established by the lender, where the borrower entered into a student loan agreement after July 31, 2012.

Commencement

**11. These regulations are considered to have come into force on August 1, 2012.**

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## NEWFOUNDLAND AND LABRADOR REGULATION 37/13

*Student Financial Assistance Administration  
Regulations (Amendment)  
under the  
Student Financial Assistance Act*

*(Filed March 27, 2013)*

Under the authority of section 15 of the *Student Financial Assistance Act*, I make the following regulations.

Dated at St. John's, March 20, 2013.

Joan Burke  
Minister of Advanced Education and Skills

### REGULATIONS

#### *Analysis*

- |                                  |  |
|----------------------------------|--|
| 1. S.7 R&S<br>Application        | 5. S.11 Amdt.<br>Parental<br>contribution        |
| 2. S.8 Amdt.<br>Student category | 6. S.14 Amdt.<br>Reassessment                    |
| 3. S.9 Amdt.<br>Residency        | 7. S.17 R&S<br>Notice of financial<br>assistance |
| 4. S.10 Amdt.<br>Need assessment | 8. Commencement                                  |

NLR 106/03  
as amended  
Application

**1. Section 7 of the *Student Financial Assistance Administration Regulations* is repealed and the following substituted:**

**7. (1)** In order to be considered for financial assistance, a qualifying student shall apply to the minister in the form, at the place, with the

necessary information and within the time that the minister may require.

(2) Notwithstanding subsection (1), the minister may extend the time by which an application for financial assistance is to be submitted for a period of study but an application shall not be accepted after the end date for that period of study.

(3) An application for financial assistance that does not contain the documentation and information required by the minister shall not be processed.

**2. Subsection 8(1) of the regulations is repealed and the following substituted:**

Student category

**8.** (1) A person shall be considered to be an independent student for the purposes of an application for financial assistance where one or more of the following apply:

- (a) his or her parents are deceased and there is no other parent, guardian, sponsor or other supporting relative;
- (b) he or she has been working for 2 or more periods of 12 consecutive months each;
- (c) he or she has been out of high school for 4 or more years;
- (d) he or she is a divorced student without children; and
- (e) he or she has been a voluntary participant in the Youth Services Program of the Department of Child, Youth and Family Services.

**3. (1) Subsection 9(1) of the regulations is repealed and the following substituted:**

Residency

**9.** (1) A dependent student shall be considered to be a resident of the province where his or her parents or parent, where one parent is deceased, with whom he or she resides, have lived in the province for at least 12 consecutive months immediately before the start of the program to which the notice of financial assistance applies.



**(2) Subsection 9(5) of the regulations is repealed and the following substituted:**

(5) An independent student who has lived in the province for 12 or more consecutive months while not a student, immediately before the start of the program to which the notice of financial assistance applies shall be considered to be a resident of the province.

**(3) Subsection 9(6) of the regulations is repealed and the following substituted:**

(6) A married student shall be considered to be a resident of the province where the person with whom he or she has been cohabiting in accordance with subsection 8(3) has been employed full time in the province for 12 or more months immediately before the start of the program to which the notice of financial assistance applies.

**(4) Subsection 9(7) of the regulations is repealed and the following substituted:**

(7) A single parent who has lived in the province for 12 or more consecutive months immediately before the start of a program to which a notice of financial assistance applies, excluding time spent as a full time student at a post secondary institution, shall be considered to be a resident of this province.

**4. Subsection 10(1) of the regulations is repealed and the following substituted:**

Need assessment

**10.** (1) The minister shall assess the need of a person who applies for financial assistance.

**5. Subsection 11(1) of the regulations is repealed and the following substituted:**

Parental contribution

**11.** (1) In order to assess the need of a dependent student, both parents of that student, including parents who are separated or divorced, shall provide with that student's application for financial assistance, the financial information that the minister may require.

**6. Subsection 14(2) of the regulations is repealed and the following substituted:**

(2) Where a person's eligibility for financial assistance is reassessed with respect to a current period of study and that reassessment reveals that he or she is entitled to more financial assistance, another notice of financial assistance may be issued for that additional financial assistance before a date that the minister may establish.

**7. Section 17 of the regulations is repealed and the following substituted:**

Notice of financial assistance

**17.** (1) Where an application is received by the minister under section 7, the minister, if satisfied that the applicant

- (a) is a full time student;
- (b) has complied with the Act and regulations made under the Act; and
- (c) is eligible for financial assistance

may issue a notice of financial assistance to that applicant and in other circumstances, may refuse to issue a notice of financial assistance to that applicant.

(2) A notice of financial assistance shall

- (a) be in a form that the minister considers appropriate;
- (b) set out the amount of financial assistance for which the full time student named on the notice is eligible; and
- (c) state other terms that the minister considers necessary.

(3) A notice of financial assistance shall not be issued to a person after the end date of the period of study to which that notice applies.

(4) The minister shall establish an end date for periods of study for which financial assistance may be provided under the Act.

(5) An educational institution shall provide to the division sufficient information with respect to its programs of study to permit the minister to establish an end date.

Commencement

**8. These regulations are considered to have come into force on August 1, 2012.**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 38/13**

*Endangered Species List Regulations (Amendment)*  
under the  
*Endangered Species Act*  
(O.C. 2013-080)

*(Filed March 27, 2013)*

Under the authority of section 7 of the *Endangered Species Act*, the Minister of Environment and Conservation, with the approval of the Lieutenant-Governor in Council, makes the following regulations.

Dated at St. John's, March 26, 2013.

Tom Hedderson  
Minister of Environment and Conservation

Robert Thompson  
Clerk of the Executive Council

**REGULATIONS**

*Analysis*

1. Sch. A Amdt.

NLR 57/02  
as amended

**1. Schedule A of the *Endangered Species List Regulations* is amended by adding immediately before the species "Ivory Gull – *Pagophila eburnea*", the species "Graceful Felt Lichen (Voles Ears Lichen) – *Erioderma mollissimum*".**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 39/13**

*Copper-in-Concentrate Exemption Order, 2013*  
under the  
*Mineral Act*  
(O.C. 2013-079)

*(Filed March 27, 2013)*

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, March 27, 2013.

Robert Thompson  
Clerk of the Executive Council

**ORDER**

*Analysis*

- |                   |                             |
|-------------------|-----------------------------|
| 1. Short title    | 4. Suspension of exemption  |
| 2. Interpretation | 5. Order continues in force |
| 3. Exemption      | 6. NLR 10/09 Rep.           |

Short title

**1.** This Order may be cited as the *Copper-in-Concentrate Exemption Order, 2013*.

Interpretation

**2.** (1) In this order

(a) "Act" means the *Mineral Act*; and

(b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty

the Queen in Right of Newfoundland and Labrador, Voisey's Bay Nickel Company Limited and Inco Limited and includes the amendments to the agreement entered into on February 28, 2009 and March 28, 2013 by Her Majesty in Right of Newfoundland and Labrador, Vale Inco Newfoundland and Labrador Limited and Vale Inco Limited.

(2) In interpreting this Order, the terms "copper-in-concentrate", "project" and "proponent" have the meanings given to them in the development agreement.

Exemption

**3.** The proponent shall be exempt from the provisions of the *Voisey's Bay Nickel Company Limited Primary Production Order* with respect to all copper-in-concentrate for the life of the project.

Suspension of exemption

**4.** (1) Notwithstanding section 3, the right of the proponent to ship copper-in-concentrate from the province shall be suspended where a term of the development agreement provides for the suspension for a failure of the proponent to fulfil an obligation under the development agreement, or for another reason provided for in the development agreement, and a notice, where one is required in the circumstances, has been given by the government to the proponent.

(2) Where the failure of the proponent, or the other reason, giving rise to the suspension of the proponent's right to ship copper-in-concentrate from the province under this Order has been remedied as provided for under the development agreement, the proponent may resume the shipments.

Order continues in force

**5.** Notwithstanding section 3, this Order shall continue in force until it is rescinded or repealed

(a) as contemplated in section 4.14.3 of the development agreement; or

(b) under subsection 31.1(3) of the Act.

NLR 10/09 Rep.

**6. The *Copper-in-Concentrate Exemption Order, Newfoundland and Labrador Regulation 10/09*, is repealed.**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 40/13**

*Nickel-in-Concentrate Exemption Order, 2013*  
under the  
*Mineral Act*  
(O.C. 2013-079)

*(Filed March 27, 2013)*

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, March 27, 2013.

Robert Thompson  
Clerk of the Executive Council

**ORDER**

*Analysis*

- |                               |                             |
|-------------------------------|-----------------------------|
| 1. Short title                | 4. Termination of exemption |
| 2. Interpretation             | 5. Suspension of exemption  |
| 3. Production order exemption | 6. NLR 11/09 Rep.           |

Short title                    **1.** This Order may be cited as the *Nickel-in-Concentrate Exemption Order, 2013*.

Interpretation              **2.** (1) In this Order

(a) "Act" means the *Mineral Act*;

(b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty the Queen in Right of Newfoundland and Labrador, Voisey's Bay Nickel Company Limited and Inco Limited and in-

cludes the amendments to the agreement entered into on February 28, 2009 and March 28, 2013 by Her Majesty in Right of Newfoundland and Labrador, Vale Inco Newfoundland and Labrador Limited and Vale Inco Limited; and

(c) "production order" means the Voisey's Bay Nickel Company Limited Primary Production Order.

(2) In interpreting this Order, the terms, "government", "implementation plan", "nickel-in-concentrate", "processing plant" and "proponent" have the meanings given to them in the development agreement.

Production order exemption

**3.** (1) Notwithstanding the production order, the proponent, prior to December 31, 2015, may ship a maximum of 534,000 tonnes of nickel-in-concentrate from the province.

(2) The amount of nickel-in-concentrate the proponent may ship from the province under subsection (1) includes the amount shipped by the proponent before March 28, 2013 under both the *Voisey's Bay Nickel Company Limited Nickel Concentrate Exemption Order* and the *Nickel-in-Concentrate Exemption Order, 2009*.

(3) In the period beginning on January 1, 2013 and ending on December 31, 2013, the proponent shall not ship from the province an amount of nickel-in-concentrate that exceeds 61,000 tonnes.

(4) In the period beginning on January 1, 2014 and ending on December 31, 2014, the proponent shall not ship from the province an amount of nickel-in-concentrate that exceeds 38,000 tonnes.

Termination of exemption

**4.** The exemption contained in section 3 shall terminate on the earliest of

(a) the date on which the shipments of nickel concentrate by the lessee have reached a total of 534,000 tonnes of nickel-in-concentrate;

(b) December 31, 2015; and

(c) the date on which it is rescinded under section 31.1(3) of the Act.

Suspension of  
exemption

**5.** (1) Notwithstanding section 3, the right of the proponent to ship nickel-in-concentrate from the province shall be suspended where a term of the development agreement provides for the suspension for a failure of the proponent to fulfil an obligation under the development agreement, or for another reason provided for in the development agreement, and a notice, where one is required in the circumstances, has been given by the government to the proponent.

(2) Where the failure of the proponent, or the other reason, giving rise to the suspension of the proponent's right to ship nickel-in-concentrate from the province under this Order has been remedied as provided for under the development agreement, the proponent may resume the shipments.

NLR 11/09 Rep.

**6. The *Nickel-in-Concentrate Exemption Order, 2009*, Newfoundland and Labrador Regulation 11/09 is repealed.**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 41/13**

*Interchangeable Drug Products Formulary  
Regulations, 2012 (Amendment)  
under the  
Pharmaceutical Services Act*

*(Filed March 28, 2013)*

Under the authority of sections 19 and 52 of the *Pharmaceutical Services Act*, I make the following regulations.

Dated at St. John's, March 27, 2013.

Susan Sullivan  
Minister of Health and Community Services

**REGULATIONS**

*Analysis*

- |  |  |
|--|--|
| 1. S.2 Amdt.<br>Definitions                                | 4. S.6 Amdt.<br>Exemption                      |
| 2. S.3 Amdt.<br>Drug formulary                             | 5. S.8 Rep.<br>Addition to existing categories |
| 3. S.5 Amdt.<br>Maximum price for interchangeable products | 6. Commencement                                |

NLR 23/12

**1. Paragraph 2(c) of the *Interchangeable Drug Products Formulary Regulations, 2012* is repealed and the following substituted:**

(c) "brand price" means the price for a brand name drug established by the manufacturer as of April 16, 2012;

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

(3) The prices set out in the formulary for interchangeable drugs shall be effective for the period specified by the minister in the formulary except where the price is governed by an agreement made by the minister with respect to pricing of generic drugs.

**3. Section 5 of the regulations is amended by adding immediately after subsection (2) the following:**

(3) Notwithstanding another provision of this section, where a drug listed in the formulary is a drug included in the Pan-Canadian Competitive Value Price Initiative for Generic Drugs, the maximum percentage of brand price for that drug shall not exceed the percentage established by the initiative.

**4. Section 6 of the regulations is amended by adding immediately after subsection (4) the following:**

(5) This section does not apply to drugs which are included on the Pan Canadian Competitive Value Price Initiative for Generic Drugs.

**5. Section 8 of the regulations is repealed.**

Commencement

**6. These regulations shall come into force on April 1, 2013.**

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## PART II

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**STATUTES OF NEWFOUNDLAND AND LABRADOR  
2013**

<b>Bill</b>	<b>Act</b>	<b>Chapter</b>
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62	<i>Interim Supply Act, 2013</i>	2

***(ASSENTED TO MARCH 21, 2013)***

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

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

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**Office of the Legislative Counsel**  
Department of Justice  
Government of Newfoundland and Labrador  
4th Floor East Block, Confederation Building  
P.O. Box 8700  
St. John's, NL A1B 4J6  
F 729.729.2129  
[legcounsel@gov.nl.ca](mailto:legcounsel@gov.nl.ca)  
[www.assembly.nl.ca/legislation/](http://www.assembly.nl.ca/legislation/)