



**STATUTES  
OF THE  
PROVINCE OF NEWFOUNDLAND  
1990**

Passed in the Session of the House of Assembly  
held in the 39th year of the Reign of Her Majesty  
Queen Elizabeth the Second, and

being the

**SECOND SESSION OF THE  
FORTY-FIRST GENERAL ASSEMBLY**

*Convened at St. John's, on Thursday, March 8,  
1990, adjourned on Friday, June 22nd, 1990,  
resumed on Tuesday, October 16th, 1990,  
adjourned on Friday, December 7th, 1990 and  
prorogued on Wednesday, February 20, 1991.*

**HIS HONOUR JAMES A. McGRATH,  
LIEUTENANT-GOVERNOR**

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## NOTICE

For the convenience of the public, the Table of Public General Statutes included in the back of this volume indicates the section of Acts amended or repealed by other Acts. There is also included a Table of Local, Personal and Private Statutes.

The Table of Public General Statutes and Table of Local, Personal and Private Statutes should not be taken to be exhaustive. Any omissions or errors that are found should be brought to the attention of the Office of the Legislative Counsel so that the Table may be corrected in subsequent Annual Statutes of Newfoundland.

The Office of the Legislative Counsel, through its Registry of Subordinate Legislation, can advise the public whether Acts not in force on December 31, 1990 have or have not been proclaimed.



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# CHAPTER 1

**AN ACT FOR GRANTING TO HER MAJESTY CERTAIN SUMS  
OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE  
PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTY-  
FIRST DAY OF MARCH ONE THOUSAND NINE HUNDRED AND  
NINETY-ONE AND FOR OTHER PURPOSES RELATING  
TO THE PUBLIC SERVICE**

*(Assented to March 23, 1990)*

## *Analysis*

Section:

1. Short title
2. Interim Supply 1990-91

Section:

3. Commencement  
Schedule

MAY IT PLEASE YOUR MAJESTY-

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland for the financial year ending the thirty-first day of March one thousand nine hundred and ninety-one and for other purposes relating to the Public Service:

MAY IT THEREFORE PLEASE YOUR MAJESTY THAT-

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as *The Interim Supply Act, 1990*.

Interim Supply  
1990-91

2. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Minister of Finance sums not exceeding nine hundred and eighty-three million five hundred and fourteen thousand three hundred dollars (\$983,514,300) and the

sums so issued shall be paid and applied by the several Heads of Expenditure in respect of the financial year extending from the first day of April one thousand nine hundred and ninety to the thirty-first day of March one thousand nine hundred and ninety-one towards defraying the charges and expenses of the Public Service of Newfoundland as set out in the Schedule.

Commence-  
ment

**3.** This Act is deemed to have come into force on the first day of April, 1990.

## SCHEDULE

<u>Head of Expenditure</u>	<u>Amount</u>
Consolidated Fund Services . . . . .	\$ 673,500
Executive Council . . . . .	4,259,100
Finance . . . . .	13,362,100
Legislature . . . . .	2,464,900
Public Service Commission . . . . .	1,135,500
Works, Services and Transportation . . . . .	220,748,400
Development . . . . .	33,947,400
Environment and Lands . . . . .	9,435,000
Fisheries . . . . .	14,811,400
Forestry and Agriculture . . . . .	20,682,200
Mines and Energy . . . . .	10,224,200
Education . . . . .	224,328,100
Employment and Labour Relations . . . . .	16,754,400
Health . . . . .	254,597,100
Justice . . . . .	25,788,800
Municipal and Provincial Affairs . . . . .	58,663,700
Newfoundland and Labrador Housing Corporation . . . . .	4,000,000
Social Services . . . . .	<u>67,638,500</u>
	<u>\$ 983,514,300</u>



## CHAPTER 2

**AN ACT FOR GRANTING TO HER MAJESTY CERTAIN  
SUMS OF MONEY FOR DEFRAIVING CERTAIN  
EXPENSES OF THE PUBLIC SERVICE FOR THE  
FINANCIAL YEAR ENDING THE THIRTY-FIRST  
DAY OF MARCH ONE THOUSAND NINE HUNDRED  
AND NINETY-ONE AND FOR OTHER PURPOSES  
RELATING TO THE PUBLIC SERVICE**

*(Assented to June 13, 1990)*

### *Analysis*

Section:

1. Short title
2. Further supply  
1990-91

Section:

3. Effect of authorization  
Schedule

**MAY IT PLEASE YOUR MAJESTY-**

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland for the financial year ending the thirty-first day of March one thousand nine hundred and ninety-one and for other purposes relating to the Public Service:

**MAY IT THEREFORE PLEASE YOUR MAJESTY THAT-**

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as *The Supply Act, 1990*.

Further supply  
1990-91

2. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Minister of Finance sums not

exceeding one billion seven hundred and eighty-eight million eight hundred and twenty-three thousand dollars (\$1,788,823,000) in addition to the sum of nine hundred and eighty-three million five hundred and fourteen thousand three hundred dollars (\$983,514,300) authorized by *The Interim Supply Act, 1990*, the aggregate of the sums authorized to be issued under this Act and *The Interim Supply Act, 1990* being two billion seven hundred and seventy-two million three hundred and thirty-seven thousand three hundred dollars (\$2,772,337,300).

Effect of  
authorization

**3.** The sums authorized to be issued by this Act as set forth in the Schedule shall be paid and applied by the several Heads of Expenditure in respect of the financial year extending from the first day of April, 1990 to the thirty-first day of March, 1991 towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule.

## SCHEDULE

<u>Head of Expenditure</u>	<u>Amount</u>
Consolidated Fund Services . . . . .	\$ 1,950,300
Executive Council . . . . .	10,093,100
Finance . . . . .	35,868,500
Legislature . . . . .	7,128,900
Public Service Commission . . . . .	2,671,700
Works, Services and Transportation . . . . .	124,452,900
Development . . . . .	26,336,300
Environment and Lands . . . . .	13,501,000
Fisheries . . . . .	33,467,300
Forestry and Agriculture . . . . .	36,753,100
Mines and Energy . . . . .	14,897,200
Education . . . . .	531,972,500
Employment and Labour Relations . . . . .	10,215,100
Health . . . . .	572,175,500
Justice . . . . .	75,304,700
Municipal and Provincial Affairs . . . . .	109,715,000
Newfoundland and Labrador Housing Corporation .	11,915,000
Social Services . . . . .	<u>170,404,900</u>
	<u>\$1,788,823,000</u>



## CHAPTER 3

**AN ACT FOR GRANTING TO HER MAJESTY CERTAIN  
SUMS OF MONEY FOR DEFRAYING CERTAIN  
EXPENSES OF THE PUBLIC SERVICE FOR THE  
FINANCIAL YEAR ENDING THE THIRTY-FIRST  
DAY OF MARCH ONE THOUSAND NINE HUNDRED  
AND NINETY-ONE AND FOR OTHER PURPOSES  
RELATING TO THE PUBLIC SERVICE**

*(Assented to June 13, 1990)*

### *Analysis*

Section:

1. Short title
2. Supplementary Supply  
1990-91

Section:

Schedule

**MAY IT PLEASE YOUR MAJESTY-**

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain additional expenses of the Public Service of Newfoundland for the financial year ending the thirty-first day of March one thousand nine hundred and ninety-one and for other purposes relating to the Public Service:

**MAY IT THEREFORE PLEASE YOUR MAJESTY THAT-**

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as *The Supplementary Supply Act, 1990*.

Supplementary  
Supply 1990-91

2. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Minister of Finance sums not

exceeding fourteen million seven hundred and ninety-nine thousand one hundred dollars (\$14,799,100) and the sums so issued shall be paid and applied by the several Heads of Expenditure in respect of the financial year extending from the first day of April, 1990 to the thirty-first day of March, 1991 towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule.

## SCHEDULE

<u>Head of Expenditure</u>	<u>Amount</u>
	\$
Executive Council . . . . .	150,000
Finance . . . . .	3,823,800
Works, Services & Transportation . . . . .	5,600
Development . . . . .	59,300
Fisheries . . . . .	210,000
Mines & Energy . . . . .	14,600
Education . . . . .	5,962,000
Health . . . . .	4,361,300
Justice . . . . .	148,000
Municipal & Provincial Affairs . . . . .	43,100
Social Services . . . . .	21,400
	<u>14,799,100</u>



## CHAPTER 4

### AN ACT TO AMEND THE LOCAL AUTHORITY GUARANTEE ACT, 1957

(Assented to June 13, 1990)

#### *Analysis*

Section:

1. Schedule Amdt.

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1957 No.71  
as amended

1. The Schedule to *The Local Authority Guarantee Act, 1957* is amended by adding the following:

"The Town Council of the Town of Arnold's Cove	20,000	20 years
The Town Council of the Town of Baie Verte	350,000	20 years
The Town Council of the Town of Bay de Verde	192,000	10 years
The Town Council of the Town of Bay de Verde	128,000	10 years
The Town Council of the Town of Bonavista	189,600	10 years

The Town Council of the Town of Bonavista	126,400	10 years
The Town Council of the Town of Clarenville	141,000	10 years
The Town Council of the Town of Clarenville	94,000	10 years
The Town Council of the Town of Clarenville	225,000	10 years
The Town Council of the Town of Clarenville	75,000	10 years
The Town Council of the Town of Clarke's Beach	325,000	20 years
The Community Council of the Community of Daniel's Harbour	180,000	10 years
The Community Council of the Community of Daniel's Harbour	120,000	10 years
The Town Council of the Town of Elliston	80,000	20 years
The Town Council of the Town of Flatrock	25,200	10 years
The Town Council of the Town of Flatrock	16,800	10 years
The Town Council of the Town of Flower's Cove	15,300	20 years
The Town Council of the Town of Gaultois	78,000	10 years
The Town Council of the Town of Grand Falls	180,000	10 years

The Town Council of the Town of Harbour Breton	162,000	10 years
The Town Council of the Town of Harbour Breton	108,000	10 years
The Town Council of the Town of Heart's Content	50,000	20 years
The Town Council of the Town of Logy Bay - Middle Cove - Outer Cove	67,200	10 years
The Town Council of the Town of Logy Bay - Middle Cove - Outer Cove	44,800	10 years
The Town Council of the Town of Marystown	199,200	10 years
The Town Council of the Town of Marystown	132,800	10 years
The Town Council of the Town of Pasadena	30,000	10 years
The Town Council of the Town of Pasadena	20,000	10 years
The Town Council of the Town of Pasadena	7,200	10 years
The Town Council of the Town of Pasadena	135,000	10 years
The Town Council of the Town of Pasadena	90,000	10 years
The Town Council of the Town of Springdale	50,400	10 years
The Town Council of the Town of Springdale	33,600	10 years

The St. John's Municipal Council of the City of St. John's	2,688,000	20 years
The St. John's Municipal Council of the City of St. John's	589,000	20 years
The St. John's Metropolitan Area Board	475,000	20 years
The Community Council of the Community of St. Lunaire - Griquet	78,000	10 years
The Community Council of the Community of St. Lunaire - Griquet	52,000	10 years
The Town Council of the Town of Stephenville	45,000	10 years
The Town Council of the Town of Stephenville Crossing	6,000	20 years
The Community Council of the Community of Summerside	99,000	10 years
The Community Council of the Community of Summerside	66,000	10 years
The Town Council of the Town of Tilton	16,800	10 years
The Town Council of the Town of Tilton	11,200	10 years
The Town Council of the Town of Upper Island Cove	10,000	20 years".



## CHAPTER 5

### AN ACT TO AMEND THE LOAN AND GUARANTEE ACT, 1957

(Assented to June 13, 1990)

#### Analysis

Section:

1. Schedule Amdt.
2. 1985 c.3  
Schedule Amdt.

Section:

3. 1987 c.31  
Schedule Amdt.
4. 1989 c.8  
Schedule Amdt.

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1957 No.70  
as amended

1. The Schedule to *The Loan and Guarantee Act, 1957* is amended  
by adding the following:

"1. Baie Verte Mines Reprocessing Limited	\$ 1,000,000	-	-
2. Baie Verte Mines Reprocessing Limited	2,500,000	-	-
3. Newco III Incorporated	4,764,091	Dec. 16/88	April 30/2004
4. Newco IV Incorporated	4,835,573	Dec. 16/88	Aug. 31/2004
5. Newfoundland Farm Products Corporation	1,275,000	-	May 30/98
6. Jackson's Boatyard Limited	179,188	March 16/90	- "

1985 c.3  
Schedule Amdt.

**2.** The Schedule to the Act is further amended by amending the Schedule, as enacted by chapter 3 of 1985, as follows:

- (a) item 33 of that Schedule is amended by striking out the date of expiry "Feb. 6/90" and by substituting the date of expiry "Feb. 6/95"; and
- (b) item 39 of that Schedule, as amended by paragraph (o) of section 5 of chapter 21 of 1986, paragraph (m) of section 5 of chapter 31 of 1987 and paragraph (g) of section 4 of chapter 8 of 1989, is further amended by striking out the date of expiry "June 30/89" and by substituting the date of expiry "June 30/90".

1987 c.31  
Schedule Amdt.

**3.** The Schedule to the Act is further amended by amending the Schedule, as enacted by chapter 31 of 1987, as follows:

- (a) item 10 of that Schedule, as amended by paragraph (d) of section 6 of chapter 8 of 1989, is further amended by striking out the date of expiry "June 30/89" and by substituting the date of expiry "June 30/90";
- (b) item 22 of that Schedule, as amended by paragraph (i) of section 6 of chapter 8 of 1989, as further amended by striking out the date of expiry "July 31/89" and by substituting the date of expiry "July 31/90"; and
- (c) item 23 of that Schedule, as amended by paragraph (j) of section 6 of chapter 8 of 1989, is further amended by striking out the date of expiry "July 31/89" and by substituting the date of expiry "July 31/90".

1989 c.8  
Schedule Amdt.

**4.** The Schedule to the Act is further amended by amending the Schedule, as enacted by chapter 8 of 1989, as follows:

- (a) item 4 of that Schedule is amended
  - (i) by striking out the statutory amount "\$24,100,000" and by substituting the statutory amount "\$7,870,000", and
  - (ii) by striking out the date of expiry "Dec. 31/89" and by substituting the date of expiry "Dec. 31/90";

- (b) item 12 of that Schedule is amended by striking out the date of expiry "Oct. 31/89" and by substituting the date of expiry "Oct. 31/90";
- (c) item 23 of that Schedule is amended by striking out the date of expiry "July 31/89" and by substituting the date of expiry "July 31/90";
- (d) item 29 of that Schedule is amended by striking out the date of expiry "Dec. 31/89" and by substituting the date of expiry "Dec. 31/90";
- (e) items 32 and 33 of that Schedule are amended by striking out the dates of expiry "Dec. 31/89" and by substituting the date of expiry "June 30/93";
- (f) item 34 of that Schedule, as amended by subparagraph (ii) of paragraph (d) of section 4 of chapter 27 of 1989, is further amended by striking out the date of expiry "June 29/90" and by substituting the date of expiry "June 30/93"; and
- (g) items 37 and 38 of that Schedule are amended by striking out the dates of expiry "July 31/89" and by substituting the dates of expiry "July 31/90".



## CHAPTER 6

### AN ACT TO AMEND THE FINANCIAL CORPORATIONS CAPITAL TAX ACT

(Assented to June 13, 1990)

#### Analysis

Section:

1. S.10 R&S  
Rate of tax

Section:

2. S.21(3) R&S  
Payments
3. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1982 c.8  
as amended

1. Section 10 of *The Financial Corporations Capital Tax Act* is repealed and the following substituted:

Rate of tax

"10.(1) The tax payable by a corporation is three per cent of its amount taxable.

(2) Notwithstanding subsection (1), where a corporation's fiscal year ends on or after April 1, 1990 and before March 31, 1991, the tax payable for that fiscal year shall be the aggregate of

(a) two per cent times its amount taxable times the number of months in the fiscal year before April 1, 1990 divided by twelve; and

(b) three per cent times its amount taxable times the number of months in the fiscal year after March 31, 1990 divided by twelve."

2. Subsection (3) of section 21 of the Act is repealed and the following substituted:

"(3) Notwithstanding subsection (2), where a corporation has a fiscal year ending on or after April 1, 1990 and before March 31, 1991, the instalment payable each month shall be where the last day of a month occurs

(a) prior to April 1, 1990, one-twelfth times two per cent of the amount taxable, as estimated by the corporation; and

(b) after March 31, 1990, one-twelfth times three per cent of the amount taxable, as estimated by the corporation."

Commence-  
ment

3. This Act is deemed to have come into force on April 1, 1990.



## CHAPTER 7

### AN ACT TO AMEND THE NEWFOUNDLAND AND LABRADOR HYDRO ACT, 1975

(Assented to June 13, 1990)

#### Analysis

Section:

1. S.30.1 Added  
Guarantee fee

Section:

2. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1975 No.3  
as amended

1. *The Newfoundland and Labrador Hydro Act, 1975* is amended  
by adding immediately after section 30 the following:

Guarantee fee

"30.1(1) The Corporation shall pay annually to the Minister  
of Finance a fee in respect of loans guaranteed by the Minister  
of Finance under this Act.

(2) The Lieutenant-Governor in Council may make regula-  
tions

(a) respecting the calculation of the fee referred to in sub-  
section (1); and

(b) respecting the manner in which and the time at which  
the fee referred to in subsection (1) shall be paid.

(3) Subsection (1) applies to fees in respect of guarantees  
given before the commencement of this section.

1990

*The Newfoundland and Labrador Hydro  
(Amendment) Act, 1975*

*Chapter 7*

(4) Regulations may be made under this section with retroactive effect to October 1, 1989 so long as they are made not later than one month after this Act is given Royal Assent."

Commence-  
ment

2. This Act is deemed to have come into force on October 1, 1989.



## CHAPTER 8

### AN ACT TO AUTHORIZE CERTAIN AGREEMENTS BETWEEN THE GOVERNMENT OF THE PROVINCE AND OTHER PARTIES RESPECTING THE FUTURE OPERATION OF THE CORNER BROOK NEWSPRINT MILL

(Assented to June 13, 1990)

#### Analysis

Section:

1. Short title
2. Agreements with Banks authorized
3. Agreements amended

Section:

4. Funding
5. Public Utilities Act, 1989
6. Agreements not part of law

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as *The Government-Corner Brook Pulp and Paper Limited Agreements Act*.

Agreements  
with Banks  
authorized

2. (1) The Honourable the Minister of Finance on behalf of the Crown in right of the province is hereby authorized to enter into, execute and deliver an agreement with Bank of Montreal, The Royal Bank of Canada, National Bank of Canada, The Toronto-Dominion Bank and Bank of America Canada the terms of which shall be substantially similar to the terms of a draft agreement deposited with the Clerk of the Executive Council.

(2) The Honourable the Minister of Finance on behalf of the Crown in right of the province is hereby authorized to enter into, execute and deliver agreements with Bank of Montreal, The Royal Bank of Canada, National Bank of Canada, The Toronto-Dominion

Bank and Bank of America Canada the terms of which shall be substantially similar to the terms of the draft agreements set out in schedules A, B and C of the agreement referred to in subsection (1).

(3) The agreements authorized to be executed and delivered under subsections (1) and (2) shall, upon their execution and delivery in accordance with those subsections, be valid and binding upon the parties to the agreements.

Agreements  
amended

3. (1) Subject to subsection (3) and the approval of the Lieutenant-Governor in Council, the Honourable the Minister of Finance on behalf of the Crown in right of the province is hereby authorized to enter into, execute and deliver agreements amending the agreements referred to in this Act.

(2) An amending agreement entered into under subsection (1) shall be laid before the Assembly within fifteen days after it was executed by the Honourable the Minister of Finance if the Assembly is then sitting, and if it is not, then within fifteen days after the commencement of the next ensuing session.

(3) An amending agreement referred to in subsection (1) shall not change

(a) the purchase price to be paid under clause 12 of the agreement referred to in subsection (1) of section 2; and

(b) the price for power to be paid under clauses 7.01, 7.02 and 7.03 of each of the agreements contained in schedules A and B of the agreement referred to in subsection (1) of section 2.

Funding

4. (1) Subsection (5.1) of section 26 of *The Financial Administration Act, 1973* does not apply to the agreements referred to in section 2.

(2) A payment that the Crown in right of the province may be required to make under an agreement referred to in this Act, or to fulfill a guarantee or a part of the guarantee referred to in schedules A and B of the agreement referred to in section 2, shall be paid by the Honourable the Minister of Finance out of the Consolidated Revenue Fund.

Public Utilities  
Act, 1989

**5.** (1) The rates set out in clauses 7.02 of schedules A and B of the agreement referred to in subsection (1) of section 2 are deemed to be interim rates for the purposes of subsection (1) of section 75 of *The Public Utilities Act, 1989*.

(2) If the Board of Commissioners of Public Utilities fails to confirm the rates specified in clauses 7.02 of schedules A and B of the agreement referred to in subsection (1) of section 2 when making a final order with respect to the rates, tolls and charges to be applied under the terms of the agreements set out in schedules A and B of the agreement referred to in subsection (1) of section 2, the Board shall not exercise its authority under subsection (3) of section 75 of *The Public Utilities Act, 1989* and clauses 7.03 of schedules A and B of the agreement referred to in subsection (1) of section 2 shall apply in the circumstances.

Agreements  
not part of law

**6.** The agreements referred to in this Act do not form part of this Act.



## CHAPTER 9

### AN ACT TO AMEND THE MINERAL HOLDINGS IMPOST ACT

(Assented to June 13, 1990)

#### Analysis

Section:

1. S.8 Amdt.  
Impost levied
2. S.9(3) Amdt.  
Deduction from tax

Section:

3. S.9.1 Added  
Mineral Act, 1976

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1978 c.14  
as amended

1. Subsection (1) of section 8 of *The Mineral Holdings Impost Act*  
is amended

(a) by striking out the word "and" after paragraph (d); and

(b) by repealing paragraph (e) and by substituting the following:

"(e) three dollars per hectare in 1982, 1983, 1984, 1985, 1986,  
1987, 1988 and 1989;

(f) six dollars per hectare in 1990;

(g) seven dollars per hectare in 1991;

(h) eight dollars per hectare in 1992;

- (i) nine dollars per hectare in 1993;
- (j) ten dollars per hectare in 1994;
- (k) eleven dollars per hectare in 1995;
- (l) twelve dollars per hectare in 1996; and
- (m) twelve dollars and fifty cents per hectare in each year following 1996."

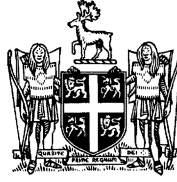
2. Subsection (3) of section 9 of the Act is amended by striking out the words "for the two years following" and by substituting the words "for the five years following".

3. The Act is amended by adding immediately after section 9 the following:

Mineral Act,  
1976

"9.1(1) Every owner of a mineral holding may apply to the Minister of Mines and Energy to have a part or all of the mineral holding converted to a ground staked licence or a map staked licence in accordance with section 8 of *The Mineral Act, 1976*.

(2) The date of the conversion under this section shall be the date on which the mineral claims recorder accepts the application for a licence under section 17 of *The Mineral Act, 1976*."



## CHAPTER 10

### AN ACT TO AMEND THE RETAIL SALES TAX ACT, 1978 WITH RESPECT TO OFFSHORE PETROLEUM DEVELOPMENT

(Assented to June 13, 1990)

#### Analysis

Section:	Section:
1. PART I Added RETAIL SALES	77.11 Acquisition of eligible item on which project tax rate applied
2. Ss. Added PART II HIBERNIA DEVELOPMENT PROJECT	77.12 Eligible item removed and consumed
77.1 Interpretation	77.13 Project tax rate
77.2 Tax exemption for designated person	77.14 Remittances inaccurately allocated
77.3 Rate of tax	77.15 Allocation of eligible items
77.4 Purchase exemption certificate	77.16 Project eligible capital costs
77.5 Minister may order person to file	77.17 Repair cost considered project eligible capital cost
77.6 Purchase exemption certificate	77.18 Independent operation
77.7 General tax rate	77.19 Sale of interest in an eligible item
77.8 Applicant for a refund	77.20 Copies of documents
77.9 Consequence of acquisition of eligible item	77.21 Regulations
77.10 Tax payable by consumer on temporary removal of eligible capital equipment	3. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1978 c.36  
as amended

1. *The Retail Sales Tax Act, 1978* is amended by adding immediately after section 2 the following heading:

**"PART I**

**RETAIL SALES".**

2. The Act is further amended by adding immediately after section 77 the following:

**"PART II**

**HIBERNIA DEVELOPMENT PROJECT**

Interpretation

77.1 (1) In this Part

- (a) "acquisition" includes purchasing, leasing or bringing into the province and all derivatives of this term;
- (b) "arm's length" means arm's length as defined by section 251 of the *Income Tax Act* (Canada) as judicially interpreted, however, in connection with an acquisition, sale or other transaction, the following is not considered to be at arm's length:
  - (i) an acquisition, sale or transaction involving a project owner or an affiliate of a project owner and one or more of the project owners and an affiliate of a project owner,
  - (ii) where the consideration is payable otherwise than solely in cash,
  - (iii) the contract price is not the sole consideration,
  - (iv) the contract terms are affected by a commercial relationship, other than that created by the acquisition, sale or other transaction, among any of the parties or anyone not otherwise at arm's length with those parties, or

- (v) other circumstances that the Minister declares, after discussion with the project owners, not to be at arm's length;
- (c) "board" means the Canada-Newfoundland Offshore Petroleum Board established by the joint operation of the Federal Accord Act and the Provincial Accord Act;
- (d) "capital equipment" means equipment which has an expected useful life of more than one year and a value of more than one thousand dollars;
- (e) "designated person" means a project owner, project operator, major contractor or subcontractor;
- (f) "development plan" means the Hibernia Development Plan as approved by the board in its decision 86-01 including all conditions and sub-plans provided for by the board and including all amendments to it which
  - (i) do not involve project eligible capital costs to implement, or
  - (ii) do involve project eligible capital costs to implement that are approved in advance by the province;
- (g) "eligible capital equipment" means capital equipment which is an eligible item;
- (h) "eligible item" means
  - (i) capital equipment which had originally been acquired for consumption and use outside the province, but is subsequently brought into the province for consumption or use on the project by the project owner or by a designated person having a project contract,
  - (ii) tangible personal property, service or other item acquired for consumption or use on the project
    - (A) the cost of which is a project eligible cost to the project owner or project operator, or

- (B) which is acquired by a designated person other than a project owner or project operator and is directly attributable to a project contract,

and, but for this Part, would be subject to tax at the general tax rate, excluding tangible personal property which is to be used on the project for less than ten percent of its total use as calculated by multiplying the value obtained in clause (A) of subparagraph (i) of paragraph (b) of subsection (2) of section 77.8 by the value obtained in clause (B) of subparagraph (i) of paragraph (b) of subsection (2) of section 77.8;

- (i) "Federal Accord Act" means the *Canada-Newfoundland Atlantic Accord Implementation Act* (Canada);
- (j) "general tax rate" means applicable rates of tax imposed under Part I;
- (k) "joint account" means the account identified in clause 15.1 of the royalty agreement showing the charges paid and credits received as a result of operations conducted for the project and which are shared by the project owners in accordance with their working interests or a replacement to the joint account made in accordance with clause 15.2 of the royalty agreement;
- (l) "major contractor" means a person, partnership or joint venture who is awarded a project contract having consideration greater than or equal to one hundred million dollars or a person designated by the Minister to be a major contractor;
- (m) "personal property" includes a gravity based structure;
- (n) "production licence" means that production licence dated March 21, 1990, numbered 1001 and issued by the board to the project owners, and includes all replacements of it, substitutions for it, amendments and successors to it;

- (o) "production start-up" means the day upon which cumulative crude oil production under the production licence to the account of all project owners transferred at the loading point exceeds three million barrels;
- (p) "project" means both the resource project and the tanker project;
- (q) "project capital program" means the conduct with respect to the resource project of
  - (i) purchasing, leasing, constructing, replacing, assembling, towing out, commissioning, abandoning, decommissioning, installing, mating and seabed developing of property, plant and equipment,
  - (ii) drilling, testing, evaluating, completing, recompleting in a different zone and equipping of production, injection, observation and disposal wells,
  - (iii) engineering and design, and
  - (iv) research and development,  
and with respect to the tanker project
  - (v) purchasing, leasing, constructing, replacing, commissioning, decommissioning of property, plant and equipment, including marine tankers,
  - (vi) engineering and design, and
  - (vii) research and development;
- (r) "project contract" means a contract for work on the project the cost of which is a charge to the joint account;
- (s) "project eligible capital cost" means a project eligible cost that relates to a project capital program;
- (t) "project eligible cost" means an actual cash payment which is

- (i) directly attributable to the project,
  - (ii) reasonable in relation to the circumstances under which it is incurred,
  - (iii) charged to the joint account, and
  - (iv) incurred after June 30, 1988,
- but notwithstanding the preceding, a cost will not qualify as a project eligible cost when it is
- (v) a claim for loss, costs, liability or damage based in tort with respect to a third party, including a project owner who is a supplier to the project,
  - (vi) a cost incurred and damages paid as a result of a negligent act or omission or as a result of a wilfully, damaging act,
  - (vii) a cost incurred and a fine paid as a result of
    - (A) strict liability imposed by, or
    - (B) an act or omission which is a breach oflaws, rules, regulations, permits, licences, orders or other directives of a government, government agency, the board or a court, and
  - (viii) an amount on account of, instead of, in satisfaction for or in relation to the preceding;
- (u) "project operator" means Hibernia Management and Development Company Limited, a company incorporated under the laws of Canada, registered to do business in the province and the project tanker operator;
- (v) "project owner" means a person having a working interest in the project;

- (w) "project tax rate" means zero percent in the case of an eligible item which is consumed or used on a project capital program and four percent in the case of an eligible item which is consumed or used on the project, other than a project capital program;
- (x) "Provincial Accord Act" means *The Canada-Newfoundland Atlantic Accord Implementation (Newfoundland) Act*;
- (y) "purchase exemption certificate" means the certificate issued under section 77.6;
- (z) "resource project" means that portion of the development project described in the development plan involved in the development and production of crude oil to the point where crude oil is loaded into marine tankers, but not beyond;
- (aa) "royalty agreement" means the royalty agreement made or to be made between the Crown in right of the province and Mobil Oil Canada Properties, Chevron Canada Resources, Petro-Canada Hibernia Partnership, Gulf Canada Resources Limited, Mobil Oil Canada Ltd., Chevron Canada Resources Limited and Petro-Canada Inc. under section 25 of *The Petroleum and Natural Gas Act* and includes all amendments to it and replacements of the royalty agreement;
- (bb) "subcontractor" means a person, partnership, or joint venture which is awarded a project contract with the project owners, the project operator, a major contractor or another subcontractor, the consideration for which is less than one hundred million dollars;
- (cc) "tanker project" means that portion of the development project described in the development plan involved in the transportation of crude oil produced under the production licence and shall extend to, but not include, the point where the marine tanker discharges the crude oil; and

(dd) "working interest" means working interest as defined in section 166 of the Federal Accord Act.

(2) An expression which is not defined in this Act or the regulations but which is defined in the royalty agreement shall have a similar meaning as in the royalty agreement, unless the context indicates otherwise.

(3) The purpose of this Part is to provide an exemption or a reduced tax rate for the project but only to the extent specifically stated in this Part.

Tax exemption  
for designated  
person

77.2 A designated person is exempt from tax with respect to an eligible item acquired for consumption or use on a project capital program.

Rate of tax

77.3 A designated person shall pay tax at the rate of four percent with respect to an eligible item acquired for consumption or use on the project, other than a project capital program, and shall not pay tax at the general tax rate upon these items.

Purchase ex-  
emption certifi-  
cate

77.4 (1) Notwithstanding sections 77.2 and 77.3, a designated person shall pay tax at the general tax rate at the time of acquisition of an eligible item, unless the designated person provides the seller with a purchase exemption certificate.

(2) A designated person who pays tax at the general tax rate at the time of acquisition of an eligible item may apply to the Minister for a refund as calculated under section 77.8.

(3) A designated person who provides a seller with a purchase exemption certificate at the time of acquisition of an eligible item is not required to pay tax at that time but must account for and remit tax due under section 77.3, or otherwise, in a separate return for each calendar month and shall file the returns with the Minister not later than twenty days after the end of the month in respect of which the return is made, together with payment of the tax payable by the designated person.

(4) A designated person who has been issued a purchase exemption certificate shall file a return with the Minister monthly, whether or not tax is due.

(5) Notwithstanding subsections (3) and (4), the Minister may alter or vary the manner and method in which returns are to be filed by a designated person.

Minister may  
order person to  
file

77.5 (1) Notwithstanding section 77.4, the Minister may order a designated person to report that person's acquisition of eligible items during a period specified in the order, and the person so ordered shall file the report in a return to the Minister together with payment of tax due upon the acquisitions reported, within the period that the Minister may specify.

(2) A designated person who is required to file a return under the regulations made under Part I, may consolidate that return with the return required under this Part, where appropriate.

Purchase ex-  
emption certifi-  
cate

77.6 (1) A purchase exemption certificate, as prescribed may be issued by the Minister to a designated person upon application, provided that the Minister is satisfied that the applicant is not in arrears of tax due.

(2) The Minister may, before issuing a purchase exemption certificate, require the applicant to provide information that the Minister considers relevant.

(3) A purchase exemption certificate shall be valid for the life of the applicant's contract with the project, or in the case of a project owner or project operator, for the life of the project.

(4) Notwithstanding subsection (3), a purchase exemption certificate may be suspended or cancelled by the Minister where

- (a) the Minister has taken an action for the recovery of tax or instituted a prosecution for an offence under this Act against the applicant, its officers, directors or agents and an amount of tax due by the applicant remains outstanding;
- (b) the applicant's contract on the project has terminated;  
or
- (c) the purchase exemption certificate has been used for purposes other than that for which it is intended,

and the Minister shall deliver written notice of the suspension or cancellation stating the reasons to the applicant immediately.

General tax rate

77.7 Notwithstanding section 77.4, subcontractors shall pay the tax at the general tax rate at the time of acquisition of eligible capital equipment and may apply for a refund of tax in accordance with section 77.8.

Applicant for a refund

77.8 (1) A designated person who pays tax at the general tax rate at the time of acquisition of an eligible item intended for exclusive consumption or use on the project may apply to the Minister for a refund, which shall be the difference between the general tax rate and the project tax rate, times the purchase price.

(2) A designated person who pays tax at the time of acquisition of eligible capital equipment intended for consumption or use both on the project and for other purposes may apply to the Minister for a refund which shall be the difference between

(a) the amount of tax paid; and

(b) the product of

(i) the difference between 1.0 and the product of

(A) the quotient obtained by dividing use on the project by use for all purposes during the life of the project contract, and

(B) the quotient obtained by dividing the number of months duration of the project contract by the estimated number of months of total useful life of the eligible capital equipment provided the quotient shall in no case be greater than 1.0,

(ii) purchase price, and

(iii) the general tax rate less the project tax rate.

(3) Where a designated person estimates any factor affecting the refund calculation set out in subsection (2), and submits

it to the Minister, the Minister shall not be bound by the estimate.

(4) At the end of the project contract or each three year period from the date of commencement of the project contract, whichever is earlier, a designated person shall file a report with the Minister comparing the actual consumption or use of all of his or her eligible capital equipment on the project acquired during that period with the consumption or use estimated under subsection (2) and, in a case where tax payable has been underestimated, shall remit immediately the difference between the tax due on actual consumption or use and the amount of tax paid to the Minister.

(5) Where a designated person has underestimated the tax payable under this section, interest on the amount of the difference between the tax due and the tax paid shall be charged from the date of issue of the refund under this section to the date of the payment of the difference.

(6) Where the Minister is satisfied that a designated person has overestimated the tax payable under this section, the Minister shall refund the amount of tax overpaid.

(7) For the purpose of this section, as it applies to the project owner and the project operator the term "project contract" shall be the time remaining on the project.

Consequence  
of acquisition  
of eligible item

77.9 Notwithstanding sections 77.2 and 77.3, where a designated person acquires, without payment of tax, an eligible item for consumption or use both on the project and for other purposes, that person shall account for and shall remit tax in accordance with the formula set out in paragraph (b) of subsection (2) of section 77.8 and the provisions of subsections (3), (4), (5), (6) and (7) of section 77.8 shall apply with the necessary changes.

Tax payable by  
consumer on  
temporary  
removal of  
eligible capital  
equipment

77.10 (1) Where eligible capital equipment which was acquired for consumption or use on the project is removed temporarily from the project for consumption or use outside the project, tax shall be payable by the consumer, unless use by that consumer is otherwise exempted under this Act, at the general tax rate upon the fair rental rate for the period of the consump-

tion or use, provided that no tax shall be payable for temporary consumption or use in relation to a public emergency for which no remuneration is charged by the owner.

(2) For the purposes of subsection (1), fair rental rate may be determined by the Minister in accordance with section 8.

Acquisition of  
eligible item on  
which project  
tax rate applied

77.11 Notwithstanding other provisions in this Part, a designated person who has acquired an eligible item upon which the project tax rate has been applied

- (a) shall report in writing immediately to the Minister a change in the taxable consumption or use of the eligible item on the project;
- (b) shall report all information required by the Minister with respect to the taxable change in consumption or use;
- (c) shall recalculate the amount of tax that should have been paid where the actual use had been known at the time of acquisition in accordance with the formula set out in paragraph (b) of subsection (2) of section 77.8 and subsections (4), (5), (6) and (7) of section 77.8 shall apply with the necessary changes; and
- (d) shall pay additional tax or may apply to the Minister for a refund, as the case may be,

and where the Minister is satisfied that the change in consumption or use could not reasonably have been foreseen and that the designated person has complied with this section expeditiously, no interest or penalties shall apply.

Eligible item  
removed and  
consumed

77.12 Where an eligible item is removed from the project and is subsequently consumed or used off the project for purposes that are not otherwise exempted under this Act by a person not operating at arms length with the owner, tax shall be paid by the consumer upon the product of

- (a) fair value of the eligible item at the time of removal from the project; and

(b) the general tax rate minus the project tax rate.

Project tax rate

77.13 Subject to sections 77.2 and 77.3, a person who acquires from a designated person tangible personal property which had been an eligible item to which the project tax rate applies, who, but for this section, would qualify for exemption under section 26 or 26.1 of the regulations made under Part I, shall pay tax equal to the product of

(a) fair value of the eligible item at the time of acquisition;  
and

(b) the general tax rate minus the project tax rate.

Remittances in-  
accurately allo-  
cated

77.14 The provisions of Part I with respect to interest and penalties shall not apply when remittances have been inaccurately allocated between this Act and the Federal Accord Act, provided that a reasonable effort has been made to allocate the remittances properly.

Allocation of  
eligible items

77.15 The allocation of eligible items to capital or operating programs shall be determined initially by the project operator, having regard to the description of the project capital program and, where necessary, to the general practices of the project operator, in applying Canadian generally accepted accounting principles, but the allocation for purposes of this Part shall be consistent with the allocation made for purposes of the royalty agreement.

Project eligible  
capital costs

77.16 Notwithstanding other provisions of this Part, all project eligible costs incurred and eligible items acquired prior to production start-up shall be project eligible capital costs.

Repair cost  
considered  
project eligible  
capital cost

77.17 (1) A repair and maintenance cost of an asset of the project shall be considered a project eligible capital cost where the cost in a period exceeds fifty percent of the installed cost of an equivalent new asset.

(2) For the purposes only of this section, an "asset" is a unit of plant or equipment that either performs a complete operating function or results in an increase in the productive capacity, efficiency or life of the unit.

Independent  
operation

77.18 (1) A cost relative to an independent operation shall not be a project eligible cost unless approved in writing in advance by the province.

(2) For the purposes only of this section, an "independent operation" is an operation relative to the project which is conducted on behalf of less than all of the project owners.

Sale of interest  
in an eligible  
item

77.19 The sale of an interest in an eligible item of the project in conjunction with the sale of a corresponding working interest in the production licence shall be exempt from tax.

Copies of docu-  
ments

77.20(1) Where a document is inspected, examined, obtained or provided under section 39 for the purposes of enforcement of this Part, the person by whom it is inspected, examined or obtained or to whom it is provided or a person authorized by the Minister may make, or cause to be made, one or more copies of it and a document purporting to be certified by the person by whom it is inspected, examined or obtained or to whom it was provided or by a person authorized by the Minister to be a copy is evidence of the nature and content of the original document and has the same probative force as the original document would have if it had been proven in the ordinary way.

(2) After a document has been certified under this section it shall be returned to the person from whom it was received.

Regulations

77.21 The Lieutenant-Governor in Council may make regulations

- (a) prescribing the style and content of a form, certificate, application, report, return or notice required by this Part;
- (b) prescribing the style and method of a comparison, calculation, estimate or accounting required by this Part;
- (c) defining a term not already defined in this Act;
- (d) prescribing the estimated months of total useful life of eligible capital equipment or a class of eligible capital equipment; and

(e) respecting a matter necessary or advisable to carry out effectively the intent and purposes of this Part."

**Commencement**

Commence-  
ment

**3.** This Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.



## CHAPTER 11

### AN ACT RESPECTING A REDUCTION IN THE NEWFOUNDLAND OFFSHORE AREA CORPORATE INCOME TAX

(Assented to June 13, 1990)

#### Analysis

Section:

1. Short title
2. Interpretation
3. Entitlement
4. Application by corporation
5. Review of a determination
6. Recovery of excess payments
7. Interest
8. Recipient to submit true copies
9. Recipient to keep records
10. Records to be available
11. Search and inspection
12. Information not to be disclosed

Section:

13. Information may be disclosed
14. No requirement to give evidence
15. Minister may withhold
16. Offence
17. Offence
18. Director party to offence
19. Proof of the offence
20. No limitation period
21. Act to apply
22. Hibernia Agreement
23. Regulations
24. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

#### Short title

Short title            **1.** This Act may be cited as *The Offshore Area Corporate Income Tax Act*.

#### Definitions

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

- (a) "applicant" means an eligible corporation that makes an application to the Minister under this Act;
- (b) "eligible corporation" means a corporation that, at any time in a taxation year, has a permanent establishment in the offshore area and is not, at any time in the taxation year, by virtue of a statutory provision or otherwise, exempt from tax under the Federal Accord Act;
- (c) "Federal Accord Act" means the *Canada-Newfoundland Atlantic Accord Implementation Act*, and the regulations and orders in force under that Act;
- (d) "Federal Tax Act" means the *Income Tax Act* (Canada), and the regulations in force under that Act;
- (e) "final determination date" means, in respect of a taxation year of a corporation, the later of
  - (i) the last day under the Federal Accord Act that the Minister of National Revenue for Canada may reassess a corporation in respect of its taxable income earned in the year in the offshore area, or
  - (ii) the effective date of a decision of a court or of an agreement finally resolving a dispute in respect of the taxable income earned in the year in the offshore area by the corporation;
- (f) "Minister" means the Minister of Finance;
- (g) "Newfoundland Act" means *The Income Tax Act*, and the regulations in force under that Act;
- (h) "offshore area" means offshore area as defined by paragraph (o) of section 2 of the Provincial Accord Act;
- (i) "payment" means an amount paid to an applicant under section 4;
- (j) "prescribed" in the case of a form or the information to be given on a form means prescribed by order of the Minister and, in any other case, means prescribed by regulations;

- (k) "Provincial Accord Act" means *The Canada-Newfoundland Atlantic Accord Implementation (Newfoundland) Act*, and the regulations and orders in force under that Act;
- (l) "recipient" means an applicant who has received all or a portion of a payment;
- (m) "taxable income earned in the year in the offshore area" means that portion of a corporation's taxable income for the taxation year that is subject to tax by virtue of section 211 of the Federal Accord Act; and
- (n) "undertaking" means an undertaking of an eligible corporation given to or for the benefit of the province in connection with an application for a payment under this Act.

(2) Except as otherwise provided, all words and expressions shall have the same meaning as in the Federal Tax Act.

#### Entitlement

##### Entitlement

**3.** (1) Upon an application having been made to the Minister in the prescribed form and manner and within the prescribed time, a corporation is entitled to an amount in respect of each taxation year in which it was an eligible corporation equal to the prescribed percentage of its taxable income earned in the year in the offshore area.

(2) Notwithstanding subsection (1), the entitlement of an applicant to an amount, as provided in subsection (1), is conditional upon the applicant entering into those undertakings that may be prescribed in respect of the administration and enforcement of this Act.

##### Application by corporation

**4.** (1) Where an application by an eligible corporation in respect of a taxation year has been made in accordance with section 3, the Minister shall, with all due dispatch, determine the entitlement of the eligible corporation to an amount under this Act and shall pay to the eligible corporation the amount to which it is entitled under this Act in respect of the year.

(2) The Minister may at any time, but not later than two years after receipt from a recipient of notice in the prescribed form and

manner of the final determination date in respect of a taxation year, make a redetermination, in the prescribed form and manner, of the amount of the payment to which the recipient is entitled in respect of the taxation year.

(3) Each recipient shall notify the Minister in the prescribed form and manner of the final determination date in respect of each taxation year with respect to which the corporation received a payment and

(a) where the Minister makes a redetermination and the amount to which the recipient is entitled in respect of the taxation year is greater than the amount that has been paid to the recipient in respect of the taxation year, the Minister shall notify the recipient of the redetermination and the Minister shall pay the additional amount to the recipient; and

(b) where the Minister makes a redetermination and the amount to which the recipient is entitled in respect of the taxation year is less than the amount that has been paid to the recipient in respect of the taxation year, the Minister shall notify the recipient of the redetermination and of the amount that is payable by the recipient to the Crown.

Review of a  
determination

5. (1) An applicant may apply to the Minister for a review of a determination or redetermination made by the Minister within ninety days of the determination or redetermination.

(2) The Minister shall, with all due dispatch, review the determination or redetermination and either confirm the determination or redetermination or make a further redetermination and shall give notice of it to the applicant.

(3) Where the determination or redetermination is confirmed, in whole or in part by the Minister, the applicant may appeal to the Trial Division.

(4) Subsections (3) to (6) of section 24 and sections 25 to 28 of the Newfoundland Act shall apply to the appeal, with the necessary changes.

(5) A determination or redetermination by the Minister may be redetermined by the Minister to correct an error, defect or omission.

(6) Unless redetermined by the Minister, a determination or redetermination by the Minister under this Act shall be valid and binding.

#### Recovery of excess payments

Recovery of excess payments

**6.** (1) Where a reassessment has been issued to a recipient under the Federal Accord Act in respect of a taxation year and, as a result of that reassessment, a payment in respect of the taxation year is in excess of the amount to which the recipient would have been entitled if its application for the payment had been based upon the reassessment

(a) the recipient shall, within sixty days of the date of the mailing of the notice of the reassessment, notify the Minister in the prescribed form and manner; and

(b) the recipient shall immediately pay to the Crown the amount of the excess.

(2) Where the Minister makes a redetermination under section 4 or 5 that the amount of the payment exceeds the amount to which the recipient is entitled

(a) the Minister shall notify the recipient, in prescribed form and manner, of the amount of the excess; and

(b) the recipient shall, immediately after the receipt of the notice pay to the Crown the amount of the excess determined after taking into account amounts received from a recipient under subsection (1).

(3) An amount payable to the Crown under this Act is a debt due to the Crown and is recoverable with costs in a court or may be retained in whole or in part out of an amount payable to a corporation under this Act.

**Interest**

Interest

7. (1) Interest shall be payable by the Minister in respect of an amount payable by the Minister from the date that is sixty days after

(a) the date of an application under subsection (1) of section 3 for a payment; or

(b) the date of a redetermination under section 4 or 5,

to the date of the payment.

(2) Interest shall be payable in respect of an amount due to the Crown from the date that is sixty days after

(a) the date of a redetermination under section 4 or 5; or

(b) the date of a reassessment referred to in subsection (1) of section 6,

to the date of the payment.

(3) For the purposes of subsections (1) and (2), interest shall be computed at the prescribed rate for the period specified and shall be compounded monthly.

(4) The Minister may direct that, notwithstanding subsection (2), interest shall not be payable on an amount due to the Crown.

**Administration, Confidentiality and Enforcement**Recipient to  
submit true  
copies

8. (1) Each recipient shall submit to the Minister true and complete copies of each notice of assessment and notice of reassessment received by the recipient, each amended return filed by the recipient, each judgement rendered and each agreement entered into by the recipient with respect to each taxation year in respect of which the recipient received a payment.

(2) Each recipient shall submit to the Minister additional or other information and documentation that may be prescribed by regulation or that the Minister may request for the purpose of verifying the accuracy and completeness of the information and documentation previously submitted by the recipient.

Recipient to  
keep records

**9.** (1) Each recipient shall keep documents, records and books of account at its place of business in Canada or other place of business that may be designated by the Minister.

(2) The documents, records and books of account shall be in the form and shall contain the information that will enable the Minister to redetermine the entitlement of the recipient to each payment and the amount of it and to verify the accuracy and completeness of the information and documentation that the recipient submitted to the Minister.

(3) A recipient shall retain the documents, records and books until permission to dispose of them is granted by the Minister in the prescribed form.

(4) A recipient may apply to the Minister for permission to dispose of the documents, records and books, which permission shall be considered to have been granted unless the Minister denies the application within sixty days of the receipt by the Minister of the application.

Records to be  
available

**10.** A person authorized by the Minister for a purpose related to the administration or enforcement of this Act may at all reasonable times inspect, audit or examine the documents, records and books of account kept under section 9 and, for the purposes of the audit, inspection or examination, each recipient shall

- (a) make those documents, records and books of account available at all reasonable times to a person authorized by the Minister for that purpose;
- (b) give all reasonable assistance to a person authorized by the Minister to carry out the audit or examination;
- (c) provide access to all relevant sites;
- (d) answer, orally or in writing as required, all questions relating to the audit or examination;
- (e) provide all relevant information, documentation and copies required for the purpose of the audit or examination; and

- (f) provide access to relevant information and documentation to which the recipient has a right of access but which belong to a person related to the recipient.

Search and in-  
spection

11. (1) Where the Minister or a person authorized by the Minister for this purpose believes on reasonable and probable grounds that a person has contravened a provision of this Act, the regulations or an undertaking, the Minister, or a person authorized by the Minister may, with a warrant issued under subsection (2), enter and search any premises, receptacle, motor vehicle, ship, boat, or aircraft to inspect books of account, records, financial statements including balance sheets and profit and loss statements or other documents and make those inquiries that are considered necessary.

(2) A Provincial Court judge or justice of the peace who is satisfied by information upon oath or affirmation that there are reasonable and probable grounds for believing that there has been a contravention of this Act, the regulations or an undertaking may issue upon *ex parte* application a warrant authorizing a person authorized by the Minister for this purpose and named in the warrant, subject to those conditions that may be specified in the warrant, to

- (a) enter and search premises, receptacles, motor vehicles, ships, boats or aircraft;
- (b) make copies or abstracts of books of account, records, financial statements or other documents; and
- (c) take away books of account, records, financial statements and other documents for the purpose of making copies of them, which books of account, records, financial statements and other documents shall be returned immediately after copies are made.

(3) The person occupying or in charge of the premises, receptacle, motor vehicle, ship or boat described in subsection (2) shall produce for inspection by the person named in the warrant books of account, records, financial statements or other documents and answer questions related to them.

(4) Where a document is seized, inspected, examined or provided under sections 8 to 11, the person by whom it is seized, inspected or examined or to whom it is provided or a person

authorized by the Minister may make, or cause to be made, one or more copies of it and a document purporting to be certified by the person by whom it is seized, inspected or examined or to whom it was provided or by a person authorized by the Minister to be a copy is evidence of the nature and content of the original document and has the same probative force as the original document would have if it had been proven in the ordinary way.

(5) After a document has been certified under this section it shall be returned to the person from whom it was received.

Information  
not to be dis-  
closed

**12.** Information or documentation obtained under this Act shall not knowingly be or be permitted to be communicated, disclosed or made available without the written consent of the person from whom it was obtained.

Information  
may be dis-  
closed

**13.** Notwithstanding section 12, information or documentation obtained under this Act may be communicated, disclosed or made available for the purposes of the administration or enforcement of this Act or legal proceedings related to it or to an offence under this Act

(a) to a court or administrative or regulatory body; and

(b) to a person employed by the Crown, the Government of Canada or the government of a province in the administration of the Newfoundland Act, the income tax legislation of Canada or another province, the Federal Accord Act or the Provincial Accord Act.

No require-  
ment to give  
evidence

**14.** Notwithstanding another Act or law, no person who obtains information or documentation under this Act shall be required in connection with legal proceedings, other than proceedings relating to the administration or enforcement of this Act, criminal proceedings under this Act or another Act to give evidence relating to information or documentation that is subject to section 12 or to produce a statement, document, writing or portion of the preceding containing that information or documentation.

Minister may  
withhold

**15.** Where a person contravenes a provision of this Act or the regulations, or is in default of an undertaking, the Minister may, in addition to another remedy that may be available to him or her, withhold from, in whole or in part or refuse to pay an amount that

might otherwise be payable, or reduce an amount that might otherwise be payable to that person, for so long as the contravention or default continues.

Offence

**16.** Every person who contravenes a provision of this Act or the regulations is guilty of an offence under this Act and is liable on summary conviction to a fine equal to ten percent of the amount with respect to which the offence relates, which fine shall not exceed twenty-five thousand dollars or be less than one thousand dollars.

Offence

**17.** Every person who, under this Act, submits information or documentation, makes a statement or answers a question, knowing that the information, documentation, statement or answer is false or misleading or misrepresents or fails to disclose a material fact, is guilty of an offence under this Act and is liable on summary conviction, to a fine of not less than fifty percent and not more than two hundred percent of the amount with respect to which the offence relates which fine shall not be less than ten thousand dollars or more than one million dollars or to imprisonment for a term of not more than two years or to both a fine and imprisonment.

Director party  
to offence

**18.** (1) Where a corporation is guilty of an offence under this Act and a director, officer, employee or agent of the corporation directed, authorized, participated in the commission of the offence or failed to exercise the degree of care, diligence or skill to prevent the offence that a reasonably prudent person would have exercised in comparable circumstances that director, officer, employee or agent is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for that offence whether or not the corporation has been prosecuted or convicted.

(2) Notwithstanding subsection (1) and section 20, no action or proceedings shall be commenced against an employee, officer, director or agent of a corporation more than four years after that person last ceased to be an employee, officer, director or agent of the corporation.

Proof of the of-  
fence

**19.** In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by a director, officer, employee or agent of the accused, whether or not the director, officer, employee or agent is identified or has been prosecuted for the offence.

No limitation  
period

**20.** Proceedings by way of summary conviction in respect of an offence under this Act may be instituted without any limitation of time.

Act to apply

**21.** Sections 33 to 36 and 51 of the Newfoundland Act are applicable to this Act with those modifications that the circumstances require.

Hibernia  
Agreement

**22.** (1) Where a document is inspected, examined, obtained or provided under or in accordance with the Hibernia Development Project Corporate Income Tax Agreement entered into between the Crown in right of the province Mobil Oil Canada Properties, Chevron Canada Resources, Gulf Canada Resources Limited and Petro-Canada Hibernia Partnership, the person by whom it is inspected, examined or obtained or to whom it is provided or a person authorized by the Minister may make, or cause to be made, one or more copies of it and a document purporting to be certified by the person by whom it is inspected, examined or obtained or to whom it was provided or by a person authorized by the Minister to be a copy is evidence of the nature and content of the original document and has the same probative force as the original document would have if it had been proven in the ordinary way.

(2) After a document has been certified under this section it shall be returned to the person from whom it was received.

#### Regulations

Regulations

**23.** The Lieutenant-Governor in Council may make regulations that may be considered necessary for carrying out the purposes and provisions of this Act

- (a) prescribing a matter or thing that is by this Act to be prescribed;
- (b) specifying the time limits within which an application must be made and providing for the extension by the Minister of those time limits;
- (c) providing for the manner in which payments shall be made;
- (d) specifying the time limit, with respect to the notice to be submitted to the Minister by the persons who have received

payments that are greater or lesser than the amounts to which they are entitled, within which those notices must be submitted and providing for the extension by the Minister of those time limits; and

- (e) providing for the form and manner in which applications under section 9 may be made, granted or denied.

**Commencement**

Commence-  
ment

**24.** This Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.



## CHAPTER 12

### AN ACT RESPECTING A PENSION PLAN FOR CERTAIN EMPLOYEES IN THE PROVINCE

(Assented to June 13, 1990)

#### Analysis

Section:

1. Short title
2. Definitions
3. Application
4. Deduction amounts
5. Pre-retirement benefit
6. Additional contributions
7. Vesting and locking-in
8. Retirement benefits
9. Dates of pension payable

Section:

10. Plan is portable
  11. Reciprocity
  12. Investments
  13. Regulations
  14. Money Purchase  
Pension Plan
  15. Commencement
- Schedule A  
Schedule B

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

- Short title            **1.** This Act may be cited as *The Government Money Purchase Pension Plan Act*.
- Definitions           **2.** In this Act
- (a) "custodian" means an agent who is appointed by the Minister to administer the fund;
- (b) "deferred pension" means a pension benefit, payment of which is deferred until the person entitled to the pension benefit reaches the early retirement date;

- (c) "earnings" means the amount of gross normal remuneration received by the employee but excluding overtime and other remuneration which is not part of the basic remuneration unless included as pensionable as part of a collective agreement;
- (d) "effective date" means April 1, 1989 or a later date that may be designated by the Lieutenant-Governor in Council to permit participating employers to join the plan;
- (e) "eligible spouse" means a person of the opposite sex
  - (i) to whom the employee is married at the time of that employee's death, or
  - (ii) who establishes to the satisfaction of the Minister that, the person has continuously cohabited with the employee for at least one year prior to that employee's death provided that the person and the employee held themselves out to the public as spouses of each other and there was no impediment to marriage between that person and the employee;
- (f) "employee" means an employee of a participating employer who is not eligible to participate in another government sponsored pension plan of that participating employer, but excludes students and casual relief workers;
- (g) "fund" means the investment fund referred to in section 12;
- (h) "inactive member" means a person who has ceased to be an employee but has not withdrawn his or her contributions from the plan;
- (i) "Minister" means the Minister of Finance who shall act as trustee for the plan;
- (j) "optional pension" means one of the various types of pension that an employee may elect on retirement as set out in Schedule A;
- (k) "participating employer" means

- (i) the Government of the province,
- (ii) a Crown corporation, agency or board of the province designated by regulation, or
- (iii) a non-profit public organization with close affiliations with the province whose primary function is to provide public services which would normally be provided by the province and which has been designated as an eligible participant by regulation or which has been included in Schedule B;
- (l) "pensioner" means a former employee to whom a pension has been granted under the plan, the first payment of which has fallen due;
- (m) "plan" means the pension plan for employees as set out in this Act; and
- (n) "service" means service with a participating employer including periods when the employee may have been on lay-off or other inactive status but has a right of recall or call back by agreement with the participating employer.

## Application

**3.** This Act applies to

- (a) every employee hired after the effective date;
- (b) every employee hired before the effective date, who opts to participate in the plan from the effective date; or
- (c) every employee hired before the effective date who opts to participate in the plan from a date after the effective date.

Deduction  
amounts

**4.** (1) Each employee who participates in the plan shall contribute to it an amount equal to five per cent of the employee's earnings or a greater amount that may be established by regulation.

(2) A participating employer shall contribute to the fund an amount equal to the contributions of each employee under this Act.

(3) All contributions made under this section shall be paid to the custodian before the end of the calendar month immediately following the month during which the contributions were made.

Pre-retirement  
benefit

5. (1) An employee who ceases to be an employee and who has completed less than five years of service may elect to be repaid his or her contributions to the plan and shall also receive the accumulated earnings on that sum.

(2) An employee whose right to purchase a pension has vested and who ceases to be an employee shall receive a deferred pension.

(3) Upon the death of an employee or inactive member, the eligible spouse or designated beneficiary may elect to receive a cash payment of the amount that has accumulated to the deceased employee or inactive member's credit or a pension calculated on the amount that has accumulated to the deceased employee or inactive member's credit.

Additional  
contributions

6. Additional voluntary contributions may be made to the fund by an employee.

Vesting and  
locking-in

7. Where an employee has participated in the plan for five years or in accordance with the vesting and locking-in provisions of *The Pension Benefits Act* all contributions made under section 4 together with the accumulated earnings on those contributions, shall be permanently vested and locked in the fund until the employee's retirement, at which time the amount standing to his or her credit in the fund shall be used to provide him or her with a guaranteed life annuity.

Retirement  
benefits

8. (1) Where an employee whose right to a pension has vested under section 7 ceases to be employed and subsequently retires,

(a) at the end of the month in which he or she attains the age of sixty-five years;

(b) at any time during the ten year period immediately preceding the retirement date referred to in paragraph (a); or

(c) at any time during the five year period immediately following the retirement date referred to in paragraph (a), but not later than the end of the month immediately following

the month in which he or she attains the age of seventy-one years,

he or she is entitled to receive a pension calculated on the basis of the amount that has accumulated to his or her credit in the fund at that time.

(2) Notwithstanding subsection (1), an employee without an eligible spouse may elect an optional pension as provided for in Schedule A equal to the value of the pension provided by the amount which has accumulated to his or her credit in the fund at that time.

(3) An employee with an eligible spouse shall receive a pension in the form specified by Article VII of Schedule A with a survivor benefit of at least sixty percent payable upon his or her death, to the eligible spouse during the eligible spouse's continued lifetime.

(4) Where the employee has no eligible spouse the employee may designate another person as a beneficiary.

(5) The designated beneficiary on the death of the pensioner is entitled, provided the pensioner has received less than sixty payments, to the balance of sixty payments.

Dates of pension payable

9. A pension shall be paid monthly from the first of the month following the date of retirement and shall cease at the end of the month in which the death of the pensioner occurs.

Plan is portable

10. The benefits and service credits of an employee who transfers between participating employers will continue to accrue under this Act.

Reciprocity

11. (1) The Minister may enter into a reciprocal pension transfer agreement with an employer that provides for the transfer of funds in respect of an employee.

(2) The amount of a transfer from the plan under this Act shall be determined by the reciprocal agreement but the amount transferred shall not be more or less than the amount standing to the credit of the employee in the fund.

- Investments      **12.** All contributions made under this Act shall be deposited in a fund which shall be invested in accordance with *The Pension Benefits Act*.
- Regulations      **13.** (1) The Lieutenant-Governor in Council may make regulations
- (a) amending the Schedules to this Act;
  - (b) designating a class of persons to be included as employees for the purposes of this Act;
  - (c) designating a participating employer;
  - (d) excluding a class of persons from the application of this Act;
  - (e) defining an expression or term used in this Act not already defined in this Act; and
  - (f) respecting a matter necessary or advisable to effectively carry out this Act.
- (2) Regulations made under this Act may be made with retroactive effect to a date no earlier than April 1, 1989.
- Money Purchase Pension Plan      **14.** (1) The plan entitled "The Money Purchase Pension Plan for Part-Time Employees of the Province of Newfoundland & for Certain Employees of Other Participating Employers" which is contained in Schedule A forms part of this Act.
- (2) Where this Act conflicts with *The Pension Benefits Act*, the latter Act applies.
- (3) Where this Act conflicts with *The Income Tax Act* (Canada), the latter Act applies.
- Commencement      **15.** This Act is deemed to have come into force on April 1, 1989.

**Schedule A****Money Purchase Pension Plan For Part-Time Employees of  
The Province of Newfoundland And For Certain  
Employees of Other Participating Employers****ARTICLE I  
Definitions**

The Following terms wherever used in this instrument shall, for the purposes of it, unless the context otherwise requires have the meaning set out below:

1. "Actuary" means the actuary that the Committee may from time to time appoint for purposes of making actuarial valuations and estimates of the contributions required to be made by the Participating Employer or of performing other services in connection with the Plan, provided that the person is a Fellow of the Canadian Institute of Actuaries or a corporation in which at least one of whose employees is such an individual.

2. "Administrator" means the person that the Minister may from time to time appoint to perform the administration of the Plan.

3. "Anniversary Date" means April 1, 1989 and January 1st of each following year.

4. "Annuity Fund" means the Fund specified in Article XIV (Funds, Custodian and Accounts).

5. "Committee" means the Pension Investment Committee appointed by the Province by order in council 1110-81.

6. "Custodian" means the Trustee or Insurer that the Minister may from time to time appoint for purposes of the Plan, whose function is to administer the fund.

7. "Designated Beneficiary" means a person so designated by an Employee in accordance with Article XII (Designated Beneficiaries).

8. "Earnings" means the amount of gross normal remuneration received by the employee but excluding, overtime and other

remuneration which is not part of the basic remuneration unless those amounts are included specifically, as part of a collective agreement.

9. "Effective Date" means the date on which the Minister designates from which the Participating Employer is deemed to join the Plan from which Required Contributions are made.

10. "Eligible Spouse" means a person of the opposite sex:

- (a) to whom the Employee is married at the time of that Employee's death; or
- (b) who establishes to the satisfaction of the Minister that, the person has continuously cohabited with the Employee for at least one year prior to that Employee's death provided that the person and the Employee held themselves out to the public as spouses of each other and there was no impediment to marriage between that person and the Employee.

11. "Employee" means an employee of a Participating Employer who is not eligible to participate in another Government sponsored pension plan of that Participating Employer, but excludes students and casual relief workers;

12. "Inactive Member" means a person who has ceased to be an Employee but has not withdrawn his or her contributions from the Plan.

13. "Insurer" means a life insurance company or other entity authorized to transact annuity business in Canada.

14. "Interest" means the amount of earnings as determined in accordance with Article IV (Units, Employee Accounts and Interest).

15. "Investment Counsel" means the Trustee, Insurer or other person that the Committee may from time to time appoint for purposes of the Plan whose function is to give advice to the Committee on the investment of the Fund.

**16.** "Joint Annuitant" means a person designated as such in an election made in accordance with paragraph (b)(iv) of Section 3B of Article VII (Payment of Pensions: Normal and Optional Forms).

**17.** "Minister" means the Minister of Finance for the Province.

**18.** "Pensioner" means a former Employee to whom a pension has been granted under the Plan, the first payment of which has fallen due having regard to Section 6 of Article XV (Administration and Procedures).

**19.** "Plan" means the pension plan for Employees as set out in this instrument, which shall be named the "Government Money Purchase Plan".

**20.** "Plan Year" means the period from the Effective Date to the next following December 31st and from each January 1st to the next following December 31st in each subsequent year.

**21.** "Required Contributions" means contributions made under paragraph (a) of Section 1 and Section 2 of Article III (Contributions).

**22.** "Short term Investment Fund" means the Fund specified in Article XIV (Funds, Custodian and Accounts).

**23.** "Regular Fund" means the Fund specified in Article XIV (Funds, Custodian and Accounts).

**24.** "Service" means service with a Participating Employer including those periods when the Employee who may be on lay-off or other inactive status has rights of recall or call back by agreement with the Participating Employer.

**25.** "Participating Employer" means the Province or

(a) its Crown Corporations, Agencies, or Boards, or

(b) a non-profit public organization which has close affiliations with the Province and whose primary function is to provide public services which would normally be provided by the Province if the organization were not to exist and

which has been designated as an eligible participant by the Lieutenant-Governor in Council;

and which has made application to have the Plan extended to its designated employees and which application has been accepted by the Minister.

## **ARTICLE II Eligibility and Membership**

### **1. Eligibility and Membership**

All Employees hired after the Effective Date, must join the Plan on their date of employment.

All Employees at the Effective Date have the option of participating in the Plan from the Effective Date or a later date.

The Employees shall complete those forms that may be required by the Administrator.

### **2. Explanation to Members**

The Administrator shall provide a written description of the Plan to each Participating Employer for distribution to every person who is eligible to become an Employee on or before the date of eligibility. The description shall explain the terms and conditions of the Plan and amendments to it as applicable to the Employee, and shall detail the rights and duties of the Employee with reference to the benefits available and the contributions payable under the Plan.

Within six months of an amendment to the Plan, the Administrator shall provide a similar description of the amendment to each Participating Employer for distribution to an Employee affected by the amendment.

Upon termination of employment the Participating Employer shall request the Administrator to provide the person with a written statement showing the benefits to which he or she is entitled.

Participating Employers are to distribute all information concerning the Plan to Employees on a timely basis.

**ARTICLE III**  
**Contributions****1. Employees****Required Contribution**

Each employee shall contribute to the Plan during a period of membership an amount equal to five percent of Earnings or a greater amount that may be established by the Minister.

The Required Contributions shall be deducted from the Earnings by the Participating Employer.

**2. Participating Employer**

The Participating Employer shall contribute to the Plan on behalf of each Employee an amount equal to his or her Required Contributions or a greater amount that may be established by the Minister.

**3. Payment to the Custodian**

The Participating Employer shall pay to the Custodian all contributions made by or on behalf of Employees under this Article, within the calendar month following the month during which the contributions were made, together with all contributions made by the Participating Employer under Section 2 of Article III (Contributions).

4. Notwithstanding subsections 1 and 2 of this Article contributions made under those subsections may be returned to the person who made the contribution where the contribution is returned to avoid the revocation of the registration of the Plan under the *Income Tax Act* (Canada).

**ARTICLE IV****Units, Employee Accounts and Interest**

1. On each Anniversary Date the Actuary will calculate unit values with respect to each of the Regular Fund, and the Short Term Investment Fund.

2. In the case of the Regular Fund the unit value for purposes of determining the number of units purchased in the first Plan Year will be ten dollars. The unit value for successive Plan Years will be calculated in the following manner.

- (i) The Actuary will determine the number of units outstanding at the end of the Plan Year for Employees and Inactive Members of the Plan at the commencement of the Plan Year exclusive of units purchased by the current year contributions, and
- (ii) The Actuary will determine the number of units purchased by current year contributions made by or on behalf of Employees and Inactive Members at the end of the Plan Year by dividing the total of those contributions by the unit value at the end of the prior Plan Year, and
- (iii) The Actuary will determine the number of units outstanding at the end of the Plan Year by adding together the amounts in (i) and (ii) above, and
- (iv) The Actuary will determine the adjusted market values of the Regular Fund by marking the following adjustments to the market value of the Regular Fund as reported by the Custodian:
  - (A) adding to the value the amount of a contribution payable to the Regular Fund as at the statement date, and
  - (B) deducting from the value the amount of a cash payment payable by the Plan prior to the statement date but not yet deducted from the Regular Fund as at the statement date, and
- (v) The Actuary will determine the unit value at the end of the Plan Year by dividing the value determined in (iv) above by the number of units in (iii) above.

In these calculations the Actuary may use those values and make other adjustments that he or she considers appropriate to give full effect to the terms and provisions of this Plan.

3. In the case of the Short Term Investment Fund, the Actuary will use a similar process starting with the first Anniversary Date on which a transfer is made on the basis described below.

4. If considered advisable by the Actuary in order to maintain equity between Employees and Inactive Members a calculation of unit values may be made at any time using methods consistent with that in Section 2 of Article IV, (Units, Employee Accounts and Interest). In that case, adjustments may be made to the methods of determining benefits as recommended by the Actuary.

5. The Administrator shall cause to be kept records of the units credited to each Employee and Inactive Member on account of Transfers (Article XI - Transfers) and his or her Required Contributions, together with those of the Participating Employer made on his or her behalf using those methods that are recommended by the Actuary.

6. All contributions will be made to the Regular Fund. A transfer will be made from the Regular Fund to the Short Term Investment Fund on behalf of each Employee and Inactive Member with respect to contributions made while he or she was a member of the Plan on each Anniversary Date occurring fewer than five years before the Normal Retirement Date. The amount of the transfer will be the value of the fraction from the table below of the Employee's units in the Regular Fund on the Anniversary Date.

Period from Anniversary Date  
on which Transfer is made to  
Normal Retirement Date

Fractions

	<u>Fraction Each Anniversary Date Required Contributions</u>	<u>Fraction Each Anniversary Date Lump Sum T r a n s f e r s During Year</u>
Nil	all	all
1 year	1/2	5/6
2 years	1/3	4/6
3 years	1/4	3/6
4 years	1/5	2/6
5 years	1/6	1/6

7. Not less frequently than every two years following the Effective Date, the Actuary shall determine the liability to Pensioners receiving their pensions from the Annuity Fund and make a report on it to the Committee. The report shall contain those recommendations that may be considered appropriate by the Actuary in light of the actuarial value of assets standing to the credit of the Annuity Fund.

8. For purposes of determining benefits under the terms of Article VI (Retirement Benefits), Article VIII (Termination of Service), and Article X (Survivor Benefits), interest will be credited on the value of units with respect to the period, if any, to the date of retirement, termination or death from the Anniversary Date immediately preceding the event or from the subsequent date, if any, on which the Actuary last calculated a unit value. The rate of interest will be declared from time to time by the Actuary having due regard to the rate of investment return on the funds.

#### ARTICLE V

##### Retirement Dates and Conditions

###### 1. Normal Retirement

- (a) The normal retirement date of an Employee or Inactive Member shall be the first day of the month following attainment of age sixty-five.
- (b) The pension payable to an Employee or Inactive Member on normal retirement shall be determined in accordance with Article VI (Retirement Benefits).

###### 2. Early Retirement

- (a) An Employee or Inactive Member may elect to retire at any time in the ten year period immediately preceding his or her normal retirement date and receive a pension provided the person has completed five Years of Service.
- (b) The pension payable to an Employee or Inactive Member on early retirement shall be determined in accordance with Article VI (Retirement Benefits).

### **3. Postponed Retirement**

- (a) An Employee or Inactive Member may elect to retire at any time in the five year period immediately following Normal Retirement and in no event later than the end of the month immediately following the month in which the Member or Inactive Member attained seventy-one years of age, and receive a pension provided he or she has completed five Years of Service.
- (b) The pension payable to an Employer or Inactive Member on postponed retirement shall be determined in accordance with Article VI (Retirement Benefits).

## **ARTICLE VI Retirement Benefits**

1. Subject to the terms and conditions of Article V (Retirement Dates and Conditions), a Member who retires and who has not previously been granted a pension or a lump sum settlement under the Plan in respect of his or her most recent period of Service, shall be entitled upon written request to a pension the yearly amount of which shall be determined as outlined below.

### **2. Basic Pension**

The retiring Employee or Inactive Member shall be entitled to a basic pension equal to the amount of pension that may be purchased by the value on the Employee or Inactive Member's retirement date of the units attributable to the person's Required Contributions and to the Participating Employer's contributions made on his or her behalf. The amount of pension payable shall be determined in accordance with such tables and methods as recommended by the Actuary.

### **3. Additional Pension**

The retiring Employee or Inactive Member shall also be entitled to an additional pension equal to the amount of pension that may be purchased by the value of the Member's additional voluntary contributions. The amount of pension payable shall be determined in accordance with such tables and methods as recommended by the Actuary.

**ARTICLE VII****Payment of Pensions: Normal and Optional Forms****1. Frequency and Commencement of Pension**

Unless otherwise provided under the Plan, pensions and annuities shall be payable for the lifetime of the Pensioner and Joint Annuitant if applicable, on a monthly basis. Unless otherwise provided, the first payment shall fall due on the first of the month following the date of retirement.

**2. Small Pensions**

If a pension under the Plan is less than twenty-five dollars per month, the Administrator may direct that a lump sum settlement be made instead of further payments or benefits under the Plan.

**3. Normal Forms of Pension****(A) PENSIONER WITH ELIGIBLE SPOUSE**

- (a) For a Pensioner with an Eligible Spouse the normal form of pension is one which provides a pension income for the lifetime of the Pensioner and further, upon the death of the Pensioner, continues at sixty percent to the Eligible Spouse, until the death of the Eligible Spouse.
- (b) Notwithstanding subsection (a), a Pensioner with an Eligible Spouse may choose among the following variations on the Normal Form of Pension, equivalent in value to the normal form:
  - (i) a survivor benefit of seventy percent, seventy-five percent, or one hundred percent of the Pensioner's income to continue to the Eligible Spouse;
  - (ii) attachment of a guarantee period of five, ten or fifteen years;
  - (iii) a pension payable to a contingent annuitant upon the death of the Joint Annuitant subsequent to the death of the Pensioner. The pension shall cease upon the death of the contingent annuitant.

**(B) PENSIONER WITHOUT ELIGIBLE SPOUSE**

- (a) The normal form of pension for a Pensioner who, on the date of retirement, is without an Eligible Spouse is one which provides a pension for the lifetime of the Employee and, in the event of the death of the Pensioner before sixty pension payments have been made, the balance of the sixty payments shall be paid to the Designated Beneficiary.
- (b) Notwithstanding the above, a Pensioner without an Eligible Spouse may choose one of the following optional forms, equivalent in value to the normal form:

(i) Life Pension - No Guarantee

A pension payable for the entire lifetime of the Pensioner but ceasing with the payment made in the month of death.

(ii) Life Pension - Guaranteed Ten Years

A pension payable for the entire lifetime of the Pensioner and for ten years in any event.

(iii) Pension Integrated with Federal Government Benefits

An Employee who retires prior to becoming eligible for CPP/QPP and/or Old Age Security benefits may elect to receive a pension under this Plan which is integrated with the above benefits. Such a pension would be greater in amount prior to the date when the Pensioner becomes eligible for the other benefits and will decrease when those benefits become payable. The integration is designed to provide, as far as is possible a level income from the date of retirement.

(iv) Joint and Survivor Pension

- (a) An Employee may elect a pension payable until the death of himself or herself and a Joint Annuitant.

If desired the election might extend to a contingent annuitant who is the survivor of the Pensioner and the Joint Annuitant.

If a Beneficiary is designated under Article XII of this Plan, the Joint Annuitant shall be the Beneficiary so named.

- (b) The pension shall not reduce on the first death unless the reduction is elected by the member. The member may elect to have the pension reduce on his or her death by thirty-three and one-third percent or forty percent thus producing a greater pre-death income than would be the case if there were no reduction.

(v) Other Forms of Pension

The Employee may elect another form of pension which is acceptable to the Administrator and is permissible under applicable provincial and federal legislation.

By election of the Employee, a permissible form of pension may be indexed at a rate not exceeding the lesser of four percent and the annual increase in the Consumer Price Index.

**4. Amount of Pension Under Optional Forms**

The amount of pension payable under any optional form of pension shall be determined on the basis of annuity rates in force at the time of retirement.

**5. Timing & Method of Electing Option**

An optional form of pension may be elected, changed or revoked, in writing, at any time prior to retirement. An election is irrevocable once pension payments have commenced.

### 6. Voiding of Joint and Survivor Election

Should either the Employee or the Joint Annuitant die prior to the commencement of pension payments, the election of a Joint and Survivor pension shall be void.

## **ARTICLE VIII**

### **Termination of Service**

1. If an Employee terminates employment prior to normal retirement date the terms of this Article shall apply.

### 2. Termination With less Than Five Years Service

An Employee who has completed less than five Years of Service will be entitled to a cash payment determined only with reference to Employee Required Contributions, or an Employee may direct that the cash payment remain in the Plan to provide the Employee with a deferred pension from his or her normal retirement date determined in accordance with Article VI (Retirement Benefits).

The amount of the cash payment to an Employee under the terms of this Section shall be the value of his or her units on the Anniversary Date coincident with or immediately preceding the date of payment or a later date, if any, on which the Actuary calculated unit values, increased by interest credited in accordance with Section 8 of Article IV (Units, Employee Accounts and Interest) together with Employee Required Contributions made since the last Anniversary Date.

Where an Employee is entitled by the terms of the Plan to withdraw all of the contributions made by him or her the Employee may direct that the contributions be transferred to a pension plan registered under the *Income Tax Act* (Canada) of which the Employee becomes a member upon entering into new employment, if the plan so permits, or to a retirement savings plan registered under the *Income Tax Act* (Canada).

### 3. Termination With Five Or More Years of Service

An Employee who has completed five Years of Service will receive a deferred pension with respect to his or her Required

Contributions and the Required Contributions made by the Participating Employer on the Employee's behalf. In the event the annual amount of the deferred pension payable to a Member in accordance with this Section is less than or equal to the small pension allowed to be commuted under *The Pension Benefits Act* of the province the commuted value of this deferred pension as determined by the Actuary shall be paid to the terminating member in full satisfaction of all his or her rights under this Plan.

The deferred pension may at the Inactive Member's option become payable commencing on his or her normal retirement date or on a date in the ten year period immediately preceding the Inactive Member's normal retirement date, in either case its amount shall be determined in accordance with Article VI (Retirement Benefits).

The deferred pension shall be non-commutable and incapable of surrender except as provided in Section 1 of Article X (Survivor Benefits) Section 2 of Article VII (Payment of Pensions: Normal and Optional Forms) or Section 4 of Article VIII (Termination of Service).

In the event of death of an Inactive Member before payment of the deferred life annuity has commenced death benefits shall be payable in accordance with Article X (Survivor Benefits).

Where an Employee is entitled by the terms of the Plan to a deferred pension derived from both Employee and Participating Employer contributions the Employee may elect to transfer the value of the deferred pension as determined by the Province on the advice of the Actuary to a locked-in retirement savings plan registered under the *Income Tax Act* (Canada).

4. Unless otherwise restricted by prior agreement an Employee terminating will receive a cash payment with respect to his or her Transfer under Article XI (Transfers). The cash payment shall be determined in accordance with section 2 of this Article and shall be paid by the end of the calendar year immediately following the year of termination. An Employee may alternatively direct that the cash payment remain in the Plan to provide him or her with a deferred pension from the Employee's normal retirement date determined in accordance with Article VI (Retirement Benefits).

5. Where an Employee terminates service under Section 2 above, the amount of the Participating Employer contribution balance released as a result of the termination shall be paid to the Participating Employer in the calendar year in which the member ceases employment or within one hundred and twenty days after the end of the year.

**ARTICLE IX**  
**Withdrawal from Plan**

1. While an Employee or an Inactive Member remains in employment with a Participating Employer the person may neither:

- (a) withdraw his or her contributions from the Plan; nor
- (b) borrow against his or her contributions.

**ARTICLE X**  
**Survivor Benefits**

1. Survivor Benefits Active or Inactive Employee

In the event of the death of an Employee or Inactive Member other than a Pensioner there shall be payable a lump sum amount equal to the value of units standing to his or her credit on the Anniversary Date coincident with or immediately preceding the date of death or on a later date, if any on which the Actuary calculated unit values, increased by Interest credited in accordance with Section 8 of Article IV (Units, Employee Accounts and Interest) together with Employee Required Contributions and Participating Employer Required Contributions made on his or her behalf since the last Plan Anniversary with the payment being made no later than the end of the calendar year immediately following the calendar year of death of the Member or Inactive Member. Where a lump sum settlement has been made under the terms of Article VIII (Termination of Service), contributions included in the settlement shall be deducted in determining the benefit payable under this Section.

An Employee or Inactive Member with an Eligible Spouse may elect to have his or her Eligible Spouse receive instead of the above amount if the spouse is alive at the time of his or her death, or failing the election a Beneficiary who is the Employee's or Inactive Member's Eligible Spouse and who is alive at the time of his or her

death may elect to receive instead of that amount, a life annuity or annuity certain commencing at the time of death. The annuity may be guaranteed for a period of up to fifteen years. The amount of the annuity will be determined in accordance with those methods and tables that are recommended by the Actuary.

## 2. Survivor Benefits Pensioners

Benefits payable on or after the death of an Employee or Inactive Member shall be payable to his or her Eligible Spouse or in the event there is no Eligible Spouse to the person's Designated Beneficiary as designated in accordance with Article XII (Designated Beneficiaries), however, if there is no Designated Beneficiary or if the person designated by the Employee or Inactive Member as his or her Designated Beneficiary should not be living at the time of his or her death, those amounts that may be payable on or after his or her death shall be payable to the Employee's or Inactive Member's estate. Insofar as benefits may be payable during the lifetime of a surviving Joint Annuitant, those sums shall be payable to the Joint Annuitant.

3. In the event of there being a doubt as to the identity of the Designated Beneficiary or as to whether the Designated Beneficiary is the person legally entitled to receive a benefit, payment of the benefit may be withheld for a reasonable time to permit investigation to be made, and a Designated Beneficiary or claimant shall on demand be obliged to furnish all information and to produce that proof of identity and of right to the benefits that may be reasonable in the circumstances.

## **ARTICLE XI** **Transfers**

### 1. Transfer from Previous Employment

- (a) Where there exists a Reciprocal Agreement between a Participating Employer and a previous employer, the Participating Employer will accept deposits into the Fund to the credit of the Employee by way of transfer from the previous employer's registered employee pension fund or deferred profit sharing plan in accordance with the terms of the Reciprocal Agreement. Such a deposit shall be considered to be fifty percent Employee Required Con-

tributions unless an alternate allocation is provided for in the Reciprocal Agreement.

- (b) An employee may pay into the Regular Fund, as permitted by the *Income Tax Act* (Canada) an amount received or receivable by him or her as a cash withdrawal benefit under another employee pension plan registered as such with the Department of National Revenue for purposes of the *Income Tax Act* (Canada). Such a transfer shall be considered as one hundred percent Employee Required Contributions.

## 2. Transfer to Other Employment

- (a) Where there exists a Reciprocal Agreement between the Participating Employer and the subsequent employer of the Employee, transfer payments may be made into the fund of the subsequent employer's pension plan. The amount of such a transfer shall be determined in accordance with the Reciprocal Agreement but the total amount transferred shall not be greater than the amount due to the Member under Article VIII (Termination of Service).
- (b) Where no Reciprocal Agreement exists, a benefit to which the Employee is entitled in accordance with Article VIII (Termination of Service) may be paid into;
  - (i) the registered employee pension plan of a subsequent employer of the member if
    - (A) the subsequent employer's plan so permits, and
    - (B) the employer supplies a written undertaking, satisfactory to the Administrator that the portion of the transfer relating to both his or her Required Contributions and the Participating Employers contributions will be administered so as to provide a pension benefit, and that no lump sum payment of that part will be permitted except upon the death of the Employee or return to employment with a Participating Employer, or

- (ii) a registered retirement savings plan of the Employee if
  - (A) the contract or agreement for the plan between the issuer and the Employee includes a specific and irrevocable provision that no lump sum payment of the portion of the transfer relating to Employee Required Contributions and the Participating Employer's contributions will be available except upon the death of the Employee, or return to employment with Participating Employer or under a decree, order, or judgement of a competent tribunal or a written agreement in settlement of rights arising as a consequence of the breakdown of the marriage or other conjugal relationship between an Employee and his or her Spouse or former Spouse, and
  - (B) the Participating Employer is supplied with, and approves, a copy of the registered retirement savings plan contract or agreement.

### **3. Transfer Within the Provincial Plans**

- (a) If a Member of this Plan transfers into a class of employment such that the Member no longer qualifies for active membership in this Plan, he or she shall become an Inactive Member. In that event the benefits accrued to the Member under the Plan to date of transfer remaining to his or her credit in the Plan, will be governed by the terms of the Plan and will be paid upon the Member's subsequent retirement, disability, termination of service or death, as the case may be. The Member's Continuous Employment subsequent to the date of his or her transfer shall be included for the sole purpose of determining the vesting under Section 2 of Article VIII (Termination of Service).
- (b) If an Employee transfers into a class of employment such that the Employee qualifies for membership in this Plan, the Employee shall cease to be a member of any other Participating Employers' pension plan and shall become a Member of this Plan as of the date of transfer.

- (c) Notwithstanding paragraphs (a) and (b) Reciprocal Transfer Agreements may be entered into to provide for transfers between different Provincial or Participating Employers plans, those agreements to be administered in accordance with Section 1 of this Article.

**ARTICLE XII  
Designated Beneficiaries**

1. The Designated Beneficiary in the case of an Employee with an Eligible Spouse shall be the Eligible Spouse.

2. An Employee domiciled in Canada, who is without an Eligible Spouse may, at any time designate a person to receive a benefit payable under the Plan in the event of death prior to retirement by filing with the Participating Employer the designation in writing on a form provided by the Administrator.

3. An Employee who has made a designation in accordance with Section 2 above may from time to time alter or revoke the designation by filing with the Participating Employer the alteration or revocation in writing on a form provided by the Administrator subject to the consent of the Participating Employer and to any statutory conditions or limitations.

4. Once an Employee has an Eligible Spouse a prior designation made in accordance with Sections 2 and 3 shall be null and void.

5. An Employee who is without an Eligible Spouse may upon commencement of a pension designate a person to receive benefits payable under the Plan in the event of the Employee's death by filing with the Participating Employer a designation in writing on a form provided by the Administrator for that purpose, subject to the consent of the Participating Employer and to statutory conditions or limitations.

**ARTICLE XIII  
Limitation of Assignment**

1. No right, entitlement or benefit of a Member under the Plan may be surrendered or assigned except under a decree, order or judgement of a competent tribunal, or a written agreement, in settlement of rights arising as a consequence of the breakdown of the

marriage or other conjugal relationship between a Member and his or her Spouse or former Spouse.

**ARTICLE XIV**  
**Funds, Custodian and Accounts**

1. The funds shall be established and administered by the Custodian, in accordance with the terms of an agreement executed between the Minister and the Custodian and in accordance with the requirements for registered pension plans as outlined in the *Income Tax Act* (Canada) and other applicable legislation.

2. The Custodian shall keep a separate account of the funds in the format that is outlined in this Article.

3. The Custodian shall maintain a separate account to be known as the Regular Fund which will consist of all contributions made after the Effective Date in accordance with the terms of the Plan by Participating Employers and Employees together with earnings on it. The assets of the Regular Fund shall be invested in the manner that may be considered appropriate by the Investment Counsel and agreed to by the Committee.

4. The Custodian shall maintain a separate account to be known as the Short-Term Investment Fund which will consist of assets resulting from the application of Section 6 of Article IV (Units, Employee Accounts and Interest). The assets of the Short Term Investment Fund shall be invested in securities considered by the Investment Counsel to be short-term and approved by the Committee.

5. The Custodian shall maintain a separate account to be known as the Annuity Fund which will consist of assets resulting from the application of Section 6 of Article XV (Administration and Procedures). The assets of the Annuity Fund shall be invested in the manner that may be considered appropriate by the Investment Counsel and agreed to by the Committee.

6. Death and termination benefits under the Plan shall normally be provided directly from the Regular Fund or Short Term Investment Fund. Pension benefits and death benefits related to Pensioners shall be paid directly from the Annuity Fund.

7. Each Fund shall be chargeable annually with its proportionate share of the fees of the Custodian, the Investment Counsel, the Actuary, the Administrator and other expenses in respect of the Plan reasonably and properly incurred under the Plan.

8. The Custodian shall at all times keep or cause to be kept adequate accounts of each Fund. Those accounts shall be maintained on a calendar year basis.

9. Each fund shall have a fiscal year ending December 31st.

#### **ARTICLE XV Administration and Procedures**

1. The Committee shall oversee the operation of the Plan.

2. The Committee shall keep a permanent record of minutes of its meetings and of its decisions. The quorum for meetings of the Committee may be fixed by the Committee. Any writing required to transmit or record decisions of the Committee shall be sufficiently executed when signed by the Chairperson. In all other matters relating to the conduct of its affairs the Committee may make its own rules and regulations.

3. Upon a request of the Committee the Minister may modify, amend or revise the plan from time to time so as to meet the aims and objectives of the Plan and satisfy the requirements of applicable legislation.

4. The Committee shall from time to time receive reports from the Actuary, Investment Counsel, and Custodian. As a result of these reports the Committee may recommend certain courses of action to the Minister.

5. (1) A Pension or an annuity under the Plan shall be granted by the Administrator and payment of it shall be made only upon written request in the manner prescribed by the Administrator, and only after submission of satisfactory proof of age of the Employee or Inactive Member and of the age of the Joint Annuitant if one has been appointed or the age of the Eligible Spouse where applicable.

(2) Age may be proved by official birth certificate issued by the appropriate public authority. If the person is unable to obtain an

official birth certificate evidence of age satisfactory to the Administrator in its reasonable discretion must be produced.

(3) Payment of a benefit under the Plan other than a pension or annuity shall be made only upon receipt of written request for it in the manner prescribed by the Administrator and upon submission of the relevant supporting evidence as the Administrator in his or her discretion may require.

6. The Administrator shall direct the Custodian to apply sufficient money from the Short Term Investment Fund to the purchase of a pension from the Annuity Fund at the time before or after retirement that the Investment Counsel and Administrator may determine.

7. A person receiving or claiming a pension or an annuity under the Plan shall at any and all times, on demand, furnish satisfactory evidence of entitlement for those purposes.

8. Notwithstanding anything in the Plan to the contrary, if a written request for pension is made after the date on which the pension should have commenced, then payments shall be made retroactively to that date.

#### **ARTICLE XVI**

##### **General**

1. No Employee, Pensioner, Inactive Member, Beneficiary or Joint Annuitant, shall have any recourse under this Plan against a past, present or future Custodian, Administrator, Participating Employer or other employee or person acting on behalf of those persons or member of the Committee, and all those persons shall be free from all liability.

2. The Plan shall not:

(a) give an Employee a right to be retained in the Service of a Participating Employer;

(b) prevent a Participating Employer from discharging an Employee at any time;

(c) give rise to a claim by anyone against the Participating Employer for damages for any cause.

**3.** All contributions to and all benefits made from the Plan shall be payable in the lawful currency of Canada.

**4.** In case the age of a person is found to have been incorrectly stated the Administrator is empowered to make or cause to be made those adjustments respecting the person, for the purposes of the Plan, that the Administrator shall consider equitable.

**Schedule B****Institutions or Organizations**

Alcohol and Drug Dependency Commission

Carbonear General Hospital

Dr. Charles LeGrow Health Centre

A.M. Guy Memorial Hospital

Agnes Pratt Home

Baie Verte Peninsula Health Centre

Bay Roberts Group Home

Bonavista Peninsula Health Care Complex

Bay D'Espoir, Hermitage, Fortune Bay Integrated School  
Board

Cape Freels Integrated School Board

Carbonear Interfaith Home for Senior Citizens

Exploits Valley Integrated School Board

Salvation Army Glenbrook Lodge

St. Augustine's Group Home

The General Hospital Corporation

St. John's Youth Centre

Newfoundland Liquor Corporation

Memorial United Church Group Home (Grand Falls)

Newfoundland Cancer Treatment and Research Founda-  
tion

Placentia and Area Healthcare Complex (Placentia Hospital)

Roman Catholic School Board Placentia - St. Mary's

Whitbourne Youth Centre

Roman Catholic School Board Humber - St. Barbe

Cabot Institute

Hoyles - Escasoni Complex

Avalon Consolidated School Board

Waterford Hospital

Salvation Army Grace General Hospital

Janeway Child Health Centre

St. Patrick's Mercy Home

St. Clare's Mercy Hospital

Canada Newfoundland Offshore Petroleum Board

Humber Valley Association Group Home

Interfaith Home for Senior Citizens (Corner Brook)

Roman Catholic School Board for St. John's

Vinland Integrated School Board

Public Libraries Board

Children's Rehabilitation Centre

Gander and District Continuing Care

VS Services Limited

Bonneville Lodge  
Marystown Community Living Foundation  
Lewisporte Group Home  
Mercy Residence  
North Haven Manor  
The Newfoundland Liquor Licensing Board  
Harbour Lodge  
St. Luke's Home  
Lakeside Homes  
Nova Services  
Burin Peninsula Integrated School Board  
Senior Citizens Home, St. Anthony  
Lions Manor Nursing Home  
Gander Regional Youth Assessment Centre  
Roman Catholic School Board, Ferryland District  
Conception Bay North Association for Community Living  
Newfoundland Co-ordinating Council on Deafness  
Modern Building Cleaning Ltd.  
Newfoundland and Labrador Housing  
Notre Dame Bay Memorial Hospital  
Port aux Basques Group Home  
Port aux Basques Integrated School Board

Roman Catholic School Board - Labrador  
Sir Thomas Roddick Hospital  
Western Memorial Hospital  
Newfoundland and Labrador Computer Service  
Masonic Park Nursing Home  
Bay St. George Residential Support Board  
Association of Registered Nurses of Newfoundland  
Eastern Newfoundland and Labrador Children's Home  
Inc.  
Grand Bank Group Home  
Bonavista - Trinity Placentia Integrated School Board  
Burin Peninsula Healthcare Centre  
Golden Heights Manor  
Bonavista Peninsula Healthcare Program  
Central Newfoundland Regional Health Center  
Pentecostal Assemblies Board of Education  
Grenfell Regional Health Services  
Gander Group Home  
Captain William Jackman Hospital  
Gander and District Hospital Board  
Green Bay Healthcare Centre  
St. John's Home Care Program

Corner Brook Transition House

Dr. G.B. Cross Memorial Hospital

Avalon North Integrated School Board

Notre Dame Bay Integrated School Board

St. David's Group Home

Bay St. George Senior Citizens Home

Carmelite House

The Harry L. Paddon Memorial Home



## CHAPTER 13

### AN ACT TO AMEND THE EDUCATION (TEACHERS' PENSIONS) ACT

(Assented to June 13, 1990)

#### Analysis

Section:

1. S.3(b)(i) Amdt.  
Teaching Service
2. S.4 Amdt.  
Compulsory retirement
3. S.17 Amdt.  
Payment of premium towards  
pension

Section:

4. S.22 Rep.  
Right to award of pensions  
forfeited in certain cases
5. S.25 R&S  
Act not to apply to certain teachers
6. S.26 Amdt.  
Election

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

RSN1970 c.102  
as amended

1. Subparagraph (i) of paragraph (b) of section 3 of *The Education (Teachers' Pensions) Act* is amended by deleting the words "or in an Adult Education School".

2. Section 4 of the Act is amended by renumbering subsection (2.1) as subsection (2) and adding the following:

"(2.1) A teacher who meets the criteria established by regulation may elect to retire early."

3. Paragraphs (a) and (b) of subsection (1) of section 17 of the Act are repealed and the following substituted:

"(a) in the case of a teacher who has one or more dependents, at the rate prescribed in the regulations; and

(b) in the case of a teacher who does not have dependents, at the rate prescribed in the regulations."

4. Section 22 of the Act is repealed.

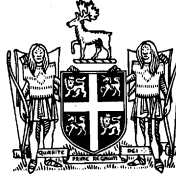
5. Paragraph (c) of section 25 of the Act is repealed and the following substituted:

"(c) a person who substitutes for the same teacher for less than twenty consecutive school days, as defined in *The Schools Act*";

6. Section 26 of the Act is amended by adding immediately after subsection (2) the following:

"(3) A person who substitutes for the same teacher for 20 or more consecutive school days, as defined in *The Schools Act*, shall be considered to be a teacher to whom this Act applies.

(4) All the school days worked by a person under subsection (3) shall be counted as pensionable service."



## CHAPTER 14

### AN ACT TO AMEND THE JUDICATURE ACT, 1986

(Assented to June 13, 1990)

#### Analysis

Section:

Section:

1. S.55 Amdt.  
Rules

2. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1986 c.42 as  
amended

1. (1) Paragraph (h) of subsection (1) and subsection (2) of section 55 of *The Judicature Act, 1986* are repealed.

(2) Section 55 of the Act is further amended by adding after subsection (1) the following:

"(2) The Lieutenant-Governor in Council may make rules fixing the scale of fees to be taken by the Registrar, the High Sheriff, sub-sheriffs, deputy sheriffs, bailiffs or process servers.

(3) Each Rules Committee may make rules fixing the scale of fees to be taken by barristers and others for proceedings in the court not included in subsection (2).

(4) Rules made under this section are subordinate legislation for the purposes of *The Statutes and Subordinate Legislation Act*."

Commence-  
ment

**2.** This Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.



## CHAPTER 15

### AN ACT RESPECTING ENDURING POWERS OF ATTORNEY

(Assented to June 13, 1990)

#### Analysis

Section:

1. Short title
2. Interpretation
3. Enduring power of attorney
4. Waiver
5. Powers of attorney exercisable while donor without capacity
6. Best interests of donor
7. Liability of attorney

Section:

8. Effect of termination
9. Substitution of attorney
10. Accountability of attorney
11. Powers of donor during legal capacity
12. Letters of guardianship
13. The Mentally Incompetent Persons' Estates Act
14. The Trustee Act

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

- Short title            **1.** This Act may be cited as *The Enduring Powers of Attorney Act*.
- Interpretation        **2.** (1) In this Act
- (a) "attorney" means the donee of an enduring power of attorney and where a power of attorney is given to more than one person, it means those persons;
- (b) "court" means the Trial Division;
- (c) "legal incapacity" means mental disability of a nature

(i) such that were a person to engage in an action he or she would be unable to understand its nature and effect, and

(ii) that would, but for this Act, invalidate or terminate a power of attorney; and

(d) "spouse" means a person of the opposite sex to whom a person is married or with whom a person has cohabited for more than a year.

(2) This Act applies only to a power of attorney that authorizes the management of the estate of a donor.

(3) A power of attorney that is intended to be exercised in the event of the donor's subsequent legal incapacity or that is intended to continue notwithstanding the donor's subsequent legal incapacity is not terminated by reason only of subsequent legal incapacity that would, but for this Act, terminate the power.

Enduring power of attorney

3. (1) A power of attorney, signed by the donor and witnessed by a person who is not the person named in the enduring power of attorney as the attorney or the spouse of that person, which contains a provision expressly or impliedly stating that it may be exercised during the legal incapacity of the donor, is an enduring power of attorney.

(2) A person shall be nineteen years of age or older in order to be named as an attorney in an enduring power of attorney.

(3) An attorney shall not appoint another person to perform the attorney's functions or to exercise his or her powers as an attorney.

Waiver

4. This Act applies to all enduring powers of attorney notwithstanding an agreement or a statement in the enduring power of attorney to the contrary.

Powers of attorney exercisable while donor without capacity

5. A provision in a power of attorney expressly stating that it may be exercised during a subsequent legal incapacity of the donor is valid and effectual, subject to those conditions and restrictions that are contained in it and are not inconsistent with this Act.

Best interests  
of donor

**6.** (1) An attorney shall exercise his or her powers in the manner that protects the best interests of the donor, and where the attorney fails to do so, the attorney shall be liable to compensate the donor for loss occasioned by the attorney's failure.

(2) An attorney is deemed to be a trustee of the property of the donor.

(3) Notwithstanding subsection (1), where an attorney proves to the satisfaction of the court that he or she has acted honestly, reasonably and in good faith, the court may relieve the attorney from personal liability either wholly or partially.

Liability of at-  
torney

**7.** Where an enduring power of attorney is terminated or revoked or becomes invalid and the attorney

(a) acts in good faith;

(b) did not know and could not reasonably be expected to know of a termination or revocation or invalidity of the enduring power of attorney; and

(c) acts in keeping with the terms of the enduring power of attorney

for the purpose of determining the liability of the attorney he or she is deemed to have had the authority to act.

Effect of ter-  
mination

**8.** (1) Where an enduring power of attorney is terminated or revoked or becomes invalid and a person who did not know and could not reasonably be expected to know of the termination, revocation or invalidity deals with the attorney the transaction shall, in favour of that person, be considered to be valid.

(2) Notwithstanding subsection (1), where the donor

(a) has expressly terminated the authority of his or her attorney; and

(b) given notice of the termination to the attorney,

the donor's liability to a person for the subsequent acts of the attorney shall be determined without reference to this Act.

## (3) Where

- (a) the authority of an attorney to act on behalf of his or her donor is terminated;
- (b) the attorney purporting to act for his or her donor enters into a transaction with a third person;
- (c) the rights of a subsequent person are dependent on the validity of the transaction entered into by the attorney with the third person; and
- (d) the subsequent person, at the material time, did not know and could not reasonably be expected to know of the termination of the authority of the attorney,

for the purpose of determining the rights and obligations of the donor in relation to the subsequent person, the third person is deemed not to have known of the termination.

## Substitution of attorney

**9.** (1) Where a donor of an enduring power of attorney becomes legally incapacitated, a person having an interest in the estate of the donor or another person permitted by the court may apply to the court for an order substituting another person for the attorney named in the enduring power of attorney.

(2) The Registrar of the court may apply to the court for an order substituting another person for the attorney named in the enduring power of attorney where it appears to him or her to be in the best interests of the donor or the donor's estate.

(3) The attorney may apply to the court for an order substituting another person as attorney on giving notice to all persons having an interest in the estate of the donor.

## Accountability of attorney

**10.** (1) A person with an interest in the estate of the donor or another person permitted by the court may, where the donor is legally incapacitated, apply to the court for an order requiring the attorney to submit his or her accounts for a transaction involving the estate of the donor.

(2) Where an order is made under subsection (1), the attorney shall file his or her accounts in the Registry of the court and the

proceedings and practice upon that filing shall be the same as for the filing of an executor's or administrator's account under *The Judicature Act, 1986*.

(3) For the purpose of subsection (1), the Registrar of the court is deemed to be a person with an interest in the estate of the donor.

Powers of donor during legal capacity

**11.** (1) A donor may revoke or terminate an enduring power of attorney at any time while the donor has legal capacity.

(2) A donor may change the attorney named in the enduring power of attorney while the donor has legal capacity.

Letters of guardianship

**12.** A person named as an attorney under an enduring power of attorney that has not been validly witnessed but otherwise complies with section 3, may apply to the court, under section 3 of *The Mentally Incompetent Persons' Estates Act*, for an order appointing the attorney as guardian of the estate of the donor.

The Mentally Incompetent Persons' Estates Act

**13.** (1) Where a donor of an enduring power of attorney wishes to exclude the application of section 20 of *The Mentally Incompetent Persons' Estates Act* he or she shall so state in the enduring power of attorney.

(2) Where the donor has failed to state that section 20 of *The Mentally Incompetent Persons' Estates Act* does not apply, the attorney or the Registrar of the court may apply to the court for a ruling as to who shall manage the estate of the donor and the court shall determine on the basis of administrative convenience who shall have the management of the estate.

The Trustee Act

**14.** Section 3 of *The Trustee Act* does not apply to an enduring power of attorney unless the donor of the power of attorney states that it is to apply.



# CHAPTER 16

## AN ACT TO AMEND THE SMALL CLAIMS ACT

(Assented to June 13, 1990)

### Analysis

Section:

1. S.3 Amdt.  
Jurisdiction

Section:

2. S.6.1 Added  
Regulations
3. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

1979 c.34  
as amended

1. Subsection (1) of section 3 of *The Small Claims Act* is amended by deleting the words "one thousand dollars" and substituting the words "three thousand dollars".

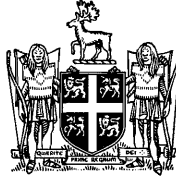
2. The Act is further amended by adding immediately after section 6 the following:

Regulations

"6.1 Notwithstanding section 6, the Lieutenant-Governor in Council may make regulations fixing the scale of fees to be taken by the clerks of the court for filing documents required under this Act."

Commence-  
ment

3. This Act or a section of this Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.



## CHAPTER 17

### AN ACT TO AMEND THE MINERAL ACT, 1976

(Assented to June 13, 1990)

#### Analysis

##### Section:

1. S.2(1)(f) R&S  
Interpretation
2. S.4 Amdt  
Application
3. S.4.1 Added  
Report of Minister
4. S.9.1 R&S  
Right to stake
5. S.10(2) Rep.  
Limited right to search
6. S.11 R&S  
Order permitting search  
S.11.1 Added  
Compensation
7. S.12 Amdt.  
Confidentiality of information
8. S.17 Amdt.  
Application for licence;  
acceptance

##### Section:

9. S.21(1)(c) R&S  
Surrender of licence
10. S.24(1) R&S  
Extension of licence
11. S.25.1(2) R&S  
Disposition of exempted  
lands
12. S.26 Amdt.  
Mining Lease
13. S.31(3) Added  
right to remove chattels
14. S.34(2) R&S  
Adjudication
15. S.45 Added  
No compensation
16. Sch. "A", Condition 2 Amdt.
17. Sch. "A", Condition 3 Amdt.
18. Commencement re ss. 2  
& 15

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1975-76 No. 44  
as amended

1. Paragraph (f) of subsection (1) of section 2 of *The Mineral Act, 1976* is repealed and the following substituted:

"(f) "mineral" means a naturally occurring inorganic substance including coal and minerals contained in mine tailings, but does not include

- (i) water,
- (ii) quarry materials as defined in *The Quarry Materials Act, 1976*,
- (iii) stratified deposits other than coal from which oil can be extracted by destructive distillation, or
- (iv) petroleum as defined in *The Petroleum and Natural Gas Act*;"

2. (1) Paragraph (b) of subsection (1) of section 4 of the Act is repealed and the following substituted:

"(b) all land and land under water, the minerals, in, on or under which, are subject to a licence, permit, lease or agreement, relating to or affecting those minerals on July 12, 1977 by reason of being issued or continued under the Act repealed by this Act or by or under another Act, but only until expiry of the current term of the licence, permit, lease or agreement, notwithstanding a covenant, an undertaking or a right arising in respect of an extension or renewal of the term created in the licence, permit, lease or agreement;"

(2) Section 4 of the Act is further amended by adding immediately after subsection (1) the following:

"(2) Notwithstanding paragraph (b) of subsection (1), this Act applies to land insofar as there are, in, on or under it, minerals that are the property of the Crown.

(3) The holder of a licence, permit, lease or agreement referred to in paragraph (b) of subsection (1) who wishes to obtain a licence, mining lease or demise of surface rights under this Act may, during the currency of the licence, permit, lease or agreement, apply to the Minister for a licence, mining lease or demise of surface rights to the land, and land under water, the minerals, in, on or under which are subject to the licence, permit, lease or agreement relating to it and the holder of the licence, permit, lease or agreement who so applies has a right to the issuance of, and the Minister shall issue, a licence, mining lease or demise of surface rights under this Act for the period

that is prescribed or permitted under this Act, provided that the terms, provisions and conditions of or pertaining to the licence, permit, lease or agreement have been complied with during its currency.

(4) The provisions of this Act, except insofar as they refer to or relate to a licence under this Act, shall apply to a mining lease issued under subsection (3)."

3. (1) Subsection (1) of section 4.1 of the Act is repealed and the following substituted:

Report of  
search

"4.1 (1) A person who searches for minerals in, on or under land and land under water, whether or not the minerals are vested in the Crown, or who is engaged in pre-production and development activities in relation to a mineral deposit shall, on or before March 15 of the year following the calendar year in which the search is carried out or the activities are engaged in, submit a report to the Minister, in a form approved by the Minister, containing

- (a) the nature and type of work carried out;
- (b) the costs incurred;
- (c) the locations of the active projects;
- (d) the name and address of the person carrying out the work;
- (e) the number of persons employed and a summary of the salaries and wages paid; and
- (f) a summary of all other expenditures."

(2) Section 4.1 of the Act is further amended by adding immediately after subsection (3) the following:

"(4) A person who intends to conduct a search for minerals by diamond drilling or other boring method shall submit his or her plans, and amendments to plans already submitted, to the Department not later than ten days prior to the beginning of the drilling activities."

4. Section 9.1 of the Act is repealed and the following substituted:

Right to stake

"9.1(1) A person may stake out a claim to minerals in, on or under land where

(a) the minerals have been reserved by the Crown in a sale, grant or lease of the land; or

(b) the title to the land has been acquired by a person by adverse possession.

(2) Notwithstanding subsection (1), a person may only stake out a claim to minerals in, on or under land where the land is not at the time

(a) staked or eligible to be recorded as a mineral claim; or

(b) withdrawn from staking by an Act or a regulation made under an Act."

5. Subsection (2) of section 10 of the Act is repealed.

6. Section 11 of the Act is repealed and the following substituted:

Order permitting search

"11. Where an owner, lessee, or other person having a legal or equitable interest in land

(a) refuses to give his or her consent as needed under subsection (3) of section 10; or

(b) is unable to be found to give his or her consent,

the Lieutenant-Governor in Council may by order dispense with the need for the consent of the person having an interest and upon the making of that order the person named in the order may enter the land described in the order for the purpose of searching, prospecting, exploring for minerals in, under or upon that land as if that person had the consent of the person who has the interest.

Compensation

11.1 (1) A person who searches, prospects or explores for minerals or stakes a claim to minerals in, on or under land not

vested in the Crown shall pay compensation to the owner, lessee or other person having an interest in the land for injury or damage caused to the surface rights by the searching, prospecting, exploring or staking.

(2) The amount of compensation payable under subsection (1) may, in default of agreement between the parties, be fixed by a judge of the Trial Division and the judge may also determine the time and manner of payment.

(3) A party who desires to have the amount of the compensation fixed by a judge under subsection (2) shall, prior to making application to the judge, give to all interested persons fourteen days' notice in writing of particulars of the application.

(4) Where the compensation fixed under subsection (2) exceeds one thousand dollars either party may appeal to the Court of Appeal from the order of the judge, otherwise no appeal lies against the order.

(5) A judge before whom a proceeding is taken under subsection (2) may order a person from whom the compensation is claimed to give security for the payment of an amount which may be fixed and may, pending the termination of the proceeding, prohibit further searching, prospecting, exploring or staking by the person from whom the compensation is claimed or by a person claiming under him or her.

(6) If an order of prohibition is made under subsection (5), the time within which the person is required to perform work or to file reports and statements under a requirement of this Act, the regulations or a licence is extended for a period of ninety days or the period during which the order of prohibition is in effect, whichever is the lesser."

7. (1) Subsection (2) of section 12 of the Act is repealed and the following substituted:

"(2) Except with respect to information compiled under section 4.1, subsection (1) ceases to apply to information after the expiry of three years from the day that the information was given under this Act."

(2) Section 12 of the Act is further amended by adding immediately after subsection (4) the following:

"(5) Notwithstanding a provision contained in another Act or in an agreement, whether or not it was passed or entered into before July 12, 1977, respecting the confidentiality of information provided to the Department under that Act or agreement, this section applies to that information as if it had been provided under this Act."

8. (1) Paragraph (e) of subsection (1) of section 17 of the Act is repealed.

(2) Section 17 of the Act is further amended by adding immediately after subsection (3) the following:

"(4) Where the same date and hour is stated in two or more applications as the date when the surface of the land was physically staked, the date and hour when the applications are received by the recorder determines the priority of the applications for the right to a ground staked licence under subsection (1)."

9. Paragraph (c) of subsection (1) of section 21 of the Act is repealed and the following substituted:

"(c) where part of the area covered by a map staked licence is surrendered, all the area being retained must fall within the boundaries of the original description contained in the licence."

10. Subsection (1) of section 24 of the Act is repealed and the following substituted:

Extension of  
licence

"24.(1) A holder of a licence who wishes to have an extension of the term of the licence must insure that an application for the extension is received by the Minister before the date of expiry of that licence and, subject to subsections (2) and (3), has a right to that extension for a period not exceeding five years either

(a) for the total area of land covered by the licence; or

- (b) for the lesser area that may be contained in the application for the extension if the area is tagged and physically staked in the manner required by paragraph (d) of subsection (1) of section 17 or within the boundaries of the original description contained in the licence."

**11.** Subsection (2) of section 25.1 of the Act is repealed and the following substituted:

"(2) A disposition by the Lieutenant-Governor in Council under subsection (1) may be by way of licence, on terms and conditions at least equivalent to those applicable to an extended ground staked licence granted under this Act, or mining lease on terms and conditions at least equivalent to a mining lease otherwise granted under this Act and for a term not to exceed twenty-five years."

**12.** (1) Subsection (1) of section 26 of the Act is repealed and the following substituted:

Mining lease

"26. (1) A holder of a licence who wishes to obtain a mining lease of the unalienated minerals in, on or under the land or part of the land covered by the licence must insure that an application for the lease is received by the Minister during the currency of the licence.

(1.1) A holder of a licence who delivers an application under subsection (1) has a right to the issuance of a mining lease for the reasonable period, not exceeding twenty-five years, that the Minister may determine, but only if the following provisions of this section are complied with."

(2) Paragraph (a) of subsection (4) of section 26 of the Act is repealed and the following substituted:

"(a) confers upon the lessee the exclusive right to develop, extract, remove, deal with, sell, mortgage, or otherwise dispose of all the unalienated minerals, or those specified in the lease, in on or under the land described in the lease;"

**13.** Section 31 of the Act is amended by adding immediately after subsection (2) the following:

"(3) Where the Minister incurs an expense

(a) in rehabilitating the surface of land demised under section 28 or subject to a mining lease under section 26 where a lessee fails to do so as required by the terms of his or her lease; or

(b) in disposing of property referred to in subsection (2),

that expense constitutes a debt due the Crown."

14. Subsection (2) of section 34 of the Act is repealed and the following substituted:

"(2) A grievor may,

(a) within thirty days of the date of the decision of the recorder, if the matter complained of relates to a decision of the recorder;

(b) within six months from the date of issuance of the licence, if the matter complained of relates to the issuance of that licence; or

(c) within thirty days of the occurrence of the event, not being one referred to in paragraph (a) or (b),

file a notice of grievance, setting out the grounds of the grievance and the facts upon which it is based with the Chairman of the Board, and shall serve on the Minister and a person affected by the grievance a copy of the notice of the grievance."

No compensa-  
tion

15. The Act is amended by adding immediately after section 44 the following:

"45. Where the current term of a licence, permit, lease or agreement referred to in paragraph (b) of subsection (1) of section 4 expires and the government of the province does not extend or renew the licence, permit, lease or agreement for a further term that the licence, permit, lease or agreement may permit or the holder of a licence, permit, lease or agreement referred to in paragraph (b) of subsection (1) of section 4 obtains a licence, mining lease or demise of surface rights under

this Act, no action or proceeding, including an action or proceeding for compensation for damages, lies against Her Majesty for or in respect of

- (a) the failure of the government of the province to extend or renew a licence, permit, lease or agreement referred to in paragraph (b) of subsection (1) of section 4 where the terms of the licence, permit, lease or agreement provides for one or more periods of extension or renewal upon expiry of the current term;
- (b) the breach of a term of a licence, permit, lease or agreement or other covenant or undertaking of Her Majesty to or in favour of a person including the provisions of a licence, permit, lease or agreement granted or entered into by Her Majesty or the government of the province prior to the date of coming into force of this section; or
- (c) damage or loss to the property or business of a person caused by or resulting, in whole or in part, by reason of the failure of Her Majesty to renew, a licence, permit, lease or agreement referred to in paragraph (b) of subsection (1) of section 4."

**16.** (1) Condition 2 of Schedule "A" to the Act is amended by renumbering it as paragraph (1) of Condition 2 and by adding immediately after paragraph (1) the following:

"(2) The security deposit referred to in subparagraph (d) of paragraph (1) is given to insure that the assessment work is completed and where the work is not completed within the required time, the deposit is forfeit to the Crown."

(2) This section is deemed to have come into force on July 12, 1977.

**17.** Condition 3 of Schedule "A" to the Act is amended by renumbering it as paragraph (1) of Condition 3 and by adding immediately after paragraph (1) the following:

"(2) Where a licensee is unable, for reasons satisfactory to the recorder, to submit a full annual report within the time

required by paragraph (1), the recorder may accept a partial report.

(3) Where the recorder accepts a partial report under paragraph (2), the licensee shall submit the completed annual report within one hundred and twenty days after the end of the most recent twelve month period of the currency of the licence.

(4) Where the recorder is satisfied that a licensee has performed sufficient assessment work in previous twelve month terms to cover that required for the current twelve month term, the recorder may waive the requirement of an assessment report for the current term."

Commence-  
ment re ss. 2 &  
15

**18.** Sections 2 and 15 of this Act shall come into force on a day to be proclaimed by the Lieutenant-Governor in Council.



## CHAPTER 18

### AN ACT TO IMPOSE A TAX ON EMPLOYERS FOR THE PURPOSE OF FUNDING HEALTH AND POST-SECONDARY EDUCATION

(Assented to June 13, 1990)

#### Analysis

Section:

1. Short title
2. Interpretation
3. Imposition of tax
4. Ceasing to have an establishment
5. Returns
6. Trustee
7. Tax as lien
8. Recovery of tax
9. Action on default in paying tax
10. Demand on third party & effect
11. Recovery by distress upon goods, etc.
12. Powers to recover tax non-exclusive
13. Interest
14. Failure to file return
15. Additional information
16. Inspectors
17. Investigations
18. Power to search and seize
19. Production of documents
20. Copies of documents
21. Proceedings against inspectors
22. Availability of returns
23. Books and records
24. Assessment

Section:

25. Review to Minister
26. Appeal to Trial Division
27. Irregularity in estimates
28. Effect of delay
29. Remission
30. Application of 1973 No.86
31. Refund of overpayments
32. Regulations
33. Evasion of tax
34. Failure to produce records, etc.
35. Offence
36. Penalty
37. Corporate liability
38. Liability of directors
39. Non-application of Criminal Code
40. No time limitation
41. Continuing offence
42. Notices, etc.
43. Affidavit of inspector
44. Consolidated Revenue Fund
45. Computer print-outs
46. Crown bound
47. 1973 No.59 Amdt.

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

- Short title           **1.** This Act may be cited as *The Health and Post-Secondary Education Tax Act*.
- Interpretation       **2.** (1) In this Act
- (a) "assessment" includes a reassessment;
  - (b) "business" means an undertaking or activity of any kind carried on by an employer whether or not it is carried on for gain or profit and includes the carrying on of government or of a government function;
  - (c) "Department" means the Department of Finance;
  - (d) "employee" means a natural person employed in the province by an employer, including an officer of an employer, who receives remuneration in respect of the performance of the duties of the employment or the office;
  - (e) "employer" means a person or a government, including the government of a province, a local authority and the Government of Canada, paying remuneration in relation to a business in the province;
  - (f) "establishment" means a place of business and includes an office, branch, agency, factory, workshop, worksite, warehouse, storage area, farm, mine, sawmill, timberland, transportation terminal, oil or gas well, refinery or generating station occupied or utilized during a year or part of a year;
  - (g) "inspector" means a person appointed or designated as an inspector under section 16;
  - (h) "local authority" means
    - (i) the City of Corner Brook,
    - (ii) the City of Mount Pearl,

- (iii) the City of St. John's, and
- (iv) a town, community or region established or continued under *The Municipalities Act*;
- (i) "Minister" means the Minister of Finance;
- (j) "person" includes a partnership, the Crown and each local authority, and each council, board, commission or authority established by or under an Act of the Legislature;
- (k) "prescribed" means prescribed by the regulations;
- (l) "remuneration" includes all payments, benefits or allowances paid or credited to or on behalf of each employee who reports for work to or who is paid by an employer through an establishment in the province and which, by reason of subsection (1) of section 5 or section 6 or 7 of the *Income Tax Act* (Canada) are declared to be or are required to be included in income of a person for the purposes of that Act and includes
  - (i) salary and wages,
  - (ii) bonuses,
  - (iii) commissions or other similar amounts fixed by reference to the volume of sales made or the contracts negotiated, and
  - (iv) other taxable allowances or benefits paid or accrued to an employee or officer,but does not include a pension, annuity or superannuation benefit paid by an employer to a former employee after retirement of that employee;
- (m) "return" means the prescribed employer tax return or any other information that the Minister requires or orders;
- (n) "tax" means the tax imposed under this Act and includes all penalties and interest that are, or may be, payable in respect of the tax; and

(o) "year" means a calendar year.

(2) For the purposes of this Act, and without restricting the generality of the definition of "establishment",

- (a) a corporation has an establishment in the place designated in its charter or by-laws as being its head office;
- (b) the use by an employer of machinery or equipment in a particular place at any time during a month constitutes an establishment of the employer in that place for that month;
- (c) an employer which produced, grew, mined, fished, refined, harvested, collected, created, manufactured, fabricated, improved, packed, preserved, processed or constructed, in whole or in part, anything in the province, whether or not the employer exported that thing or removed that thing from the province prior to selling it, the employer is deemed to maintain an establishment at the places where the employer did any of those things; and
- (d) an employer which has no fixed place of business, is deemed to have an establishment in the principal place in which the employer conducted business and in each place from which the employer carried on or transacted a portion of his or her business.

#### Imposition of Tax

Imposition of  
tax

3. (1) Every employer shall pay for each month after July 31, 1990 to the Crown in right of the province at the time and in the manner prescribed, a tax equal to one point five percent of remuneration paid to employees of that employer during that month.

(2) In calculating the tax to be paid from August 1, 1990 to December 31, 1990, the amount of \$125,000 shall be deducted from the remuneration that an employer pays during that period to the employees of that employer.

(3) In calculating the tax to be paid the amount of \$300,000 shall be deducted from the remuneration that an employer pays each year to the employees of that employer commencing after December 31, 1990.

(4) Notwithstanding subsection (1), an employer shall pay tax upon remuneration in relation to a renewable resource industry at the rate of zero percent, but where an employer is engaged in both a renewable resource industry and another business, the employer shall pay tax upon remuneration in relation to that other business at the rate set out in subsection (1) and the amount deducted under subsection (2) or (3) shall apply.

(5) The amount deducted under subsection (2) or (3) shall apply only to one employer in a group of associated corporations, but where all the associated corporations in the group file with the Minister at the time and in the form prescribed an agreement allocating the amount referred to in subsection (2) or (3) among the employers in the group, an associated corporation may deduct the amount allocated in the agreement.

(6) The amount deducted under subsection (2) or (3) shall apply only to a partnership or one of the partners in a partnership, but where all the partners file with the Minister at the time and in the form prescribed an agreement allocating the amount referred to in subsection (2) or (3) among the employers in the partnership, a partner or the partnership may deduct the amount allocated in the agreement.

(7) Notwithstanding subsection (1), an employer that is a local authority is not required to pay tax prior to January 1, 1991.

(8) Notwithstanding another provision of this Act, where an employer is

- (a) a registered charity or registered non-profit organization for the purposes of the *Income Tax Act* (Canada), or
- (b) considered by the Minister to be a private sector non-profit organization,

the remuneration paid to employees at each establishment shall be deemed to be paid by a separate person for the purposes of calculating tax.

(9) In this section

(a) "associated corporation" means a corporation which is an associated corporation as defined in section 256 of the *Income Tax Act* (Canada); and

(b) "renewable resource industry" means the fishing industry, forestry industry and the agricultural industry in the province.

Ceasing to have  
an estab-  
lishment

4. Where an employer ceases to have an establishment in the province at any time during a month, the employer shall, with respect to that month, pay the tax in the same manner as though the month ended on the date on which the employer ceased to have an establishment in the province.

#### Remittance and Returns

Returns

5. (1) Notwithstanding another provision of this Act, the Minister may require a person to file with the Department a return covering any information that the Minister may specify and the person shall, within a reasonable time that the Minister may specify, provide the return and remit to the Crown all tax payable, if any, in respect of the period specified.

(2) Notwithstanding another provision of this Act, the Minister may defer the date on which an employer or class of employers is required, or all employers or class of employers are required, to file a return or pay the tax in respect of a period which the Minister may specify.

Trustee

6. Every trustee in bankruptcy, assignee, liquidator, receiver, administrator or other person administering, managing, winding-up, controlling or otherwise dealing with property or business of an employer

(a) shall make returns and pay tax that the employer is required to make or pay; and

(b) before distributing assets under his or her control, shall obtain a clearance certificate from the inspector certifying that no tax, interest or penalties chargeable against or payable by the employer under this Act are outstanding.

**Recovery of Tax**

Tax as lien

7. (1) Until the amount of the tax required to be paid under this Act is paid, it is a first lien in favour of the Crown in right of the province on the entire assets of the estate of the employer and the lien has priority over all other claims of a person against the employer.

(2) The lien referred to in subsection (1) attaches on the date the tax was due to the Crown and continues in force until paid, or until a clearance certificate has been issued by the Minister.

(3) A lien for tax in respect of real property is deemed to be a first mortgage ranking in priority over every grant, deed, lease or other conveyance and over every judgment, mortgage or other lien or encumbrance affecting the real property affected or the title to the real property affected and the Minister may discharge the lien by power of sale under *The Conveyancing Act*.

(4) The registration of a grant, deed, lease or other conveyance, or of a judgment, mortgage, or other lien or encumbrance, whether the same was prior or subsequent to the time the lien was attached, in no way affects the priority of the lien.

(5) The Minister may register the lien in the Registry of Deeds.

Recovery of tax

8. (1) The amount of the tax may be recovered with costs by a proceeding in the name of the Minister in a court as a debt due the Crown in right of the province.

(2) A proceeding under subsection (1) shall be tried without a jury, and the court may make an order as to costs in favour of or against the Crown.

Action on  
default in  
paying tax

9. (1) Where default is made in the payment of a tax or a part of the tax that is due and payable to the Crown, the Minister may issue a certificate stating the amount due and remaining unpaid, and the name of the person by whom it is payable, and may file the certificate with the Registrar of the Supreme Court.

(2) When a certificate is filed with the Registrar of the Supreme Court, it is of the same force and effect and all proceedings

may be taken on the certificate as if the certificate were a judgment of the Trial Division for the recovery of a debt of the amount stated in the certificate against the person named in the certificate.

Demand on  
third party & ef-  
fect

**10.** (1) Where the Minister has knowledge that a person is or is about to become indebted to an employer who has not paid or remitted the tax payable under this Act, the Minister may demand of that person that the money otherwise payable by him or her to the employer be in whole or in part paid to the Minister on account of the employer's liability under this Act.

(2) The receipt of the Minister for money paid by a person in response to a demand made under subsection (1) constitutes a good and sufficient discharge of the liability of that person to the employer to the extent of the amount set out in the receipt.

(3) A person discharging a liability to an employer after receipt of a demand under this section is personally liable to the Crown in right of the province in an amount that is the lessor of

- (a) the liability discharged as between the person and the employer; and
- (b) the liability of the employer for the taxes due and payable under this Act to the Crown, but not remitted, including interest and penalties.

Recovery by dis-  
tress upon  
goods, etc.

**11.** (1) The Minister or his or her agent may levy the amount of taxes that are due and payable, with costs, by distress

- (a) of the goods and chattels of the person liable to pay the taxes over to the Minister;
- (b) of the goods and chattels in the possession of that person whenever they are found within the province; or
- (c) of the goods and chattels found on the premises of that person, the property of or in the possession of another occupant of the premises that would be subject to distress for arrears of rent due to a landlord,

and the costs chargeable shall be those payable as between landlord and tenant.

(2) If distress is made under subsection (1) for the recovery of taxes,

- (a) the Minister shall, by advertisement posted up in at least three conspicuous public places in the locality where the sale of the property distrained is to be made, cause to be given at least ten days notice of the time and place of the sale and of the name of the person whose property is to be sold; and
- (b) at the time named in the notice, an authorized agent of the Minister shall set at public auction the property distrained or so much of the property that may be necessary to satisfy the claim of the Minister for taxes, costs and expenses and for the costs and expenses incidental to the distress and sale.

(3) Where the property distrained is sold for more than the amount of taxes, costs and expenses referred to in subsection (2) and a claim for the surplus is not made by another person on the grounds that the property sold belonged to him or her or that he or she was entitled by lien or other right to the surplus, the surplus shall be paid over to the person in whose possession the property was when the distress was made and his or her receipt shall be taken therefor.

(4) Where the property distrained is sold for more than the amount of taxes, costs and expenses referred to in subsection (1) and a claim for the purpose is made by another person other than the person in whose possession the property was taken when the distress was made, then,

- (a) if the claim is not contested, the surplus shall be paid to the claimant and his or her receipt shall be taken therefor; and
- (b) if the claim is contested, the Minister shall retain the surplus until the respective rights of the parties have been determined by action at law or otherwise.

(5) For the avoidance of doubt, a claim by the Minister for distress under this section shall take priority over a claim for distress against goods and chattels for arrears of rent due to a landlord no matter which is first in time.

(6) Notwithstanding subsection (2), if the property subject to distraint is perishable in the opinion of the Minister or his or her agent, it may be sold at the time and manner reasonably practical, provided prior notice is given to the employer, and neither the Minister nor his or her agent shall be liable for damages for a loss occurring that would not have occurred if there had been no seizure.

Powers to  
recover tax non-  
exclusive

**12.** The powers conferred by this Act for the recovery of taxes, due and payable under this Act, by proceedings in court and filing a certificate may be exercised separately or concurrently or cumulatively, and the liability of a person to pay taxes due or to remit taxes is not affected in any way by the fact that a fine or penalty has been imposed on or paid by him or her in respect of an offence under this Act.

#### Interest

Interest

**13.** (1) Where an employer fails to remit the tax in the time and manner prescribed, interest shall be levied upon a sum due to be paid under this Act at the rate and the manner prescribed, and the regulations may provide for a minimum sum upon which the interest will be levied.

(2) Where a certificate is issued by the Minister under section 7, the interest shall continue to be added to the amount of the tax payable as contained in the certificate.

#### Failure to File Return

Failure to file  
return

**14.** (1) Every employer who fails to file a return or a complete return for a month within the time fixed or allowed for the filing of the return may be liable, regardless of whether the employer is prosecuted or convicted under another provision of this Act to a penalty, to be assessed by the Minister, not exceeding one hundred dollars for each day during which the failure continued, and an amount assessed under this subsection shall be conclusively deemed to be tax payable under this Act and is in addition to any other tax payable under this Act and may be collected as tax payable under this Act.

(2) Every employer who fails to pay the tax payable under this Act in the amount and at the time required under this Act or the regulations may be liable, regardless of whether the employer is

prosecuted or convicted under a provision of this Act or the regulations, to a penalty of ten percent of the amount of the tax that is unpaid at the time required, and a penalty under this subsection shall be conclusively considered to be tax payable under this Act and in addition to any tax payable under this Act and may be collected as tax payable under this Act.

(3) Neither the Minister nor the inspector is bound by a return or information supplied by or on behalf of a person and the Minister or the inspector may, notwithstanding a return or information supplied, or where no return has been filed, make the assessments contemplated under this Act.

Additional in-  
formation

**15.** (1) The Minister or the inspector may, for a purpose relating to the administration or enforcement of this Act, by registered letter or by demand served on the person, require a person, within the reasonable time that is stipulated in the letter or demand

- (a) to provide information or additional information, or to file a return or supplementary return with the Minister or with the inspector;
- (b) to produce to the Minister or to the inspector books of account, records, writing, financial statements or other documents in the possession or control of the person; or
- (c) to make certain books of account, records, financial statements or other documents of an employer, or information, available to the Minister or the inspector or to a person designated by the Minister or inspector.

(2) Every person who fails to comply with the requirement of the Minister or inspector under subsection (1) may be liable, regardless of whether that person is prosecuted or convicted under a provision of this Act, to a penalty to be assessed by the Minister not exceeding one hundred dollars for each day during which the failure continues, and an amount assessed under this section shall be conclusively deemed to be tax payable under this Act and in addition to any other tax payable under this Act and may be collected as tax payable under this Act.

**Inspection**

## Inspectors

**16.** (1) The Minister may appoint or designate persons or a class of persons as inspectors for the purposes of this Act and the regulations.

(2) The Minister may authorize a person employed in the Department or those persons or class of persons designated under subsection (1) to perform and exercise those of the duties imposed and powers conferred by this Act upon the inspector as may, in the opinion of the Minister, be conveniently performed or exercised by that person and the performance or exercise of those duties or powers by the person so authorized shall be of the same force and effect as if they were performed or exercised by the Minister.

## Investigations

**17.** (1) For the purpose of enforcing and administering this Act and the regulations, an inspector appointed or designated under section 16, may, from time to time, and at all reasonable times, enter into the business premises of an employer or the place where the employer's business is carried on, any property is kept, anything is done in connection with an employer or business or any books or records are, or should be, kept pursuant to this Act and may

(a) audit or examine the books of account, records, financial statements or other documents that relate or may relate to

(i) the information that is or should be in the books, records, financial statements or other documents, or

(ii) the amount of tax payable;

(b) require

(i) a person who is or may be liable to pay tax, or

(ii) in the case of a corporation liable to pay tax, the president, manager, secretary or any director, agent or representative or another individual on the premises or in the place,

to give the inspector all reasonable assistance with his or her audit or examination and to answer all questions relat-

ing to the audit or examination, orally, in writing, on oath or affirmation;

- (c) for the purposes of paragraph (b), require a person mentioned in that paragraph to attend at the premises or place with the inspector; and
- (d) when, during the course of an audit or examination, the Minister or inspector believes on reasonable grounds that there has been a violation of this Act or the regulations, the Minister or inspector may with a warrant issued under section 18, seize and take away, in the case of an inspector with the written permission of the Minister, any of the books of account, records, financial statements and other documents that may be required as evidence of a violation and may retain those documents until the time they are required in a court proceeding.

Power to  
search and seize

**18.** (1) A Provincial Court judge or justice of the peace who is satisfied by information upon oath or affirmation that there are reasonable and probable grounds for believing that there is on any premises or at any place where a business is carried on or anything that will afford evidence with respect to a contravention of this Act, may issue a warrant authorizing an inspector or other person named in the warrant to enter and search those premises or that place and to make inquiries and copies of books of account, records, financial statements and other documents that are deemed necessary, subject to those conditions that may be specified in the warrant.

(2) The employer or person in charge of the premises or place referred to in this section and every person found in the premises or place shall give an inspector or other person all reasonable assistance to enable the inspector to carry out his or her duties and functions under this section and shall furnish the information that the inspector may reasonably require.

(3) Notwithstanding section 17, an inspector may exercise the power of search referred to in that section without a warrant issued under subsection (1) if the conditions for obtaining the warrant exist but by reason of exigent circumstances it would not be practical to obtain the warrant.

(4) For the purposes of subsection (3), exigent circumstances include circumstances in which the delay necessary to obtain the warrant would result in danger to human life or safety or the loss or destruction of evidence.

Production of  
documents

**19.** (1) For the purposes of enforcing and administering this Act and the regulations, the Minister may demand from any person, including the president, manager, secretary, director, agent or representative of a partnership or corporation

- (a) a return, a supplementary return and any information related to a return or supplementary return; and
- (b) the production, including the production on oath or affirmation, of any books, letters, accounts, invoices, financial or other statements or other documents,

which relates to a person liable to pay tax.

(2) For the purposes of administering and enforcing this Act and the regulations, the Minister may demand from

- (a) a person, syndicate, trust or corporation; and
- (b) an agent or official of a person, syndicate, trust or corporation,

which is or may become a third party, the production, including the production on oath or affirmation of books, letters, accounts, invoices, financial or other statements or other documents.

(3) The Minister may specify a reasonable time within which a demand under this section is to be complied with, and every person to whom a demand is made shall comply with the demand within the specified time.

Copies of docu-  
ments

**20.** Where a document is seized, inspected, examined or provided under any provision of this Act for the purposes of enforcement of this Act, the person by whom it is seized, inspected or examined or to whom it is provided or a person authorized by the Minister may make, or cause to be made, one or more copies of it and a document purporting to be certified by the person by whom it is seized, inspected or examined or to whom it was provided or by a person

authorized by the Minister to be a copy is evidence of the nature and content of the original document and has the same probative force as the original document would have if it had been proven in the ordinary way.

Proceedings  
against inspec-  
tors

**21.** When a court before which a proceeding is taken against an inspector for anything done by him or her under this Act or the regulations, is satisfied that there was probable cause for the action of the inspector, and that his or her action was not malicious, a verdict or judgment shall not be given against the inspector for more than five cents damages or for any costs of suit.

#### Information Confidential

Availability of  
returns

**22.** (1) Returns made or information received under this Act or the regulations shall not be made available to a person except persons authorized by the Minister to receive them.

(2) The Minister shall not authorize a person to receive returns made or information received under this Act unless it is necessary to do so for the purposes of this Act.

(3) The Minister may

- (a) communicate or permit to be communicated to a person employed by the Government of Canada;
- (b) communicate or permit to be communicated to a person employed by the Government of a province

information obtained under this Act or the regulations; and

- (c) permit a person employed by the Government of Canada;  
or
- (d) permit a person employed by the Government of a  
province

to inspect or have access to a form, return, statement or other information furnished under this Act or the regulations.

(4) Subsection (3) applies only in those circumstances where

- (a) information communicated and the inspection and access permitted will not be used for a purpose other than the administration or enforcement of a law of the jurisdiction that provides for the imposition of a tax; and
- (b) with respect to paragraphs (b) and (d) only, on a reciprocal basis, similar information is communicated to the Minister by a reciprocating jurisdiction and persons employed by this province may inspect and have access to similar forms, returns, statements or other information under the control of the reciprocating jurisdiction.

Books and  
records

**23.** (1) Each employer shall keep and maintain within the province and make available within the province for inspection, examination and audit under this Act books, records, financial statements and other documents relating to the operation of the employer or make those other arrangements with the inspector that may be satisfactory to the inspector to make them available for inspection, examination and audit under this Act.

(2) If the books, records, financial statements and other documents kept by an employer are, in the opinion of the inspector, inadequate for the purposes of this Act, the inspector may, by written order, require the books and records to be kept by the employer, the nature of and the entries to be made therein and the employer shall, within a reasonable time that the inspector may stipulate in the order, begin keeping the books and records as required.

(3) Where the inspector makes an order under subsection (2), the employer to which the order is directed shall comply with the order, and, if the employer fails to comply with the order, he or she is guilty of an offence.

#### Assessment

Assessment

**24.** (1) Where

- (a) an employer fails to file a return required under this Act in respect of a particular month or period;
- (b) the return of an employer in respect of a particular month or period is not, in the opinion of the inspector, substantiated by books and records of the employer; or

- (c) upon inspection or examination of a return or audit of books, records, financial statements and other documents, it appears to the satisfaction of the inspector that a tax payable by an employer under this Act in respect of a particular month or period has not been paid in accordance with this Act,

the inspector may make an assessment of the amount of tax payable by the employer in respect of that month or period, and subject to sections 25 and 26, the amount so assessed shall be conclusively deemed to be the amount of tax payable by the employer in respect of that month or period.

(2) Where

- (a) the books, records, financial statements and other documents kept by an employer are, in the opinion of the inspector, inadequate for the purposes of this Act;
- (b) after being requested by the inspector to produce his or her books, records, financial statements and other documents an employer fails or refuses to produce his or her books, records, financial statements and other documents for examination for the purposes of this Act; or
- (c) an employer alleges that his or her books, records, financial statements or other documents have been lost or destroyed,

the inspector may make an assessment of the tax payable by the employer in respect of a particular month or period on the basis of the inspector's valuation of the amount taxable of the employer, and, subject to sections 25 and 26, the amount so assessed shall be conclusively deemed to be the amount of tax payable by the employer in respect of that month or period.

(3) Where the inspector has made an assessment, the inspector is not, by reason of the assessment, prevented or prohibited from making a further assessment of the amount of tax payable by the employer in respect of that month or period.

(4) Where it appears from an inspection, audit or examination of the books of account, records, financial statements or other docu-

ment of an employer that this Act or the regulations have not been complied with, the inspector making the inspection, audit or examination shall calculate the tax payable by the employer in a manner and form and by a procedure that the inspector considers adequate and expedient, and the inspector shall assess the amount of the tax payable by the employer.

(5) An inspector may serve personally or by registered mail a notice of an assessment on the employer and may require the employer to pay, or otherwise account, to the inspector for the assessed tax payable within thirty days after service of the notice of assessment.

(6) An employer that is served with a notice of assessment shall pay, or otherwise account for, the assessed tax payable within thirty days after the day on which the notice of assessment is served, whether or not an appeal is taken from, or an objection is made to, the assessment.

(7) The notice of assessment mentioned in subsection (5) is admissible in evidence, without proof of the office or signature of the person appearing to have signed the notice, as *prima facie* proof that the amount stated in the notice is due and owing.

#### Review and Appeals

Review to Minister

**25.** (1) Where an employer disputes the amount of an assessment made under section 24, the employer may directly, or by his or her agent, within sixty days after receiving the notice of the assessment, serve notice of review upon the Minister.

(2) The notice of review served under subsection (1) shall be in writing and shall set forth clearly the reasons for the review and the facts relative to the review.

(3) Upon receipt of a notice served under subsection (1), the Minister shall duly consider the matter being reviewed and may affirm, rescind, or amend the assessment and shall send by registered mail to the employer or serve upon the employer notice of his or her decision.

Appeal to Trial  
Division

**26.** (1) Where an employer is dissatisfied with the decision of the Minister given under section 25, the employer may appeal from that decision to the Trial Division.

(2) An appeal under subsection (1) shall be made by filing in the Trial Division, within sixty days after the date on which the notice of the decision reviewed was sent by registered mail or served under subsection (3) of section 25, or a further period as a judge of the court may on application allow, a statement of claim naming the Crown in right of the province as the defendant and setting forth the grounds of the appeal.

(3) Upon a statement of claim being filed under subsection (2), the proceeding shall continue in the same manner as any other proceeding in the Trial Division unless the court otherwise orders, and a party to the proceeding may apply to a judge of the Trial Division for directions as to the conduct of or steps to be taken in the proceeding and a judge of the Trial Division may make such order as he or she thinks advisable respecting the conduct of the proceeding and steps to be taken.

(4) Upon an appeal under this section, the court may affirm, set aside or vary the decision appealed and may, in delivering judgment disposing of the appeal, order payment or repayment of the tax, interest and penalties, or costs, by the employer or the government.

Irregularity in  
estimates

**27.** An assessment of tax made by the Minister and confirmed or amended under section 25 shall not be varied or disallowed because of an irregularity, informality, omission or error on the part of a person in the observation of a directory provision of this Act or the regulations up to the date of the issuing of the notice of the estimate.

Effect of delay

**28.** Neither the giving of a notice of appeal by a person nor a delay in the hearing of that appeal

(a) affects in any way

(i) the due date of a tax or part of a tax imposed under this Act that is the subject matter of an appeal,

(ii) the interest or penalties provided by this Act in respect of a tax as due and payable, or

(iii) liability for payment of a tax provided by this Act; or

(b) delays in any way the collection of a tax,

but if the tax is set aside or reduced on appeal, the Minister shall refund to the person entitled thereto the excess of tax paid and of an additional penalty or interest paid on the tax.

Remission

**29.** (1) Notwithstanding another Act or another provision of this Act, the Minister may remit a penalty or interest imposed under this Act.

(2) A remission under this section may be total or partial, conditional or unconditional, and may be granted whether before or after or pending a suit or proceeding for the recovery of a penalty or interest and before or after a payment thereof has been made or enforced by process or execution.

Application of  
1973 No.86

**30.** Subsections (3) and (4) of section 19 of *The Financial Administration Act, 1973* apply, with such modifications as the circumstances require, to remissions under section 29.

#### Refunds

Refund of over-  
payments

**31.** (1) Where it is disclosed that the amount of tax actually paid by an employer for a month or period exceeds the amount of tax that the employer is required to pay for that month or period, the Minister shall refund the amount of the overpayment to the employer, together with interest at the prescribed rate and in the manner prescribed.

(2) Notwithstanding subsection (1), where the employer owes taxes to the Crown under this or another Act

(a) the amount of the overpayment, or as much of the overpayment as is required, is to be retained by the Minister and applied to the tax owing; and

(b) the Minister shall notify the employer of the set-off.

(3) Notwithstanding subsection (1), no refund is payable under this section where the overpayment is not discovered within three years after the day on which it is paid.

(4) No proceeding is to be brought to recover an overpayment after the expiration of three years from the day on which it is paid.

(5) No interest shall be paid under this section where the amount of the tax is less than one hundred dollars.

(6) No overpayment of tax shall be paid where the amount of the tax is less than ten dollars.

(7) Refunds paid under this section are to be paid out of the Consolidated Revenue Fund and are to be accounted for as a reduction of revenues receivable under this Act.

### Regulations

#### Regulations

**32.** (1) The Lieutenant-Governor in Council may make regulations

- (a) prescribing forms for employer tax returns and other forms and information required under this Act;
- (b) respecting information required to be disclosed in a return or other prescribed form;
- (c) prescribing the records to be kept by employers;
- (d) prescribing anything else that by this Act is to be prescribed or is to be determined or regulated by the regulations;
- (e) prescribing the rates of interest payable or imposed under sections 13 and 31 and the time and manner in which the interest or refund is to be paid;
- (f) providing for the method of refunding to an employer an overpayment of tax or portion of tax paid and prescribing the records and materials to be furnished upon an application for an overpayment;
- (g) respecting the retention or destruction, or both, of the books and records referred to in subsection (1) of section 23;

- (h) prescribing the doing of any act deemed necessary or expedient for the collection of the tax or to prevent evasion of the tax;
- (i) defining, enlarging or restricting the meaning of a word or expression used in this Act but not defined in this Act; and
- (j) defining, enlarging or restricting the meaning of a word or expression used in this Act;
- (k) generally for the better carrying out of the provisions of this Act.

(2) Regulations made under subsection (1) may be made with retroactive effect to the commencement of this Act if made within six months of this Act receiving Royal Assent.

#### Offence and Penalty

Evasion of tax

**33.** Every employer who attempts to evade payment of all or part of the tax payable by the employer under this Act by understating the amount of remuneration paid by the employer is liable, regardless of whether the employer has been prosecuted or convicted under a provision of this Act or the regulations, to a penalty to be assessed by the Minister not exceeding fifty percent of the amount of the tax evaded or sought to be evaded.

Failure to  
produce  
records, etc.

**34. (1)** A person is guilty of an offence who

- (a) refuses or wilfully neglects to produce, as required under this Act, books, records, financial statements or other documents to a person entitled under this Act to inspect, examine or audit them;
- (b) refuses or wilfully neglects to answer a question put to him or her by a person entitled under this Act to do so relating to a matter concerning which he or she is required under this Act to answer;
- (c) refuses or wilfully neglects to file a return or make a report required from him or her under this Act;

- (d) files or makes a false or misleading return or report or gives false or misleading answers or information in a return or report under this Act, or makes a false or misleading answer to a question put to him or her by a person entitled to do so relating to a matter concerning which he or she is required under this Act to answer;
- (e) destroys, alters, mutilates, secretes or disposes of books of accounts, records, financial statements or other documents of an employer to evade tax payable under this Act;
- (f) fails to produce for inspection when requested to do so, any books of account, records, financial statements or other documents;
- (g) makes, permits, assents to, or acquiesces in, the making of false or misleading entries or omissions in the books, records or documents of an employer to evade tax under this Act; or
- (h) wilfully evades or attempts to evade complying with this Act or payment of tax under this Act.

(2) Every person who obstructs the Minister or the inspector or another person authorized under this Act to make an inspection, examination or audit of books, records, financial statements or documents, assets or premises in making that inspection, examination or audit in the administration of this Act, is guilty of an offence.

**Offence**            **35.** A person who disobeys, or refuses, or wilfully neglects, omits or fails, to comply with a provision of this Act or the regulations or a request or requirement made or imposed under the authority of this Act is guilty of an offence.

**Penalty**            **36. (1)** A person who is guilty of an offence under this Act or the regulations for which no other penalty has been prescribed is liable on summary conviction

- (a) for a first offence to a fine of not less than two hundred dollars nor more than ten thousand dollars or to imprisonment for a term of not more than six months or to both the fine and imprisonment;

- (b) for a second offence to a fine of not less than five hundred dollars nor more than ten thousand dollars or to imprisonment for a term of not more than six months or to both the fine and imprisonment; and
- (c) for a third or subsequent offence to a fine of not less than one thousand dollars nor more than ten thousand dollars or to imprisonment for a term of not less than two weeks nor more than six months or both the fine and imprisonment.

(2) In addition to the penalties imposed under subsection (1) a court shall order the person found guilty to pay the tax due under this Act and in default of the payment of the tax, the court shall order that person imprisoned for a term of not less than one month or more than six months.

Corporate  
liability

**37.** When a corporation is guilty of an offence under this Act and an officer, director or agent of the corporation directed, authorized, assented to, acquiesced in or participated in the commission of the offence, that officer, director or agent is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for that offence whether or not the corporation has been prosecuted or convicted.

Liability of  
directors

**38.** (1) Where a corporation has failed to remit the tax or has failed to pay any interest or penalty relating to the tax, each director of the corporation at the time the corporation was required to remit the taxes or to pay the interest or penalty relating to the tax, is jointly and severally liable, together with the corporation to pay those amounts.

(2) A director of a corporation is not liable under subsection (1) unless the Minister has taken all action that the Minister considers necessary to recover the debt of unpaid tax of the corporation.

(3) A director of a corporation is not liable for a failure described under subsection (1) where the director exercised the degree of care, diligence and skill to prevent the failure that a reasonably prudent person would have exercised in comparable circumstances.

(4) The Minister may assess a person for an amount payable by the person under this section and, where the Minister sends a notice of assessment, the sections of this Act respecting assessments, objections and appeals apply, with such modifications as the circumstances require.

(5) An assessment under subsection (4) of an amount payable by a person who is a director of a corporation shall not be made more than four years after the person last ceased to be a director of the corporation.

(6) For the purposes of this section, the Minister may apply a payment or payments made by or on behalf of the corporation under this Act to any of the liabilities described under subsection (1), including penalty and interest relating thereto, and to a liability for tax payable by the corporation under this Act, including any penalty and interest relating to the tax.

Non-applica-  
tion of  
Criminal Code

**39.** Sections 736 and 737 of the *Criminal Code* shall not be applied in disposing of a complaint made or in imposing punishment for an offence under this Act.

No time limita-  
tion

**40.** A complaint may be made and all proceedings may be taken thereon in respect of an offence under this Act or the regulations, without limitation of time.

Continuing of-  
fence

**41.** Where a person commits an offence under this Act and the offence continues more than one day, the person offending is, for each day during which the offence continues, guilty of a further offence and may be convicted and is liable to the same punishment as for the original offence for each day during which the offence continues, and where an information relating to an alleged offence under this Act sets out that the alleged offence continued on several days or for a period of days it shall be treated as and on conclusively deemed to be separate information alleging a separate offence for each of the several days or for each of the days in the period.

#### Administration

Notices, etc.

**42.** (1) Where, under this Act or the regulations, a notice or document is required to be served on, delivered to or sent to an employer, it is sufficiently served, delivered or sent

- (a) if it is delivered to an office of the employer in the province;
- (b) if it is sent by registered mail addressed to the employer at the address in the province shown on the most recent return of the employer filed under this Act or as last known to the inspector; or
- (c) where no address of the employer in the province is known to the inspector, if it is sent by registered mail addressed to the post office nearest to the place where the employer has a permanent establishment in the province.

(2) Where, under this Act or the regulations, a notice or document required to be served on, delivered to or sent to an employer, is sent to the employer by registered mail, the employer shall be deemed to have received the notice or document on the second day after the day on which it was mailed not including a day on which the post office is closed.

Affidavit of in-  
spector

**43.** In a prosecution or proceeding under this Act, an affidavit by the inspector as to facts necessary to establish that he or she has complied with a provision of this Act is admissible as *prima facie* proof of the facts set out in the affidavit.

Consolidated  
Revenue Fund

**44.** All money received by the Minister by way of tax forms part of the Consolidated Revenue Fund.

Computer  
print-outs

**45.** In a court proceeding taken under this Act the Crown may, in support of its case, produce copies of computer print-outs duly certified as correct copies by the Comptroller General or a designate of the Comptroller General.

Crown bound

**46.** This Act binds the Crown and an agent of the Crown.

#### Consequential Amendments

1973 No.59  
Amdt.

**47.** Subsection (1) of section 3 of *The Proceedings Against the Crown Act, 1973* is amended by adding the words "*The Health and Post-Secondary Education Tax Act*" immediately after the words "*The Tobacco Tax Act, 1986*".



## CHAPTER 19

### AN ACT TO AMEND THE COMMISSIONERS FOR OATHS ACT

*(Assented to June 13, 1990)*

#### *Analysis*

Section:

1. S.11.1 Added  
Regulations re fees

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

RSN 1970 c.51  
as amended

1. *The Commissioners for Oaths Act* is amended by adding immediately after section 11 the following:

Regulations re  
fees

"11.1 The Lieutenant-Governor in Council may make regulations prescribing fees that the Minister of Justice may charge for an appointment or a renewal of an appointment of a commissioner for oaths under sections 2 and 3."



## CHAPTER 20

### AN ACT TO AMEND THE ADOPTION OF CHILDREN ACT, 1972

(Assented to June 13, 1990)

#### Analysis

Section:

1. S.9 R&S  
Agreement to child being in Director's care  
S.9.1 Added  
Consent required  
S.9.2 Added  
Consent not required  
S.9.3 Added  
Termination of agreement

Section:

- S.9.4 Added  
Sections not to apply
2. S.22 Added  
Disclosure  
S.23 Added  
Child care subsidy
3. S.24 Amdt.  
Regulations
4. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

1972 No.36  
as amended

Agreement to  
child being in  
Director's care

1. Section 9 of *The Adoption of Children Act, 1972* is repealed and the following substituted:

"9. (1) The Director may enter into an agreement in writing with a parent or a person, who in fact has custody of a child, by which the parent or that other person voluntarily gives up all his or her rights in respect of the child to the Director for the purpose of placing the child for adoption.

(2) An agreement under subsection (1)

(a) operates as the consent of the person referred to in subsection (1) to the adoption of the child; and

(b) confers on the Director the rights of custody in respect of the child so as to enable the Director to have the care and custody of the child pending the adoption and to place the child in a home for the purpose of adoption.

(3) Where a person who is under nineteen years of age enters into an agreement under this section that agreement shall be considered to be valid.

(4) The provisions of this section shall not apply to require the consent or agreement of a foster parent to the placement or the adoption of a child.

Consent  
required

9.1 (1) An adoption order shall not be made without the written consent of

- (a) the child proposed to be adopted, where the child is twelve years of age and capable of giving an informed consent;
- (b) every parent whose name appears on the record of birth of the child in the jurisdiction in which the child was born; and
- (c) a person who has been declared to be a parent of that child by a court or who has an order for custody of or access to the child to be adopted or who has filed an application for a declaration or order with a court.

(2) Where the child proposed to be adopted is a child who is the subject of an agreement under section 9, the consent of a person referred to in paragraph (c) of subsection (1) shall not be required unless that person has given the Director written notice of the declaration, order or application within thirty days of the date of the child coming into the care of the Director pursuant to an agreement under section 9.

(3) Where a child has been committed permanently to the care and custody of the Director under *The Child Welfare Act, 1972*, the only consent required to the adoption of that child is that of the Director and of the child where he or she is twelve years of age and capable of giving an informed consent.

(4) The consent of a parent under the age of nineteen to the adoption of his or her child shall be considered to be valid.

Consent not  
required

9.2 (1) Where a consent required by this Act has not been given, a Judge may make an order dispensing with the consent where he or she determines that it would be in the best interests of the child to do so having regard to the circumstances, including

(a) that the person who would give the consent

(i) may be dead,

(ii) is not capable of giving an informed consent, or

(iii) cannot be located despite reasonable efforts to do so; or

(b) that the person whose consent would normally be required is not a concerned parent.

(2) In this section "concerned parent" means

(a) a parent who has in fact the care of a child or who has legal custody of a child;

(b) a parent who regularly exercises rights of custody or access in relation to the child or attempts to exercise those rights; or

(c) a parent who regularly provides financial support for the child.

Termination of  
agreement

9.3 (1) A person entering into an agreement under section 9 or giving a consent to adoption required by this Act may within twenty-one days of entering into the agreement or giving the consent withdraw it in writing.

(2) Where a child has not been placed in a home for the purposes of adoption, the person who made the agreement under section 9 may terminate the agreement with the consent of the Director.

(3) Where the child is in a home for the purpose of adoption as a result of an agreement under section 9, that agreement cannot be terminated unless on an application to a Judge to terminate the agreement, the applicant satisfies the Judge that it is in the best interests of a child to do so by order.

(4) An adoption order under this Act shall not be set aside unless it is in the best interest of the child adopted to do so.

(5) An agreement or a consent under this Act is not valid unless the child was at least seven days old at the time the consent was given or the agreement entered into.

Sections not to  
apply

9.4 The provisions of sections 9, 9.1, 9.2 and 9.3 shall not apply to a child that comes into the care of the Director for the purposes of an adoption prior to the coming into force of these sections."

**2.** The Act is amended by adding immediately after section 21 the following:

Disclosure

"22. (1) An adopted person who is nineteen years of age may apply to the Minister for the release of information contained in his or her file or for information about other parties to the adoption.

(2) The Minister shall authorize the release of information contained in the file that does not identify the other parties to the adoption and may release other information upon obtaining the consent to a release from a party that would be identified by such a release.

Child care  
subsidy

23. Notwithstanding section 5, the Minister may authorize the granting of a child care subsidy to the adopting parents of a child on the terms and conditions that may be prescribed."

**3.** Subsection (1) of section 24 of the Act is amended by adding immediately after paragraph (c) the following:

"(c.1) respecting the granting of a child care subsidy to adopting parents;"

Commence-  
ment

**4.** This Act or a section of this Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.



## CHAPTER 21

### AN ACT TO AMEND THE CANADA-NEWFOUNDLAND ATLANTIC ACCORD IMPLEMENTATION (NEWFOUNDLAND) ACT AND THE PETROLEUM AND NATURAL GAS ACT

(Assented to June 13, 1990)

#### Analysis

Section:

1. Short title  
PART I  
THE CANADA-NEW-  
FOUNDLAND ATLANTIC  
ACCORD IMPLEMENTATION  
(NEWFOUNDLAND) ACT
2. S.77(3) Amdt.  
Application for declaration
3. S.97(1) Amdt.  
Definitions
4. S.99 Amdt.  
Disposition of production  
licences
5. S.99.1 Added  
Pre-1982 discoveries
6. S.102 R&S  
Prohibition against registration  
of disapproved transfers

Section:

7. S.114(6) Rep.  
Definitions
8. S.192 R&S  
Offence by employee or  
agent  
PART II  
THE PETROLEUM AND  
NATURAL GAS ACT
9. S.21 R&S  
Definition
10. S.25 Amdt.  
Royalty Agreement  
PART III  
VALIDATION
11. Validation of project  
approval  
PART IV
12. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as *The Offshore Development Act, 1990*.

## PART I

THE CANADA-NEWFOUNDLAND ATLANTIC ACCORD  
IMPLEMENTATION (NEWFOUNDLAND) ACT1986 c.37  
as amended

2. Subsection (3) of section 77 of *The Canada-Newfoundland Atlantic Accord Implementation (Newfoundland) Act* is repealed and the following substituted:

"(3) Subsections (3), (4) and (6) of section 70 apply, with such modifications that the circumstances require, with respect to a declaration made under subsection (1) or (2)."

3. (1) Paragraph (c) of subsection (1) of section 97 of the Act is repealed.

(2) Paragraph (k) of subsection (1) of section 97 of the Act is repealed and the following substituted:

"(k) "security interest" means a charge on or right in relation to an interest or a share in an interest, pursuant to a written agreement, that secures a payment or performance of an obligation, including

- (i) the payment of an indebtedness arising from an existing or future loan or advance of money,
- (ii) a bond, debenture or other security of a corporation, or
- (iii) the performance of the obligations of a guarantor under a guarantee given in respect of all or a part of an indebtedness referred to in subparagraph (i) or all or a part of a bond, debenture or other security of a corporation,

and includes a security given under section 177 of the *Bank Act*, but does not include an operator's lien;"

4. Section 99 of the Act is amended by adding immediately after subsection (4) the following:

"(5) This section does not apply in respect of a production licence issued in relation to a commercial discovery area on which the drilling of the first well that indicated the discovery commenced before March 5, 1982."

5. The Act is amended by adding immediately after section 99 the following:

Pre-1982 discoveries

"99.1 No agreement or arrangement that is or may result in a transfer, assignment or other disposition to a corporation of a production licence issued in relation to a commercial discovery area on which the drilling of the first well that indicated the discovery commenced before March 5, 1982, or a share in the production licence issued in relation to a commercial discovery area is effective with respect to the transfer, assignment or other disposition unless the Federal Minister, by written notice to the interest holder, indicates that the Federal Minister is satisfied that the requirements set out in subparagraph (i), (ii) or (iii) of paragraph (c) of subsection (2) of section 54 of the Canada Oil and Gas Land Regulations have been met in respect of the corporation."

6. Section 102 of the Act is repealed and the following substituted:

Prohibition against registration of disappeared transfers

"102. No transfer of a production licence or share in a production licence may be registered under this Division unless the agreement or arrangement resulting in the transfer of the production licence has been approved pursuant to subparagraph (ii) of paragraph (a) of subsection (3) of section 99 or paragraph (b) of subsection (3) of section 99 or has been exempted from section 99 by virtue of subsection (4) of section 99 or, where the agreement or arrangement is of the kind referred to in section 99.1, unless the Federal Minister has given the written notice referred to in that section."

7. Subsection (6) of section 114 of the Act is repealed.

8. Section 192 of the Act is repealed and the following substituted:

Offence by employee or agent

"192. In a prosecution for an offence under this Part, it is sufficient proof of the offence to establish that it was committed

by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the offence was committed without the knowledge or consent of the accused or the accused exercised proper diligence to prevent the commission of the offence."

## PART II

### THE PETROLEUM AND NATURAL GAS ACT

RSN 1970 c.294  
as amended

**9.** Section 21 of *The Petroleum and Natural Gas Act* is repealed and the following substituted:

Definition

"21. In this Part "lease" includes a similar instrument issued under *The Canada-Newfoundland Atlantic Accord Implementation (Newfoundland) Act* and the *Canada-Newfoundland Atlantic Accord Implementation Act (Canada)*."

**10.** (1) Subsection (1) of section 25 of the Act is amended by striking out the words "the holder of a lease" and by substituting the words "the holder of a share of a lease or the holders of all shares of a lease".

(2) Subsection (2) of section 25 of the Act is amended by striking out the words "of this Act" and by substituting the words "of this Act with the exception of subsection (3)".

(3) Section 25 of the Act is further amended by adding immediately after subsection (2) the following:

"(3) Where a document is inspected, examined, obtained or provided under or in accordance with an agreement entered into under subsection (1), the person by whom it is inspected, obtained or examined or to whom it is provided or a person authorized by the Minister may make, or cause to be made, one or more copies of it and a document purporting to be certified by the person by whom it is inspected, obtained or examined or to whom it was provided or by a person authorized by the Minister to be a copy is evidence of the nature and content of the original document and has the same probative force as the original document would have if it had been proven in the ordinary way.

(4) After a document has been certified under this section it shall be returned to the person from whom it was received."

### PART III

#### Validation

Validation of  
project approval

11. For the purposes of *The Canada-Newfoundland Atlantic Accord Implementation (Newfoundland) Act*, the decision of the Board concerning the application for approval of the Hibernia Canada-Newfoundland Benefits Plan and the Hibernia Development Plan, which decision was published as Decision 86.01 and submitted to the Minister on June 18, 1986, shall be deemed to have been validly made by the Board pursuant to sections 45 and 134 and the conditions referred to in subsection (1) of section 32 shall be deemed to have been satisfied in respect of that decision.

(2) Nothing done by the Board or the Minister pursuant to or in furtherance of the decision referred to in subsection (1) shall be found to be invalid by reason only that the Board was not properly constituted at the time the decision was made or that any of the provisions of the Act referred to in subsection (1) were not in force at that time.

### PART IV

#### Commencement

Commence-  
ment

12. This Act or a provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant-Governor in Council.



## CHAPTER 22

### AN ACT TO AMEND THE LABOUR RELATIONS ACT, 1977

(Assented to June 13, 1990)

#### Analysis

Section:

1. S.2(1)(v) Amdt.  
Definitions

Section:

2. S.70 R&S  
Declaration of special projects

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1977 c.61  
as amended

1. Paragraph (v) of subsection (1) of section 2 of *The Labour Relations Act, 1977* is amended by adding immediately after the words "ancillary work, services and catering" the words "within a prescribed geographic site, if any,".

2. Section 70 of the Act is repealed and the following substituted:

Declaration of  
special projects

"70.(1) The Lieutenant-Governor in Council may by order

(a) declare an undertaking that conforms to a special project within the meaning of paragraph (v) of subsection (1) of section 2 to be a special project under this Act, and the project so declared is a special project for all the purposes of this Act; or

(b) declare that an agreement reached between an employer and a representative of workers for a term exceeding three years that is executed and delivered on

or before the date of the order and relating to a special project as defined in subsection (1) of section 2 is an agreement relating to a special project and that project is deemed to be a special project for all purposes of this Act.

(2) The Lieutenant-Governor in Council may, with respect to an order made under subsection (1), prescribe

- (a) the geographic site to which the declaration relates; and
- (b) the employers and the trade unions who may be involved in collective bargaining relating to employment on the special project.

(3) Where the Lieutenant-Governor in Council declares an order under subsection (1), the Lieutenant-Governor in Council may include those conditions and qualifications with respect to any aspect of a special project that the Lieutenant-Governor in Council considers necessary or desirable.

(4) Where a declaration is ordered under subsection (1), an application made to the Board under section 69 for a determination of the question whether an undertaking with which it is concerned is a special project is void whether or not that application is made before or after the declaration is ordered under subsection (1)."



## CHAPTER 23

### AN ACT TO AMEND CERTAIN LEGISLATION RESPECTING OFFSHORE DEVELOPMENT

(Assented to October 19, 1990)

#### Analysis

Section:

1. Short title  
PART I  
THE CANADA-  
NEWFOUNDLAND  
ATLANTIC ACCORD  
IMPLEMENTATION  
(NEWFOUNDLAND)  
ACT
2. S.97(1)(k) Amdt.  
Definitions
3. S.99.1 Amdt.  
Pre-1982 discoveries
4. S.102 Amdt.  
Prohibition against  
registration of disapproved  
transfers  
PART II  
THE CROWN ROYALTIES  
ACT
5. S.9 Added  
Exemption

Section:

- PART III  
THE DEPARTMENT OF MINES  
AND ENERGY ACT, 1989
6. S.6(a) Amdt.  
Powers, functions and  
duties of Minister
7. S.11 Amdt.  
Agreements generally  
PART IV  
THE PETROLEUM AND  
NATURAL GAS ACT
8. S.10 Amdt.  
Fees, etc.
9. S.24 R&S  
Incremental royalty
10. S.30(1) Amdt.  
Regulations
11. Commencement re ss. 8, 9 & 10  
PART V  
THE RETAIL SALES TAX ACT,  
1978
12. S.77.1(1) Amdt.  
Interpretation

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as *The Offshore Development Act, 1990*  
(No. 2).

**PART I****THE CANADA-NEWFOUNDLAND ATLANTIC ACCORD  
IMPLEMENTATION (NEWFOUNDLAND) ACT**1986 c.37  
as amended

2. Paragraph (k) of subsection (1) of section 97 of *The Canada-Newfoundland Atlantic Accord Implementation (Newfoundland) Act* is amended by striking out the words ", pursuant to a written agreement, that" and by substituting the words "that, pursuant to a written agreement,".

3. Section 99.1 of the Act is amended by striking out the words "or a share in the production licence issued in relation to a commercial discovery area is effective" in the fifth, sixth and seventh lines and by substituting the words "or any share therein, is of any force or effect".

4. Section 102 of the Act is amended by adding immediately after the words "production licence" in the fourth line the words "or share in the production licence".

**PART II****THE CROWN ROYALTIES ACT**

5. *The Crown Royalties Act* is amended by adding immediately after section 8 the following:

Exemption

"9. This Act does not apply to the Hibernia Development Royalty Agreement made or to be made between Her Majesty the Queen in right of the province and Mobil Oil Canada Properties, Chevron Canada Resources, Petro-Canada Hibernia Partnership, Gulf Canada Resources Limited, Mobil Oil Canada, Ltd., Chevron Canada Resources Limited and Petro-Canada Inc.".

**PART III****THE DEPARTMENT OF MINES AND ENERGY  
ACT, 1989**

1989 c.23

6. Paragraph (a) of section 6 of *The Department of Mines and Energy Act, 1989* is amended by adding immediately after subparagraph (ii) the following:

"(ii.1) royalties and associated matters within or outside the province,".

7. Section 11 of the Act is amended by renumbering it as subsection (1) of section 11 and by adding immediately after subsection (1) the following:

"(2) Where a document is inspected, examined, obtained or provided under or in accordance with an agreement entered into under subsection (1), the person by whom it is inspected, obtained or examined or to whom it is provided or a person authorized by the Minister may make, or cause to be made, one or more copies of it and a document purporting to be certified by the person by whom it is inspected, obtained or examined or to whom it was provided or by a person authorized by the Minister to be a copy is evidence of the nature and content of the original document and has the same probative force as the original document would have if it had been proven in the ordinary way.

(3) After a document has been certified under this section it shall be returned to the person from whom it was received.".

**PART IV****THE PETROLEUM AND NATURAL GAS ACT**RSN 1970 c.294  
as amended

8. Section 10 of *The Petroleum and Natural Gas Act* is amended by adding immediately after subsection (3) the following:

"(4) This section does not apply to a lease issued under this Act before April 1, 1990.".

9. Section 24 of the Act is repealed and the following substituted:

Incremental  
royalty

"24. Each holder of a share of a lease is liable for and shall pay to Her Majesty in right of the province an incremental royalty as may be prescribed by the regulations."

10. Subsection (1) of section 30 of the Act is amended by

- (a) striking out the word "and" at the end of paragraph (h);
- (b) striking out the period at the end of paragraph (i) and by substituting a semi-colon; and
- (c) adding immediately after paragraph (i) the following:
  - "(i.1) restricting or limiting the meaning of a word or phrase defined in this Act and used in the regulations; and
  - (i.2) respecting matters necessary or advisable to carry out effectively the intent and purpose of this Act."

Commence-  
ment re ss. 8, 9  
& 10

11. Sections 8, 9 and 10 of this Act are deemed to have come into force on September 14, 1990.

#### PART V

#### THE RETAIL SALES TAX ACT, 1978

1978 c.36  
as amended

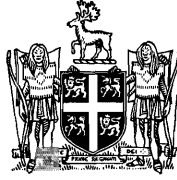
12. (1) Paragraph (k) of subsection (1) of section 77.1 of *The Retail Sales Tax Act, 1978* is repealed and the following substituted:

"(k) "joint account" means the account identified in the royalty agreement showing the charges paid and credits received as a result of operations conducted for the project and which are shared by the project owners in accordance with their working interests or a replacement to the joint account made in accordance with the royalty agreement;"

(2) Paragraph (aa) of subsection (1) of section 77.1 of the Act is repealed and the following substituted:

"(aa) "royalty agreement" means the royalty agreement made or to be made between Her Majesty the Queen in right

of the province and Mobil Oil Canada Properties, Chevron Canada Resources, Petro-Canada Hibernia Partnership, Gulf Canada Resources Limited, Mobil Oil Canada, Ltd., Chevron Canada Resources Limited and Petro-Canada Inc. under *The Department of Mines and Energy Act, 1989* and includes all amendments to it and replacements of the royalty agreement;".



## CHAPTER 24

**AN ACT FOR GRANTING TO HER MAJESTY CERTAIN  
SUMS OF MONEY FOR DEFRAYING CERTAIN  
ADDITIONAL EXPENSES OF THE PUBLIC SERVICE  
FOR THE FINANCIAL YEAR ENDING THE THIRTY-FIRST DAY  
OF MARCH ONE THOUSAND NINE HUNDRED AND  
NINETY-ONE AND FOR OTHER PURPOSES RELATING  
TO THE PUBLIC SERVICE**

*(Assented to November 15, 1990)*

### *Analysis*

Section:

1. Short title
2. Supplementary Supply  
1990-91

Section:

Schedule

**MAY IT PLEASE YOUR MAJESTY-**

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain additional expenses of the Public Service of Newfoundland for the financial year ending the thirty-first day of March one thousand nine hundred and ninety-one and for other purposes relating to the Public Service:

**MAY IT THEREFORE PLEASE YOUR MAJESTY THAT-**

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as *The Supplementary Supply Act, 1990* (No. 2).

Supplementary  
Supply 1990-91

2. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Minister of Finance sums not exceeding thirty million nine hundred and thirty-five thousand eight hundred dollars (\$30,935,800) and the sums so issued shall be paid and applied by the Department of Development in respect of the financial year extending from the first day of April, 1990 to the thirty-first day of March, 1991 towards defraying the additional charges and expenses of the Public Service of Newfoundland as set out in the Schedule.

## SCHEDULE

The amounts voted in subheads 2.5.01, 2.5.03 and 2.6.01 of the Development Head of Expenditure of the 1990-91 Estimates are increased as follows:

Head of Expenditure	1990/91 Estimates	Supplementary Supply	Amount to be voted
<b>DEVELOPMENT</b>	\$	\$	\$
<u>Current</u>			
2.5.01 Enterprise Development - Operations			
10. Grants and Subsidies	<u>13,869,100</u>	<u>2,600,000</u>	
Amount approved by 1990-91 Supply	<u>13,869,100</u>		
Extra Amount to be Voted (2.5.01)		<u>2,600,000</u>	2,600,000
<u>Capital</u>			
2.5.03 Enterprise Development - Loan Fund			
.08 Loans, Advances and Investments	<u>6,000,000</u>	<u>27,630,000</u>	
Amount approved by 1990-91 Supply	<u>6,000,000</u>		
Extra Amount to be Voted (2.5.03)		<u>27,630,000</u>	27,630,000
<u>Current</u>			
2.6.01 Economic Recovery Team Support			
.10 Grants and Subsidies	<u>2,128,000</u>	<u>705,800</u>	
Amount approved by 1990-91 Supply	<u>2,128,000</u>		
Extra Amount to be Voted (2.6.01)		<u>705,800</u>	<u>705,800</u>

1990

*The Supplementary Supply Act, 1990*  
(No. 2)

Chapter 24

TOTAL: Extra Amount  
to be Voted

30,935,800



## CHAPTER 25

### AN ACT TO AUTHORIZE THE RAISING OF MONEY BY WAY OF LOAN BY THE PROVINCE

(Assented to November 15, 1990)

#### Analysis

Section:

1. Short title
2. Loan authorized
3. Limitation

Section:

4. Authority supplemental
5. Limitation under  
1989 c.9

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as *The Loan Act, 1990*.

Loan  
authorized

2. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan, in the manner prescribed in subsection (1) of section 37 of *The Financial Administration Act, 1973*,

- (a) the sums of money that are required for the Consolidated Revenue Fund to make good, in whole or in part, actual or estimated deficiencies between provincial revenue and expenditures, or to provide for expenditures made or to be made;
- (b) the sums of money that may be required, or may have been required since April 1, 1990, to retire, repay, renew or refund, in whole or in part, securities issued under this or another Act; and

- (c) the sums of money that may be paid, or may have been paid since April 1, 1990 into the Newfoundland Government Sinking Fund or another sinking fund established for the retirement or repayment, in whole or in part, of securities issued under this Act or another Act.

Limitation

**3.** The principal amount of securities issued under the authority of this Act shall not exceed in the aggregate the sum of three hundred and twenty-five million dollars (\$325,000,000) in addition to the aggregate of

- (a) all sums of money applied since April 1, 1990 to the retirement, repayment, renewal or refunding, in whole or in part, of securities issued under this or another Act; and

- (b) all sums of money applied since April 1, 1990 to the Newfoundland Government Sinking Fund or another sinking fund established for the retirement or repayment, in whole or in part, of securities issued under this or another Act.

Authority supplemental

**4.** Subject to section 5, the sums of money authorized by section 2 to be raised for the purposes mentioned in that section are in addition to all sums of money authorized to be raised by way of loan under another Act.

Limitation under 1989 c.9

**5.** Notwithstanding *The Loan Act, 1989*, the Lieutenant-Governor in Council may not, after the coming into force of this Act, raise by way of loan further sums of money under *The Loan Act, 1989*.



## CHAPTER 26

### AN ACT RESPECTING THE DEPARTMENT OF EDUCATION

(Assented to December 5, 1990)

#### Analysis

Section:

1. Short title
2. Definitions
3. Construction
4. Department constituted
5. Staff
6. Seal
7. Powers, functions and duties of Minister
8. Agreements with governments
9. Agreements generally
10. Agreements amended
11. Agreements made by Minister
12. Implementation of agreements
13. Other departments
14. Consultation and conferences
15. Denominational Education Councils
16. Duties of Education Councils
17. Powers of Education Councils
18. Money borrowed
19. Authorization to borrow
20. Denominational Policy Commission
21. Officers of Commission
22. Commission's functions
23. Recommendations of Commission

Section:

24. General Advisory Committee
25. Appointments, etc.
26. Presiding officers at meetings
27. Proposed legislation
28. Religious education
29. Boards, committees, etc.
30. Advisory committees
31. Minister's power over Boards
32. Regulations
33. Documents
34. Accounts
35. Security for performance
36. Actions
37. Certified copies of documents
38. Property
39. Payments
40. Offences
41. Consent to prosecution
42. Certain rights to pension
43. Further rights to pension
44. Consequential amendments
45. 1984 c.42 Rep.
46. 1984 c.46 Rep.
- Schedule A
- Schedule B

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

- Short title           **1.** This Act may be cited as *The Department of Education Act, 1990*.
- Definitions           **2.** In this Act
- (a) "Commission" means the Denominational Policy Commission established under section 20;
- (b) "denominational college" means college as defined by *The Schools Act*;
- (c) "Department" means the Department of Education constituted by this Act;
- (d) "Deputy Minister" means the Deputy Minister of Education appointed under this Act;
- (e) "Education Council" means a Denominational Education Council established under section 15;
- (f) "Executive Director" means an Executive Director of an Education Council;
- (g) "General Advisory Committee" means the General Advisory Committee established under section 24; and
- (h) "Minister" means the Minister of Education referred to in section 4.
- Construction           **3.** This Act and the regulations shall be construed and interpreted so as to ensure that no provision of this Act and the regulations shall prejudicially affect a right or privilege with respect to denominational schools or denominational colleges, that a class of persons either had by law in the province at the date of Union of Newfoundland with Canada or acquired by law after that date, and to ensure that out of public funds of the province provided for education
- (a) all those schools shall receive their share of funds in accordance with scales determined on a non-discriminatory

basis from time to time by the Legislature for all schools then being conducted under authority of the Legislature; and

- (b) all those denominational colleges shall receive their share of grants from time to time voted for all denominational colleges then being conducted under authority of the Legislature, those grants being distributed on a non-discriminatory basis.

#### **Constitution of Department**

Department  
constituted

4. (1) There shall be a Department of Government called the Department of Education over which the Minister of Education for the time being appointed by the Lieutenant-Governor by Commission under the Great Seal of the province shall preside.

(2) The Minister has the management and direction of the Department and holds office during pleasure.

#### **Staff**

Staff

5. (1) The Lieutenant-Governor in Council may appoint an officer called the Deputy Minister of Education.

(2) The Deputy Minister shall be the deputy head of the Department and shall hold office during pleasure.

(3) Those other officers, clerks and employees that are necessary for the proper conduct of the business of the Department shall be appointed or employed in the manner authorized by law, but the Minister may temporarily employ those technical and other assistants that the Minister considers necessary.

(4) If there is no Deputy Minister or the Deputy Minister is absent, and unless otherwise provided by the Lieutenant-Governor in Council, an officer named by the Minister, has the powers and shall perform the duties of the Deputy Minister.

#### **Seal**

Seal

6. (1) The Department shall have an official seal that shall be officially and judicially noticed.

(2) Wherever the official seal of the Department is used, it shall be authenticated by the signature of the Minister or by the signature of the Deputy Minister, or, if there is no Deputy Minister or the Deputy Minister is absent, by the signature of the person who, pursuant to subsection (4) of section 5, has the powers of the Deputy Minister.

#### **Powers, Functions and Duties of Minister**

Powers, functions and duties of Minister

**7.** The powers, functions and duties of the Minister extend to and include

- (a) the supervision, control and direction of all matters relating to education generally, including, all matters relating to
  - (i) subject to *The Community Colleges Act*, community colleges established under that Act,
  - (ii) subject to *The Provincial Institutes Act*, Institutes established under that Act,
  - (iii) subject to *The Memorial University Act*, the Memorial University of Newfoundland,
  - (iv) the private training institutions and trade schools registered under *The Private Training Institutions Act*,
  - (v) the payment of financial assistance for students attending post-secondary education institutions under *The Student Allowances Act*,
  - (vi) the training, examination, classification, grading and pensioning of teachers and the receiving of recommendations made pursuant to paragraph (b) of section 16,
  - (vii) public examinations,
  - (viii) denominational colleges, schools and all educational institutions receiving financial aid directly or indirectly from the province,

- (ix) the furnishing to denominational colleges and schools, at or below cost, of
  - (A) textbooks, including religious text books, and
  - (B) learning resource materials approved by the Minister,
- (x) the ensuring of the progress of schools and of educational and training institutions in the province,
- (xi) the supervision and inspection of denominational colleges, schools and all post-secondary and training institutions,
- (xii) training and certification of apprentices,
- (xiii) qualifications of workers or journeymen,
- (xiv) in consultation with the Minister of Employment and Labour Relations
  - (A) the development and utilization of human resources,
  - (B) the forecasting of workplace needs,
  - (C) the continuous survey of employment opportunities throughout the province to the end that the provincial labour force is employed to the fullest extent, and
  - (D) recommending and advising upon training courses for the workforce and those entering it, and
- (xv) the administration (subject to *The Public Service (Rearrangements and Transfers of Duties) Act*) of the Acts set out in Schedule A to this Act and of all orders and regulations passed or made under those Acts and of those other Acts, orders and regulations that are from time to time designated by the Lieutenant-Governor in Council,

which are not, or in so far as they are not, by law or by order of the Lieutenant-Governor in Council, assigned to another minister or department of Government;

- (b) the responsibility for early childhood education in co-operation and liaison with other departments of government;
- (c) liaison and co-operation with
  - (i) the Government of Canada or a department, agency or body under the jurisdiction of the Parliament of Canada,
  - (ii) the Government of a province in Canada or a department, agency or body under the jurisdiction of the Legislature of province or under the jurisdiction of the Legislature of the province,
  - (iii) a corporate or other body or personthat may be necessary or desirable for carrying out the purposes of this Act;
- (d) the undertaking, promotion or recommendation of measures for the development, control and direction of matters referred to in paragraphs (a) and (b);
- (e) the collection, compilation, analyzing and recording of statistical and other information relating to matters referred to in paragraphs (a) and (b) as may be useful;
- (f) the preparation and publication of statistics, reports, records, bulletins, pamphlets, circulars and other means of disseminating information and advice in relation to matters referred to in paragraphs (a) and (b) as may be useful;
- (g) the study of, reporting on and advising upon the system and administration of matters referred to in paragraphs (a) and (b);

- (h) the fostering, through scientific investigation and technology, of knowledge of primary, elementary, secondary and post-secondary educational matters and of the means of dealing with conditions relating to the development, control and direction of educational matters;
- (i) the consideration of and reporting upon a recommendation for a change in the laws of the province relating to matters referred to in paragraphs (a) and (b) that is presented or made by an organization or person;
- (j) the making of inquiries into and reports upon legislation respecting matters referred to in paragraphs (a) and (b) in force in Canada and throughout the world and, on the basis of those inquiries and reports, making those recommendations that may be considered advisable with regard to the laws of the province;
- (k) the doing of other things or the exercise of other powers that are necessary or desirable for carrying out the purposes of this Act; and
- (l) the exercise and discharge of other powers, functions and duties as the Lieutenant-Governor in Council assigns to the Minister.

#### Agreements

Agreements  
with govern-  
ments

**8.** (1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into agreements with the Government of Canada or of a province of Canada or an agency of the Government of Canada or the Government of a province providing for

- (a) the joint undertaking, by the Government of the province or an agency of the province with any of those Governments, or an agency of those Governments of projects relating to an aspect of the powers, functions or duties of the Minister entrusted to the Minister by or under this Act;
- (b) the payment by or to the province of contributions in respect of the cost of projects referred to in paragraph (a); or

(c) those matters referred to in paragraphs (a) and (b).

(2) The Minister may, for any of the purposes of this Act, and subject to the approval of the Lieutenant-Governor in Council, cause to be prepared and undertaken alone or with Canada or a province of Canada programs of research, analysis and investigation, and may co-ordinate those programs with other similar programs being undertaken in the province or elsewhere in Canada.

Agreements  
generally

9. Subject to the approval of the Lieutenant-Governor in Council, the Minister may

(a) enter into an agreement for promoting the objects of this Act, including agreements with universities, educational institutions, the municipal authority exercising jurisdiction in a municipal area and agreements with another person;

(b) enter into an agreement for which no specific provision is made elsewhere in this Act which the Minister considers necessary or desirable for the purpose of exercising or discharging the Minister's powers, duties or functions; or

(c) enter into those agreements referred to in paragraphs (a) and (b).

Agreements  
amended

10. (1) Power to enter into an agreement shall include power to amend that agreement but, if the approval of the Lieutenant-Governor in Council to the original agreement is required, that approval is also required for an amending agreement.

(2) Where the Minister may enter an agreement under section 11, the terms, conditions and monetary limits subject to which the Minister may enter the agreement, are terms, conditions and monetary limits subject to which the agreement, as amended, may be entered into; but if an amendment to an agreement results in the agreement, as amended, exceeding or violating the terms, conditions or monetary limits, the Minister may enter the amendment only subject to the approval of the Lieutenant-Governor in Council.

Agreements  
made by Mini-  
ster

11. Notwithstanding that the approval of the Lieutenant-Governor in Council is required for an agreement under section 8 or 9, the Lieutenant-Governor in Council may approve terms, conditions and

monetary limits subject to which the Minister may, without prior approval of the Lieutenant-Governor in Council, enter into agreements under section 8 or 9; and subject to those terms, conditions and limits the Minister may enter the agreements without approval of the Lieutenant-Governor in Council.

Implementa-  
tion of agree-  
ments

**12.** The Minister may implement an agreement made under this Act.

Other depart-  
ments

**13.** In carrying out a project or research program under this Act or under an agreement made under this Act, the Minister shall, whenever possible, make use of the services and facilities of other departments of the Government of the province.

#### Consultation and conferences

Consultation  
and conferen-  
ces

**14.** In exercising the Minister's powers or carrying out the Minister's duties and functions under this Act, the Minister may consult with and inaugurate conferences of representatives of those bodies or persons that the Minister may consider advisable.

#### Denominational Education Councils

Denominational  
Education  
Councils

**15.** (1) A religious denomination for which there existed, immediately before January 21, 1969, legislative provision for a Superintendent of Education in the Department as the Department existed immediately before January 21, 1969, shall

(a) alone; or

(b) jointly with one or more or all of the remaining religious denominations

establish a Denominational Education Council outside the Department for the purpose of representing, and of being recognized by the province as representing, the religious denomination or denominations for which it is established, as the case may be, in carrying out its powers, functions and duties under this Act and any other Act in which reference is made to that Education Council.

(2) Each Education Council shall appoint as an employee of the Education Council an Executive Director to act as the official

channel of communication between the Education Council and the Minister and the Department, and the Executive Director shall

(a) be a member of the Education Council; and

(b) be a person acceptable to the Minister and be paid a salary of which the Minister may approve.

(3) The Minister shall from money provided by the Legislature make to each Education Council an adequate annual grant, based on a non-discriminatory formula, for the purpose of paying the salary of the Executive Director and of remunerating other necessary employees of the Education Council and meeting administrative expenses of the Education Council.

(4) An Education Council shall, subject to an Act of the Legislature prescribing powers, duties or functions of those persons, prescribe and assign the duties and functions of its Executive Director and its other employees and notify the Minister as to what duties and functions have been so prescribed and assigned.

(5) Before establishing an Education Council under subsection (1), the religious denomination or denominations concerned shall furnish the Minister with a copy of a proposed constitution, regulations, by-laws and rules prepared for the proposed Education Council.

(6) Upon the establishment of an Education Council, the Education Council shall furnish the Minister with a copy of a constitution, regulations, by-laws and rules of the Education Council then in existence.

(7) As often as a constitution, regulations, by-laws or rules of an Education Council are amended or made, the Education Council shall furnish the Minister with a copy of the constitution, regulations, by-laws or rules as so amended or made.

(8) The financial year of the Education Council shall correspond with the financial year of the province.

(9) Each Education Council shall, not later than the thirtieth day of September in each year, prepare and submit to the Minister a financial statement, on a form prescribed by the Minister, setting out

the assets and liabilities of the Education Council and the receipts and expenditures of the Education Council for the previous financial year, together with a report concerning the work of the Education Council during the previous financial year.

(10) Nothing in this section shall prevent an Education Council from

(a) according representation on it to; or

(b) permitting observers at its meetings from

religious denominations not referred to in subsection (1), and where representation is accorded to a religious denomination under paragraph (a) of this subsection, the Education Council may, unless the Education Council otherwise directs, represent that religious denomination as if it were one of the religious denominations for which it is established under subsection (1).

(11) Every Education Council is a corporation.

(12) A member of the House of Assembly or an employee of the Department shall not be a member of an Education Council.

Duties of  
Education  
Councils

**16.** An Education Council shall

(a) with respect to the religious denomination or religious denominations represented by it, have responsibility

(i) for making recommendations to the Lieutenant-Governor in Council concerning

(A) the establishment and alteration of boundaries of school districts,

(B) the selection and appointment of members of School Boards, and

(C) the dissolution of School Boards

under *The Schools Act*,

(ii) for making recommendations to the Lieutenant-Governor in Council for the purposes of section 4 of *The Education (Teacher Training) Act*, and

(iii) subject to section 28, for the development and administration of religious education; and

(b) have responsibility for making recommendations to the Minister concerning the selection, training, indenturing and initial certification of teachers.

Powers of  
Education  
Councils

17. (1) Without limitation of its general powers as a corporation, an Education Council may, subject to section 19,

(a) receive lands, buildings, money or other property, by way of gift or trust for public uses or for the use of the Education Council;

(b) borrow, by way of temporary, interim or long term loans, or raise, or secure the payment of money in a manner that the Education Council thinks fit and, in particular by the issue of bonds, debentures or other securities and repay the borrowings and purchase, redeem or pay off those securities;

(c) pay interest, premium, if any, and sinking fund payments, if any, in respect of its borrowings;

(d) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments; and

(e) generally do all things that the Education Council deems necessary, convenient or advisable for or incidental to the exercise of the powers, functions and duties of the Education Council under this Act, *The Schools Act* or another Act.

(2) Without limitation of paragraph (b) of subsection (1), an Education Council may borrow, raise or secure the payment of, money for payment over to School Boards represented by that Education Council to meet obligations or commitments or portions of

obligations or commitments of those School Boards incurred or made, before or after June 2, 1971,

(a) in the purchase of land or buildings for; or

(b) in the erection, extension or equipping of

public schools, but only where that Education Council is of the opinion that funds, from the province, the School Boards concerned or other sources, will be forthcoming to enable it to repay those borrowings according to the terms and conditions applicable.

(3) Section 20 of *The Interpretation Act* is deemed to apply to an Education Council established under this Act.

Money borrowed

18. The money authorized to be borrowed under section 17 may be borrowed and repaid in Canadian or United States of America currency, or in the currency of another country or partly in one currency and partly in another, as the Education Council may approve, and authority for borrowing or repaying that money includes authority to pay those exchange charges that may be applicable to that currency and the interest and premium, if any, incurred in respect of the borrowing and to make sinking fund payments in respect of the borrowing.

Authorization to borrow

19. An Education Council shall not borrow money unless authorized by the Lieutenant-Governor in Council so to do.

#### **Denominational Policy Commission**

Denominational Policy Commission

20. There shall be a Denominational Policy Commission consisting of the Minister, the Deputy Minister, the Executive Directors and one or more members of the senior executive officers of the Department.

Officers of Commission

21. (1) The Minister shall be chairperson and the Deputy Minister shall be vice-chairperson of the Commission.

(2) If both the chairperson and the vice-chairperson of the Commission are absent, there shall be no meeting of the Commission.

Commission's functions

22. The Commission shall, subject however to the Minister, be responsible to advise the Lieutenant-Governor in Council on all

educational policy that affects a right or privilege referred to in section 3 of a religious denomination or religious denominations represented on the Commission by an Executive Director, including educational policy with regard to a right in respect to curriculum and textbooks and with regard to a right in respect to teacher selection and training, but shall not concern itself with general educational policy, administrative or academic, which does not affect a right or privilege.

Recommendations of Commission

**23.** (1) Where the members of the Commission are unanimous with respect to a recommendation to be made to the Lieutenant-Governor in Council, that recommendation shall be made to the Lieutenant-Governor in Council by the Commission.

(2) Where the members of the Commission are not unanimous concerning a recommendation considered by them, each Education Council shall, either alone, or jointly with another Education Council or other Education Councils, make a written report to the Lieutenant-Governor in Council through the Minister.

#### General Advisory Committee

General Advisory Committee

**24.** (1) There shall be a General Advisory Committee, which shall consist of

- (a) the Minister;
- (b) the Deputy Minister;
- (c) one or more senior executive officers of the Department;
- (d) the heads of the appropriate divisions of the Department as selected by the Minister;
- (e) subject to subsection (3), the Executive Directors;
- (f) two persons who shall be representative of the Newfoundland and Labrador School Trustees Association;
- (g) two persons who shall be representative of the Newfoundland Teachers' Association referred to in *The Newfoundland Teachers' Association Act; 1974*;

- (h) one person who shall be representative of the Faculty of Education of the Memorial University of Newfoundland;
- (i) one person who shall be representative of the Newfoundland and Labrador Home and School Federation; and
- (j) one person who shall be representative of the Newfoundland and Labrador Association of Superintendents.

(2) The General Advisory Committee shall, subject however to the Minister, be responsible to examine and make recommendations to the Lieutenant-Governor in Council on existing educational policy relating to early childhood, primary, elementary and secondary education and to recommend to the Lieutenant-Governor in Council the initiation of a new policy, but where that new policy affects a right or privilege referred to in section 3, the General Advisory Committee shall refer the matter to the Commission for its advice on the policy.

(3) In the absence of an Executive Director, a representative appointed for the purpose by the appropriate Education Council may act on the General Advisory Committee for and in the place of that Executive Director and has and may exercise, during the absence, the powers and carry out the duties of that Executive Director with respect to the General Advisory Committee.

Appointments  
etc.

**25.** (1) The Minister shall be the chairperson and the Deputy Minister shall be vice-chairperson of the General Advisory Committee.

(2) Members of the General Advisory Committee appointed under section 24 shall hold office during pleasure and may be paid those allowances or remuneration and expenses, if any, that the Lieutenant-Governor in Council may authorize.

(3) The Lieutenant-Governor in Council may appoint, provided the alternate member meets with the same requirements of subsection (1) of section 24 that are applicable in respect of a member of the General Advisory Committee appointed under paragraph (f), (g), (h), (i) or (j) of subsection (1) of section 24 (hereinafter in this section referred to as a "regular member"), an alternate member for a regular member appointed under those paragraphs.

(4) The alternate member appointed under subsection (3) may, in and during the absence from a meeting of the General Advisory Committee of the regular member for whom the member is the alternate member, but only in and during that absence, exercise all the powers and carry out all the duties of the regular member while the regular member continues to be a member of the General Advisory Committee.

(5) Subject to subsection (6), an alternate member appointed under this section shall hold office during pleasure.

(6) An alternate member automatically ceases to be an alternate member at the same time as the regular member for whom the member is the alternate member ceases to hold office.

(7) While acting as an alternate member under this section, a person shall be paid

(a) a proportion of the allowance or remuneration, if any, authorized in respect of a regular member under subsection (2) on a *pro rata* basis calculated on the period of time during which the alternate member carries out the duties of the regular member under this Act in relation to the period of time during which the regular member carries out his or her duties under this Act, and that allowance or remuneration so paid the alternate member shall be deducted from the amount which would otherwise be payable to a regular member who carries out the member's full duties under this Act without the intervention of the alternate member; and

(b) the same expenses as may be authorized under subsection (2) in respect of the regular member for whom the member is the alternate member.

Presiding of-  
ficers at meet-  
ings

**26.** (1) The chairperson, or in the absence of the chairperson, the vice-chairperson, shall preside at all meetings of the Commission or the General Advisory Committee and the chairperson's decision on all points of order is final.

(2) If both the chairperson and the vice-chairperson are absent from a meeting of the General Advisory Committee, the other members of the Committee present shall appoint a temporary chair-

person who has and may exercise the powers and shall carry out the duties of the chairperson at the meeting.

Proposed legis-  
lation

**27.** (1) The Minister shall, before introducing, or advising the Lieutenant-Governor in Council to introduce, new policy requiring an Act or amendment to an Act of the Legislature respecting educational matters or requiring regulations or amendments to regulations made under an Act, furnish all Executive Directors with draft copies of the proposed Act, regulations or amendments.

(2) Nothing contained in subsection (1) or in section 22 or 23 shall be deemed to bind the Minister or the province to adopt a recommendation, proposal or advice referred to in section 22 or 23.

Religious  
education

**28.** (1) Nothing contained in this Act shall be deemed to derogate from the functions and responsibility of a religious denomination referred to in subsection (1) of section 15 with regard to the provision of religious education, and those functions and responsibility may be reposed by the religious denomination in an Education Council established under that subsection.

(2) A religious denomination referred to in subsection (1) of section 15 may, subject to an Act of the Legislature, repose in an Education Council established under subsection (1) of section 15 full or partial responsibility for the development and administration of religious education as it affects all or any of the School Boards, schools, Boards of Directors, denominational colleges and teachers of, or in which there is an interest of, the religious denomination and as such education pertains to members of the religious denomination, and the reposing of responsibility shall have effect.

#### **Boards, committees, etc.**

Boards, com-  
mittees, etc.

**29.** The Lieutenant-Governor in Council may establish those boards, committees and councils that the Lieutenant-Governor in Council considers necessary or desirable to assist and advise the Minister in carrying out of this Act and appoint the members of those boards, committees, and councils.

#### **Advisory committees**

Advisory com-  
mittees

**30.** In order to carry out the purposes and provisions of this Act the Minister may establish those advisory committees that the Mini-

ster considers necessary or desirable and appoint the members of those committees, and the members of those committees are entitled to be paid reasonable travelling and living expenses from and to their ordinary places of residence in the course of their duties.

#### **Powers of Minister over Boards**

Minister's  
power over  
Boards

**31.** The rights, duties, powers, liabilities and functions of the Minister extend and apply to those boards and other public bodies, officials, subjects, services and properties of the Crown which the Lieutenant-Governor in Council designates and assigns to the Minister and over which the Minister is given the control, regulation, management and supervision.

#### **Regulations**

Regulations

**32.** (1) The Lieutenant-Governor in Council may make regulations

- (a) necessary or desirable for the carrying out the Minister's powers, functions and duties under this Act;
- (b) providing for the management, maintenance, proper use and protection of real or personal property, of which the Minister has the management and control; and
- (c) respecting matters necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The Lieutenant-Governor in Council may, in regulations made under subsection (1), prescribe penalties for failing to comply with or otherwise contravening those regulations.

#### **Concerning Binding Effect of Certain Documents**

Documents

**33.** (1) No agreement, deed or other writing made or executed under this Act shall bind the Government or the Minister or be held to be the act of the Government or of the Minister unless it is signed by the Minister or the Deputy Minister or one of the persons designated by or under subsection (4) of section 5 to exercise the powers and perform the duties of the Deputy Minister in the circumstances specified.

(2) Subsection (1) does not apply to transactions in the ordinary course of administering the affairs of the Department under this Act.

#### Attestation of Accounts

Accounts

**34.** The Minister, the Deputy Minister or an officer named by the Minister under subsection (4) of section 5 may require an account furnished by a person, whether in the employ of the Department or not, to be attested on oath or affirmation, which oath or affirmation may be administered by the Minister, the Deputy Minister or an officer referred to in subsection (4) of section 5.

#### Security

Security for performance

**35.** The Minister, the Deputy Minister or an officer named by the Minister under subsection (4) of section 5 shall have power to require and take security by way of bond or deposit of money for the due performance of work in accordance with an agreement entered into with the Minister or the Department or an employee of the Department.

#### Actions

Actions

**36.** Unless otherwise by law provided, all actions, suits and other proceedings taken by the Minister or the Department for the enforcement of an agreement or for the recovery of damages in tort or arising out of contract or for the trial of a right in respect of real or other property under the control of the Minister shall be instituted in the name of the Attorney General for the province.

Certified copies of documents

**37.** A copy of a map, plan or other document in the custody of the Department, certified by the Deputy Minister to be a true copy, is deemed to be authentic and is *prima facie* evidence of the same legal effect as the original for the purpose of a proceeding in a court or for another purpose.

#### Property

Property

**38.** (1) The Minister, for and in the name of the Crown in right of the province, may acquire by purchase, lease or otherwise and hold and has the management and control of real or personal property the Minister considers necessary for the purposes of this Act.

(2) The Minister may

(a) sell; or

(b) lease or otherwise dispose of for a period and subject to those terms and conditions that the Minister may stipulate,

property of which the Minister has the management and control.

(3) All money received by the Minister in exercise of the powers conferred on the Minister by subsection (2) shall be paid into the Consolidated Revenue Fund.

(4) Whenever the Crown in right of the province acquires or disposes of property through the Minister, the Minister or the Deputy Minister may execute all documents on behalf of the Crown in right of the province with the hand and official style of that official and with the seal of the Department.

#### **Payments**

Payments

**39.** Payments required to be made by or on behalf of the Crown in right of the province under an agreement entered into under this Act or in carrying out this Act or the regulations shall be paid by the Minister of Finance, on the request of the Minister, out of the Consolidated Revenue Fund.

#### **Offences**

Offences

**40.** (1) A person who fails to comply with or otherwise contravenes this Act or the regulations is guilty of an offence and every person who is guilty of an offence is, where no penalty is specifically provided in this Act or the regulations, liable on summary conviction in the case of a first conviction to a fine not exceeding five hundred dollars and in the case of a second or subsequent conviction for a similar offence to a fine not exceeding one thousand dollars and, in either case, in default of payment to imprisonment for a term not exceeding three months.

(2) For the purpose of subsection (1), a conviction is not deemed to be a second or subsequent conviction unless it is in respect of an offence committed within twelve months after a prior offence,

and all convictions which are not second or subsequent convictions are deemed convictions.

(3) Every continuance for a day or part of a day of the failure to comply or other contravention referred to in subsection (1) constitutes a separate offence.

Consent to prosecution

41. A prosecution under this Act or the regulations shall not be taken except with the written consent of the Minister.

#### Certain Pensionable Rights

Certain rights to pension

42. (1) In this section

- (a) "Pensions Act" means *The Public Service (Pensions) Act*;
- (b) "Pension Plan" means the pension plan established by the Pensions Act; and
- (c) "Superintendent" means a Superintendent of Education referred to in section 15 and includes an Assistant to that Superintendent.

(2) Subject to subsection (5), the provisions of the Pensions Act are, with the necessary changes, deemed to apply and to have applied from the date of the commencement of the Pensions Act, to those Executive Directors who, immediately prior to their appointment as Executive Directors, were Superintendents, as if they were at all material times both "employees" and "established civil servants" within the meaning of that Act.

(3) For the purposes of this Act, it is hereby declared that the Pensions Act came into force on the first day of April, 1967.

(4) The service of Executive Directors who immediately prior to their appointment as Executive Directors were Superintendents, as

- (a) established civil servants prior to their appointment as Executive Directors; and
- (b) Executive Directors

shall, subject to subsection (5), for the purposes of the Pension Plan, all be considered as service both as "employees" and "established civil servants" within the meaning of the Pensions Act.

(5) Service of Executive Directors, who immediately prior to their appointment as Executive Directors were Superintendents, on and after the date of the coming into force of the Pensions Act shall not be considered as service both as "employees" and "established civil servants" for the purposes of subsection (4) unless

- (a) deductions have been made and are hereafter made from the salaries thereof equal to the amounts and in the manner set out in section 4 of the Pensions Act for and in respect of their service, as referred to in subsection (4) of this section, done on or after the first day of April, 1967;
- (b) the deductions referred to in paragraph (a) have been and are hereafter paid in the manner and for the purposes set forth in the Pensions Act; and
- (c) payments are made, with respect to the Pension Plan, equal to the amounts deducted from the salaries of the Executive Directors under paragraph (a) and paid in accordance with subsection (7).

(6) An Education Council, which has an Executive Director who, immediately prior to the appointment of the Executive Director, was a Superintendent, is authorized and empowered to, and shall, make the deductions referred to in paragraph (a) of subsection (5) and pay them over according to paragraph (b) of subsection (5).

(7) An Education Council described in subsection (6) is authorized and empowered to, and shall, make all payments referred to in paragraph (c) of subsection (5) into the Consolidated Revenue Fund for the purposes of the Pension Plan, and that payment shall, subject to the Pension Plan, be made in the manner and at the times prescribed by the Minister of Finance.

(8) Payments made under subsection (7) shall, for the purposes of section 15 of this Act, be deemed an administrative expense of the Education Council making them.

(9) The age of retirement of an Executive Director referred to in subsection (2) shall be the same as that applicable to an "employee" within the meaning of the Pensions Act and the Executive Director shall be entitled to the advanced or deferred pension privileges of that employee.

(10) This section is deemed to have come into force on the twenty-first day of January, 1969.

Further rights  
to pension

**43.** (1) The Lieutenant-Governor in Council may, by order, designate employees of Education Councils, including Executive Directors not referred to in subsection (2) of section 42, who shall, subject to subsection (2) of this section, receive the same benefits and be subject to the same terms and conditions with respect to pensions as are applicable to employees under the Pension Plan referred to in section 42.

(2) Paragraphs (a), (b) and (c) of subsection (5) of section 42 and subsections (6), (7), (8) and (9) of section 42 shall apply, with the necessary changes, to employees of Education Councils designated under subsection (1) of this section.

(3) This section is deemed to have come into force on the twenty-first day of January, 1969.

#### Consequential Amendments

Consequential  
amendments

**44.** (1) The Acts mentioned in Schedule B to this Act are amended in the manner and to the extent set out in that Schedule.

(2) This Act is subject to *The Public Service (Rearrangements and Transfers of Duties) Act*.

#### Repeal

1984 c.42  
Rep.

**45.** *The Department of Career Development and Advanced Studies Act* is repealed.

1984 c.46  
Rep.

**46.** *The Department of Education Act, 1984* is repealed.

**Schedule A**

1. The Apprenticeship Act.
2. The Community Colleges Act.
3. The Degree Granting Act.
4. The Education (Apportionment) Act, 1970.
5. The Education (Public Examinations) Act.
6. The Education (Teachers' Pensions) Act.
7. The Education (Teacher Training) Act.
8. The Education (Transitional Powers) Act.
9. The Local School Tax Act.
10. The Memorial University Act.
11. The Memorial University (Pensions) Act.
12. The Newfoundland Teachers' Association Act, 1974.
13. The Private Training Institutions Act.
14. The Provincial Institutes Act.
15. The School Attendance Act, 1978.
16. The School Trustees' Association Act.
17. The Schools Act.
18. The Student Allowances Act.

**Schedule B**

- |    |                            |   |
|----|----------------------------|---|
| 1. | The Apprenticeship Act     | <p>Paragraph (i) of section 2 is repealed and the following substituted:</p> <p>"(i) "Minister" means the Minister of Education;".</p> <p>Subsection (1) of section 6 is amended by striking out the words "Department of Career Development and Advanced Studies" and by substituting the words "Department of Education".</p> <p>Paragraph (b) of section 24 is repealed and the following substituted:</p> <p>"(b) the Deputy Minister of Education;".</p> |
| 2. | The Community Colleges Act | <p>Paragraph (e) of section 2 is repealed and the following substituted:</p> <p>"(e) "Minister" means the Minister of Education;".</p> <p>Paragraph (b) of subsection (2) of section 7 and subsection (4) of section 10 are amended by striking out the words "Department of Career Development and Advanced Studies" and by substituting the words "Department of Education".</p>  |
| 3. | The Degree Granting Act    | <p>Paragraph (b) of section 2 is repealed and the following substituted:</p>  |

- "(b) "Minister" means the Minister of Education;".
4. The Memorial University Act
- Subparagraph (iii) of paragraph (b) of section 56 is repealed and the following substituted:
- "(iii) the Deputy Minister of Education or a representative of the Deputy Minister;".
5. The Memorial University (Pensions) Act
- Paragraph (b) of section 2 is repealed and the following substituted:
- "(b) "Department" means the Department of Education;".
- Paragraph (e) of section 2 is repealed and the following substituted:
- "(e) "Minister" means the Minister of Education;".
6. The Private Training Institutions Act
- Paragraph (c) of section 2 is repealed and the following substituted:
- "(c) "Minister" means the Minister of Education;".
7. The Provincial Institutes Act
- Paragraph (e) of section 2 is repealed and the following substituted:
- "(e) "Minister" means the Minister of Education;".
- Subsection (4) and (5) of section 11 are amended by striking out

the words "Career Development and Advanced Studies" and by substituting the word "Education".

8. The Student Allowances Act

Paragraph (c) of section 2 is repealed and the following substituted:

"(c) "Minister" means the Minister of Education;".



## CHAPTER 27

### AN ACT RESPECTING THE DEPARTMENT OF SOCIAL SERVICES

(Assented to December 5, 1990)

#### Analysis

Section:

1. Short title
2. Definitions
3. Department constituted
4. Staff
5. Seal
6. Powers, functions and duties of Minister
7. Consultation and conferences
8. Agreements with governments
9. Agreements generally
10. Agreements amended
11. Agreements made by Minister
12. Implementation of agreements
13. Canada Assistance Plan Act
14. Other departments
15. Operation of certain establishments
16. Assistance to students

Section:

17. Board, committees, etc.
18. Minister's power over boards
19. Regulations
20. Documents
21. Accounts
22. Security for performance
23. Actions
24. Certified copies of documents
25. Property
26. Payments
27. Offences
28. Consent to prosecution
29. RSN 1970 c.320
30. RSN 1970 c.51 Amdt.
31. 1973 No.31 Rep. Schedule

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

- Short Title            **1.** This Act may be cited as *The Department of Social Services Act, 1990.*
- Definitions           **2.** In this Act

- (a) "Department" means the Department of Social Services constituted by this Act;
- (b) "Deputy Minister" means the Deputy Minister of Social Services appointed under this Act; and
- (c) "Minister" means the Minister of Social Services referred to in section 3.

#### **Constitution of Department**

Department  
constituted

**3.** (1) There shall be a department of the Government called the Department of Social Services over which the Minister of Social Service for the time being appointed by the Lieutenant-Governor by Commission under the Great Seal of the province shall preside.

(2) The Minister has the management and direction of the Department and holds office during pleasure.

#### **Staff**

Staff

**4.** (1) The Lieutenant-Governor in Council may appoint an officer called the Deputy Minister of Social Services.

(2) The Deputy Minister shall be the deputy head of the Department and shall hold office during pleasure.

(3) Those other officers, clerks and employees as are necessary for the proper conduct of the business of the Department shall be appointed or employed in the manner authorized by law, but the Minister may temporarily employ such technical and other assistants that the Minister considers necessary.

(4) If there is no Deputy Minister or the Deputy Minister is absent, and unless otherwise provided by the Lieutenant-Governor in Council, an officer named by the Minister, has the powers and shall perform the duties of the Deputy Minister.

#### **Seal**

Seal

**5.** (1) The Department shall have an official seal that shall be officially and judicially noticed.

(2) Whenever the official seal of the Department is used, it shall be authenticated by the signature of the Minister or by the signature of the Deputy Minister, or, if there is no Deputy Minister or the Deputy Minister is absent, by the signature of the person who, under subsection (4) of section 4, has the powers of the Deputy Minister.

#### **Powers, Functions and Duties of Minister**

Powers, functions and duties of Minister

**6.** The powers, functions and duties of the Minister extend to and include

- (a) the supervision, control and direction of all matters relating to social services and social assistance generally which are within the legislative authority of the province, including matters relating to
  - (i) the welfare of children,
  - (ii) the adoption of children,
  - (iii) child day care,
  - (iv) the administration of all laws relating to the commission of offences by young persons within the jurisdiction of the province,
  - (v) residential facilities for the care of neglected, dependent, socially deprived, abused and handicapped children and adults,
  - (vi) the administration of public institutions or parts of public institutions for the care of disabled persons,
  - (vii) services for the care, support and guidance of physically, emotionally, mentally and socially handicapped and disadvantaged citizens of the province of all ages,
  - (viii) the identification of cases of economic hardship or deprivation and the prompt alleviation of economic hardship and deprivation by the provision of appropriate, publicly financed, material assistance, in-

cluding the identification and alleviation with respect to aged and disabled persons,

- (ix) the furnishing, in co-operation with other departments of the Government of the province, of guidance to all recipients of the assistance referred to in subparagraph (viii) in their quest for opportunities of gainful employment and rehabilitation,
- (x) the program for the prevention of abuses concerning matters referred to in subparagraphs (viii) and (ix), and
- (xi) programs for the prevention of abuse to children and adults, and
- (xii) the administration (subject to *The Public Service (Rearrangements and Transfers of Duties) Act*) of the Acts set out in the Schedule to this Act and of all orders and regulations passed or made under those Acts and of those other Acts, orders and regulations that are from time to time designated by the Lieutenant-Governor in Council,

which are not, or in so far as they are not, by law or by order of the Lieutenant-Governor in Council, assigned to another minister or department of the Government;

(b) liaison and co-operation with

- (i) the Government of Canada or a department, agency or body under the jurisdiction of the Parliament of Canada,
- (ii) the Government of a province in Canada or a department, agency or body under the jurisdiction of the Legislature of a province or under the jurisdiction of the Legislature of the province, or
- (iii) a corporation or other body or person

that may be necessary or desirable for carrying out the purposes of this Act;

- (c) the undertaking, promotion or recommendation of measures for the development, control and direction of matters referred to in paragraph (a);
- (d) the collection, compilation, analyzing and recording of statistical and other information relating to matters referred to in paragraph (a) as may be useful;
- (e) the preparation and publication of statistics, reports, records, bulletins, pamphlets, circulars and other means of disseminating information in relation to matters referred to in paragraph (a) that may be useful;
- (f) the study of, reporting on and advising upon the system and administration of matters referred to in paragraph (a);
- (g) the consideration of and reporting upon a recommendation for a change in the laws of the province relating to matters referred to in paragraph (a) that is presented or made by an organization or person;
- (h) the making of inquiries into and reports upon legislation respecting matters referred to in paragraph (a) in force in Canada and throughout the world and, on the basis of those inquiries and reports, making those recommendations that may be considered advisable with regard to the laws of the province;
- (i) the doing of other things or the exercise of other powers that are necessary or desirable for carrying out the purposes of this Act; and
- (j) the exercise and discharge of other powers, functions and duties that the Lieutenant-Governor in Council assigns to the Minister.

#### **Consultation and Conferences**

Consultation  
and conferen-  
ces

7. In exercising the Minister's powers or carrying out the Minister's duties and functions under this Act, the Minister may consult with and inaugurate conferences of representatives of those bodies or persons that the Minister may consider advisable.

### Agreements

Agreements  
with govern-  
ments

**8.** (1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into agreements with the Government of Canada or of a province of Canada or an agency of the Government of Canada or of the Government of a province providing for

- (a) the joint undertaking, by the Government of the province or an agency of the Government with any of those Governments, or an agency of those governments, of projects relating to an aspect of the powers, functions or duties of the Minister entrusted to the Minister by or under this Act;
- (b) the payment by or to the province of contributions in respect of the cost of projects referred to in paragraph (a); or
- (c) those matters referred to in paragraphs (a) and (b).

(2) The Minister may, for the purposes of this Act, and subject to the approval of the Lieutenant-Governor in Council, cause to be prepared and undertaken alone or with Canada or with a province of Canada, programs of research and investigation, and may coordinate those programs with other similar programs being undertaken in the province or elsewhere in Canada.

Agreements  
generally

**9.** Subject to the approval of the Lieutenant-Governor in Council, the Minister may

- (a) enter into an agreement for promoting the objects of this Act;
- (b) enter into an agreement for which no specific provision is made elsewhere in this Act which the Minister considers necessary or desirable for the purpose of exercising or discharging the Minister's powers, functions or duties; or
- (c) enter into those agreements referred to in paragraphs (a) and (b).

Agreements  
amended

**10.** (1) Power to enter into an agreement shall include power to amend that agreement but, if the approval of the Lieutenant-Gover-

nor in Council to the original agreement is required, that approval is also required for an amending agreement.

(2) Where the Minister may enter an agreement under section 11, the terms, conditions and monetary limits subject to which the Minister may enter the agreement, are terms, conditions and monetary limits subject to which the agreement, as amended, may be entered into; but if an amendment to an agreement results in the agreement, as amended, exceeding or violating the terms, conditions or monetary limits, the Minister may enter the amendment only subject to the approval of the Lieutenant-Governor in Council.

Agreements  
made by Mini-  
ster

11. Notwithstanding that the approval of the Lieutenant-Governor in Council is required for an agreement under section 8, 9 or 13, the Lieutenant-Governor in Council may, approve terms, conditions and monetary limits subject to which the Minister may, without prior approval of the Lieutenant-Governor in Council, enter into agreements under section 8, 9 or 13; and subject to those terms, conditions and limits the Minister may enter the agreements without approval of the Lieutenant-Governor in Council.

Implementa-  
tion of agree-  
ments

12. The Minister may implement an agreement made under this Act.

Canada Assis-  
tance Plan Act

13. Without limiting the generality of sections 8 and 9, the Minister may, subject to the approval of the Lieutenant-Governor in Council, enter into an agreement for the purposes of the *Canada Assistance Plan Act* (Canada), including the authorization by the Minister of a "provincially approved agency" for the purposes of that Act.

Other depart-  
ments

14. In carrying out a project or research program under this Act or under an agreement made under this Act, the Minister shall, whenever possible, make use of the services and facilities of other departments of the Government of the province.

#### Operation of Certain Establishments

Operation of  
certain estab-  
lishments

15. Subject to the approval of the Lieutenant-Governor in Council and to the regulations, the Minister may, for and in the name of the Crown in right of the province, acquire, establish, operate, undertake or manage and control premises or facilities for the care of

children apart from their parents, aged, infirm and otherwise disabled persons, neglected and needy persons, or any of them.

#### Assistance to Students

Assistance to  
students

**16.** (1) Without limiting the generality of section 6, the powers, duties and functions of the Minister extend to and include the administration of a plan authorized by the Lieutenant-Governor in Council for financial or other assistance to students engaged in studies or connected with the matters referred to in paragraph (a) of section 6 for their educational purposes generally and, subject to the approval of the Lieutenant-Governor in Council, the making of agreements with those students or prospective students.

(2) The Lieutenant-Governor in Council may, by order, authorize a plan referred to in subsection (1) and approve the making of agreements referred to in that subsection, and, upon that authorization being made or approval being given, that plan or those agreements shall have full force and effect and shall be capable of full implementation.

(3) An agreement, entered into by a student or prospective student, referred to in this section, shall be capable of full enforcement, notwithstanding that the student or prospective student may be under the age of majority when he or she enters into the agreement.

#### Boards, Committees and Councils

Boards, com-  
mittees, etc.

**17.** The Lieutenant-Governor in Council may establish those boards, committees and councils that the Lieutenant-Governor in Council considers necessary or desirable to assist and advise the Minister in carrying out this Act and appoint the members of boards, committees and councils.

#### Powers of Minister Over Boards

Minister's  
power over  
boards

**18.** The rights, duties, powers, liabilities and functions of the Minister extend and apply to those boards and other public bodies, officials, subjects, services and properties of the Crown that the Lieutenant-Governor in Council designates and assigns to the Minister and over which the Minister is given the control, regulation, management and supervision.

**Regulations**

- Regulations
- 19.** (1) The Lieutenant-Governor in Council may make regulations
- (a) necessary or desirable for the carrying out of the Minister's powers, functions and duties under this Act;
  - (b) providing for the management, maintenance, proper use and protection of real or personal property of which the Minister has the management and control; and
  - (c) respecting matters necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) The Lieutenant-Governor in Council may, in regulations made under subsection (1), prescribe penalties for failing to comply with or otherwise contravening those regulations.

**Concerning Binding Effect of Certain Documents**

- Documents
- 20.** No agreement, deed or other writing made or executed under this Act shall bind the Government or the Minister or be held to be the act of the Government or the Minister unless it is signed by the Minister or the Deputy Minister or one of the persons designated by or under subsection (4) of section 4 to exercise the powers and perform the duties of the Deputy Minister in the circumstances specified.
- (2) Subsection (1) does not apply to transactions in the ordinary routine course of administering the affairs of the Department under this Act.

**Attestation of Accounts**

- Accounts
- 21.** The Minister, the Deputy Minister, an officer named by the Minister under subsection (4) of section 4 may require an account furnished by a person, whether in the employ of the Department or not, to be attested on oath or affirmation, which oath or affirmation may be administered by the Minister, the Deputy Minister or an officer referred to in subsection (4) of section 4.

**Security**Security for  
performance

**22.** The Minister, the Deputy Minister, or an officer named by the Minister under subsection (4) of section 4 shall have power to require and take security by way of bond or deposit of money for the due performance of work in accordance with an agreement entered into with the Minister or the Department or an employee of the Department.

**Actions**

Actions

**23.** Unless otherwise by law provided, all actions, suits and other proceedings taken by the Minister or the Department for the enforcement of an agreement or for the recovery of damages in tort or arising out of contract or for the trial of a right in respect of real or other property under the control of the Minister shall be instituted in the name of the Attorney General for the province.

Certified  
copies of docu-  
ments

**24.** A copy of a document in the custody of the Department, certified by the Deputy Minister to be a true copy, is deemed to be authentic and is *prima facie* evidence of the same legal effect as the original for the purpose of a proceeding in a court or for another purpose.

**Property**

Property

**25.** (1) The Minister, for and in the name of the Crown in right of the province, may acquire by purchase, lease or otherwise and hold and has the management and control of a real or personal property the Minister considers necessary for the purposes of this Act.

(2) The Minister may

(a) sell; or

(b) lease, rent, hire or otherwise dispose of for a period and subject to those terms and conditions that the Minister may stipulate,

property of which the Minister has the management and control.

(3) All money received by the Minister in the exercise of the powers conferred on the Minister by subsection (2) shall be paid into the Consolidated Revenue Fund.

(4) Whenever the Crown in right of the province acquires or disposes of property through the Minister, the Minister or the Deputy Minister may execute all deeds and documents on behalf of the Crown in right of the province with the hand and official style of that official and with the seal of the Department.

#### Payments

Payments

**26.** Payments required to be made by or on behalf of the Crown in right of the province under an agreement entered into under this Act or in carrying out this Act or the regulations shall be paid by the Minister of Finance, on the request of the Minister, out of the Consolidated Revenue Fund.

#### Offences

Offences

**27.** (1) A person who fails to comply with or otherwise contravenes this Act or the regulations is guilty of an offence and every person who is guilty of an offence is, where no penalty is specifically provided in this Act or the regulations, liable on summary conviction in the case of a first conviction to a fine not exceeding five hundred dollars and in the case of a second or subsequent conviction for a similar offence to a fine not exceeding one thousand dollars and, in either case, in default of payment to imprisonment for a term not exceeding three months.

(2) For the purpose of subsection (1), a conviction is not deemed to be a second or subsequent conviction unless it is in respect of an offence committed within twelve months after a prior offence and all convictions which are not second or subsequent convictions are deemed first convictions.

(3) Every continuance for a day or part of a day of the failure to comply or other contravention referred to in subsection (1) constitutes a separate offence.

Consent to  
prosecution

**28.** A prosecution under this Act or the regulations shall not be taken except with the written consent of the Minister.

**General**

RSN 1970 c.320      **29.** This Act is subject to *The Public Service (Rearrangements and Transfers of Duties) Act*.

**Consequential Amendments**

RSN 1970 c.51  
Amdt.      **30.** Section 7 of *The Commissioners for Oaths Act* is repealed and the following substituted:

Social workers,  
etc.

"7. (1) While they hold office and by virtue of their office, all regional directors, district managers, social workers and financial assistance officers appointed in the manner authorized by law and employed by the Department of Social Services are commissioners for oaths and shall be so styled and may exercise within the province the powers conferred by this Act.

(2) A person described in subsection (1) shall write or stamp below his or her signature on every affidavit, declaration, affirmation or certificate made before or given by him or her as that commissioner the words "A Commissioner for Oaths in and for Newfoundland, being a (regional director, district manager, social worker or financial assistance officer employed by the Department of Social Services.)".

**Repeal**

1973 No.31  
Rep.

**31.** *The Department of Social Services Act, 1973* is repealed.

**Schedule**

1. The Adoption of Children Act, 1972
2. The Blind Persons Allowances Act
3. The Canada-Newfoundland Unemployment Assistance Act
4. The Child Welfare Act, 1972
5. The Day Care and Homemaker Services Act, 1975
6. The Disabled Persons Act
7. The Health and Public Welfare Act (Part XII)
8. The Limited Administration of Estates (Members of Services) Act
9. The Old Age Assistance Act
10. The Poor Debtors Act
11. The Rehabilitation Act
12. The Social Assistance Act, 1977
13. The Social Workers Registration Act
14. The Young Persons Offences Act (with Justice)



## CHAPTER 28

**AN ACT FOR GRANTING TO HER MAJESTY CERTAIN  
SUMS OF MONEY FOR DEFRAYING CERTAIN  
EXPENSES OF THE PUBLIC SERVICE FOR THE  
FINANCIAL YEAR ENDING THE THIRTY-FIRST  
DAY OF MARCH ONE THOUSAND NINE HUNDRED  
AND NINETY AND FOR OTHER PURPOSES  
RELATING TO THE PUBLIC SERVICE**

*(Assented to December 7, 1990)*

### *Analysis*

Section:	Section:
1. Short title	Schedule
2. Supplementary Supply 1989-90	

**MAY IT PLEASE YOUR MAJESTY-**

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland for the financial year ending the thirty-first day of March one thousand nine hundred and ninety and for other purposes relating to the Public Service:

**MAY IT THEREFORE PLEASE YOUR MAJESTY THAT-**

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

- Short title                    1. This Act may be cited as *The Supplementary Supply Act, 1989-90*.

Supplementary  
Supply 1989-90

**2.** From and out of the Consolidated Revenue Fund there may from time to time be issued by the Minister of Finance sums not exceeding forty-one million seven hundred and forty-seven thousand eight hundred dollars (\$41,747,800) and the sums so issued shall be paid and applied by the several Heads of Expenditure in respect of the financial year extending from the first day of April, 1989 to the thirty-first day of March, 1990 towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule.

## SCHEDULE

<u>Head of Expenditure</u>	<u>Amount</u>
	\$
Consolidated Fund Services . . . . .	21,000,000
Executive Council . . . . .	605,500
Finance . . . . .	150,000
Legislature . . . . .	325,000
Forestry and Agriculture . . . . .	1,274,800
Employment and Labour Relations . . . . .	1,715,000
Justice . . . . .	6,871,500
Municipal and Provincial Affairs . . . . .	1,456,000
Social Services . . . . .	<u>8,350,000</u>
	<u>41,747,800</u>



## CHAPTER 29

### AN ACT TO AMEND THE ASSESSMENT ACT, 1986

(Assented to December 7, 1990)

#### Analysis

##### Section:

1. S.18 Amdt.  
Revision of assessment

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1986 c.43  
as amended

1. Section 18 of *The Assessment Act, 1986* is amended by adding immediately after subsection (3) the following:

"(4) Notwithstanding subsection (3), the Minister may, where he or she considers it necessary, defer the reassessment of a property under that subsection.

(5) For the purposes of subsection (4), "reassessment" means a subsequent assessment carried out or to be carried out on a property under subsection (3)."



## CHAPTER 30

### AN ACT TO AMEND THE DAY CARE AND HOMEMAKER SERVICES ACT, 1975

(Assented to December 7, 1990)

#### Analysis

Section:

1. S.5 R&S  
Board established

Section:

2. Ss.9 and 9.1 R&S  
Licences

*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

1975 No. 67  
as amended

Board estab-  
lished

1. Section 5 of *The Day Care and Homemaker Services Act, 1975* is repealed and the following substituted:

"5. (1) There is established a Board to be known as the Day Care and Homemaker Services Licensing Board.

(2) The Lieutenant-Governor in Council shall appoint ten members to the Board.

(3) The members of the Board shall include

(a) the Director;

(b) the Director of Child Welfare appointed under the provisions of *The Child Welfare Act, 1972*;

(c) a representative of the Department of Education;

(d) a representative of the Department of Health; and

(e) other members.

(4) The members appointed under paragraph (e) of subsection (3) shall include a representative of

- (a) a parent or guardian of a child attending a day care centre licensed under this Act;
- (b) an organization which promotes quality day care;
- (c) an organization which promotes homemaker services;
- (d) holders of a day care and homemaker service licence under this Act;
- (e) an institution which educates and trains day care or home care workers; and
- (f) a person who uses a homemaker service licensed under this Act.

(5) The Director shall be the chairperson and the Director of Child Welfare shall be the vice-chairperson of the Board.

(6) Six members of the Board constitute a quorum for the transaction of business.

(7) Each member appointed under paragraphs (c), (d) and (e) of subsection (3)

- (a) shall hold office during pleasure for three years from his or her time of appointment and may be reappointed; and
- (b) notwithstanding paragraph (a), shall continue to hold office until he or she is reappointed or a new member is appointed.

(8) The persons appointed under this Act prior to the commencement of this section continue as members until new members are appointed under this section.

(9) Notwithstanding subsection (7), of the members first appointed under paragraph (e) of subsection (3) after the commencement of this Act

(a) two shall be appointed for a term of one year;

(b) two shall be appointed for a term of two years; and

(c) two shall be appointed for a term of three years,

and thereafter each member shall be appointed for a term of three years.

(10) The Lieutenant-Governor in Council may fill a vacancy in the membership of the Board and that person shall be appointed to hold office for the remainder of the term of office of the member being replaced.

(11) Notwithstanding subsection (9), a vacancy in the membership of the Board due to a vacancy in the offices of the Director and the Director of Child Welfare, shall be filled temporarily by the Lieutenant-Governor in Council until those offices are no longer vacant.

(12) Members of the Board, except public employees, shall be remunerated at a daily rate established by the Lieutenant-Governor in Council for attending official Board meetings and are entitled to receive payment in respect of travelling and other personal expenses necessarily incurred by them in the discharge of their official duties."

**2.** Sections 9 and 9.1 of the Act are repealed and the following substituted:

Licences

"9. (1) The Board may issue a licence to a person to conduct and operate a day care centre or homemaker services agency where it is satisfied that

(a) the applicant is a fit and proper person to operate the centre or agency;

- (b) the premises in respect of which the application is made and the equipment situated on those premises is suitable for the services to be rendered;
- (c) the premises are in a clean and sanitary condition and in good repair and are reasonably secure against the hazard of fire; and
- (d) the employees of the centre or agency are properly qualified to care for the persons receiving the services offered.

(2) Every licence issued by the Board shall be in a form and shall expire on a date which may be prescribed by the regulations.

(3) Notwithstanding subsection (2), the Board shall issue a six month temporary licence where the licence is a first licence for a day care centre or homemaker services agency.

(4) The Board may issue a conditional licence for a period not greater than six months where

- (a) the renewal of a licence is being considered by the Board; and
- (b) the licence has been reviewed under section 13 and is subject to conditions imposed under paragraph (d) of subsection (1) of section 14.

(5) A licence issued under subsection (4) may be renewed but that renewal shall be for not greater than a total of three years.

(6) Every person holding from the Board a licence to operate a day care centre or homemaker services agency shall keep the licence continuously displayed in a conspicuous place, satisfactory to the Board, on the premises in respect of which it was issued.

(7) A copy of this Act shall be issued with each licence."

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## CHAPTER 31

### AN ACT TO AMEND THE CRIMINAL INJURIES COMPENSATION ACT

(Assented to December 7, 1990)

#### Analysis

Section:

1. S.4 Amdt.  
The Board

Section:

2. S.11.1 R&S  
Vacancy

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

RSN 1970 c.68  
as amended

1. Subsections (2), (3), (4), (5) and (6) of section 4 of *The Criminal Injuries Compensation Act* are repealed and the following substituted:

"(2) The Lieutenant-Governor in Council shall appoint to the Board at least three members who shall hold office during pleasure.

(3) The Lieutenant-Governor in Council shall designate one member of the Board to be Chairperson and another member to be Vice-chairperson of the Board.

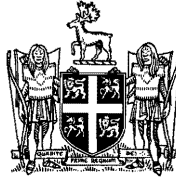
(4) Notwithstanding any other provision of this Act, the Chairperson of the Board or a member of the Board designated by the Chairperson, may hold an inquiry or conduct a hearing on behalf of the Board with respect to an application for the payment of compensation under this Act and may make an order for the payment of that compensation.

(5) The Chairperson of the Board or the member of the Board designated by the Chairperson under subsection (4) shall have all the powers of the Board with respect to the payment of compensation under this Act."

2. Section 11.1 of the Act is repealed and the following substituted:

Vacancy

"11.1 Notwithstanding section 4, where the Board or a member of the Board has begun to consider, review, hear and make a decision on an application and the appointment of the members of the Board or that member terminates before it makes an order, the Board, for the purpose of making a decision on that application, shall be deemed to be composed of that member or those members who were appointed to it when the Board or that member began to consider, review, hear and make a decision on that application and the Board or that member shall continue to have all the powers conferred by this Act to consider, review, hear and make a decision on that application."



## CHAPTER 32

### AN ACT TO AMEND THE REGISTRATION OF DEEDS ACT

(Assented to December 7, 1990)

#### *Analysis*

Section:

1. S.2 Amdt.  
Registry of Deeds established
2. S.6 R&S  
Registration
3. Sections R&S
  21. Books and computer registry
  22. Effective time of registration
  23. Documents to be stamped
  24. Registration of plans
  25. Documents to be copied
  26. Documents checked
  27. Indexes
  28. Maintenance of bound volumes
4. S.29(1) Amdt.  
Unbinding of books

Section:

5. S.30 Amdt.  
Reproduction
6. S.32 R&S  
Release of mortgage noted
7. S.35 R&S  
Certified searches and copies
8. S.36 Amdt.  
Searches
9. S.36A Rep.
10. S.37 Rep.
11. S.38(2) and (3) added  
Proof of property value
12. S.39 R&S  
Regulations
13. Schedule R&S
14. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

RSN 1970 c.328  
as amended

1. Section 2 of *The Registration of Deeds Act* is amended in the second sentence by striking out the words "records, books and papers" and substituting the words "records, books, papers, microfilm, microfiche, tapes, negatives, computer software and computer hardware".

2. Section 6 of the Act is repealed and the following substituted:

## Registration

"6. (1) The Registrar shall register in the Registry in suitable books or in computer storage and retrieval systems provided for the purpose by the Lieutenant-Governor in Council

- (a) conveyances, mortgages, releases or transfers of mortgages, leases, assignments of leases, bonds and agreements for sale or purchase of land;
- (b) deeds and other assurances by which lands or tenements in the province are granted, conveyed, mortgaged, charged or affected;
- (c) powers of attorney or substitutions of powers of attorney under which documents referred to in paragraphs (a) and (b) are executed;
- (d) judgments of foreclosure and other judgments affecting an interest in or title to land;
- (e) conveyances of personal chattels referred to in section 33; and
- (f) other documents in relation to land as the Registrar may accept.

(2) This Act does not apply to

- (a) hire purchase agreements, conditional sales within the meaning of *The Conditional Sales Act*, bills of sales within the meaning of *The Bills of Sale Act* or other similar documents, not being conveyances of personal chattels referred to in section 33; or
- (b) a mortgage or charge required to be registered under *The Industrial and Provident Societies Act*.

(3) The Registrar may refuse to register documents referred to in paragraphs (a) to (f) of subsection (1) the sheets of which exceed 21.5 centimeters wide by 35.5 centimeters long and which do not have a margin of at least 1.25 centimeters on each side of the sheet on which no written or printed material appears."

3. Sections 21 to 28 of the Act are repealed and the following substituted:

Books and com-  
puter registry

"21. (1) The Registrar shall keep in the Registry books in which, with respect to every deed and other document deposited for registration prior to July 1st, 1984, the Registrar shall write

- (a) the time and date of deposit for registration;
- (b) the name of the person who deposited the deed or document;
- (c) the situation of the property;
- (d) the character and date of the deed or document;
- (e) the person to whom the deed or document was returned;
- (f) the date of the return;
- (g) where applicable, the parties to and consideration in a document or instrument; and
- (h) where applicable, the name of the plaintiff and defendant.

(2) The Registrar shall keep in the Registry a computer storage and retrieval system in which, with respect to every deed and document deposited for registration on or after July 1st, 1984, the Registrar shall record

- (a) the time and date of deposit for registration;
- (b) the name of the person depositing the deed or document;
- (c) the situation of the property;
- (d) the character and date of the deed or document;
- (e) the person to whom the deed or document was returned;
- (f) the date of return;

(g) where applicable, the parties to and consideration in the deed or document; and

(h) in the case of judgments, the name of the plaintiff and the defendant.

(3) Records maintained and kept under paragraphs (a), (b), (c), (d) and (f) of subsection (2) may, in the discretion of the Registrar, be kept and recorded on other than a computer storage and retrieval system.

(4) Notwithstanding subsection (1), every deed and document deposited for registration prior to July 1st, 1984 may be redeposited for registration in the manner prescribed by subsection (2).

(5) Where the Registrar considers it necessary, the computer storage and retrieval system referred to in this Act may index with abbreviated forms of names, parties, situations, addresses and the character or nature of the documents.

Effective time  
of registration

22. (1) Every deed or other document submitted for registration is deemed to be registered when it is delivered, either personally or by letter, and received at the Registry provided that it

(a) is executed by all persons from whom an interest passes;

(b) has attached to it the proper proof; and

(c) is accompanied by the proper fee for registration of that deed or document.

(2) When a deed or other document is deemed to be registered under subsection (1), no person shall alter that deed or other document.

Documents to  
be stamped

23. (1) Every deed and other document deposited for registration at the time it is deposited, shall be stamped with a facsimile of the Registrar's signature and the following information shall also be entered on the stamp

(a) the time of registration of the document;

(b) the number of the roll on which the deed or document may be found on the computer storage and retrieval system; and

(c) the number of the frames used on that roll to record the deed or document.

(2) A deed or document stamped in accordance with subsection (1) is receivable as evidence as proof of registration and of the time of registration.

Registration of plans

24. (1) A person who wishes to register a deed or other document with a plan attached to that deed or document may furnish a copy of that plan and that plan shall be registered as a part of that deed or document.

(2) The Registrar may refuse to register a copy of a plan under subsection (1) where that copy exceeds 21.6 centimetres wide by 35.6 centimetres long.

(3) A person who develops a land assembly or subdivision for which a survey of the plan exists, or who deposits a deed or document which refers to a plan of an area in which the subject property of that deed or document is included shall furnish to the Registrar a copy of that plan for filing in the master plan file.

(4) The Registrar may determine that no further plan is required and as a result exempt a person from compliance with subsection (3).

Documents to be copied

25. All documents submitted for registration in accordance with section 22 shall be completely copied or reproduced by photographic, electronic, mechanical, chemical or other process.

Documents checked

26. When a number of documents, as determined by the Registrar, have been reproduced in accordance with subsection (2) of section 21, those reproduced images shall be checked against the original images and the Registrar shall sign a certificate to certify that those reproduced images are true copies of the documents deposited for registration.

## Indexes

27. The Registrar shall keep a double index to the books of Registry of all documents or deeds deposited before July 1st, 1984, showing, where applicable

- (a) the parties;
- (b) the situation of the property;
- (c) the character and date of each document or deed; and
- (d) the consideration indicated on each document or deed;

and in the case of judgments

- (e) the name of the plaintiff;
- (f) the name of the defendant;
- (g) the situation of the property; and
- (h) the date of the judgment.

Maintenance  
of bound  
volumes

28. Bound volumes of documents deposited for registration before July 1st, 1984 shall be maintained and repaired."

4. Subsection (1) of section 29 of the Act is amended by inserting after the word "registration" the words "before July 1st, 1984".

5. Section 30 of the Act is amended by striking out the word and number "section 26" and substituting the word and number "section 21".

6. Section 32 is repealed and the following is substituted:

Release of  
mortgage noted

"32. (1) When a property which has been subject to a mortgage deposited for registration before July 1st, 1984 is released from that mortgage there shall be noted on the margin of the page containing the copy of that mortgage the fact that the property has been released, with a reference to the page and volume or frame and roll containing that release.

(2) There shall be noted on the page or frame containing a copy of a release of mortgage, a reference to the page and volume or frame and roll containing the mortgage."

7. Section 35 of the Act is repealed and the following is substituted:

Certified searches and copies

"35. (1) The Registrar shall, when requested in writing for the purposes of *The Quieting of Titles Act*, make searches and furnish copies of all deeds and other documents registered in the Registry.

(2) The Registrar shall, when requested in writing, provide certified copies and extracts of deeds and documents which shall be signed by the Registrar.

(3) The Registrar may charge fees for

- (a) providing a certified search under subsection (1);
- (b) providing a certified copy under subsection (2); and
- (c) the copying of documents under this section.

(4) The Registrar shall not allow books, computer software or computer hardware to be taken out of his or her possession or custody."

8. (1) Subsection (1) of section 36 of the Act is amended by striking out the words "for the purposes of this section" and by substituting the words "for the purposes of section 35".

(2) Subsection (3) of section 36 of the Act is repealed and the following is substituted:

"(3) A requisition under this section shall be in writing, signed by the person making the requisition, specifying the name against which that person desires a search be made or in relation to which he or she requires a certified copy and other sufficient particulars.

(3.1) A person making a requisition under subsection (1) of section 35 shall not be entitled to a search until that person

has satisfied the Registrar that the search is required for the purposes of *The Quieting of Titles Act*.

(3.2) A person making a requisition under subsection (2) of section 35 shall not be entitled to a certified copy until that person has satisfied the Registrar that the certified copy is required

(a) for the purposes of *The Quieting of Titles Act*, or

(b) on behalf of a purchaser, lessee, mortgagee or an intending purchaser, lessee, mortgagee or other person who for valuable consideration takes or deals in property."

(3) Subsections (6) and (7) of section 36 of the Act are repealed.

(4) Subsection (8) of section 36 of the Act is amended by striking out the words "books and documents" and by substituting the words "books, documents, microfiche, microfilm and the computer storage and retrieval system".

(5) Subsection (9) of section 36 of the Act is amended by striking out the words "books and records" and by substituting the words "books, records and the computer storage and retrieval system".

(6) Subsection (10) of section 36 of the Act is amended by striking out the words "books and records" and by substituting the words "books, records, microfiche, microfilm and the computer storage and retrieval system".

(7) Subsection (13) of section 36 of the Act is amended by adding immediately after paragraph (b) the following:

"(b.1) who has not exercised or who is not exercising care in the handling and use of microfiche, microfilm and computer hardware or components and accessories associated with the computer storage and retrieval system;

(b.2) who does not replace to their proper location microfiche, microfilm cassettes or other computer hardware associated with the computer storage and

retrieval system when he or she has completed his or her use of the computer storage and retrieval system;"

9. Section 36A of the Act is repealed.

10. Section 37 of the Act is repealed.

11. Section 38 of the Act is renumbered as subsection (1) of section 38 and the following are added as subsections (2) and (3) of section 38:

"(2) In determining the value of a property, the value of buildings affixed to the land shall be included and the value of the property shall be calculated at the time the property is conveyed or transferred unless otherwise excepted by the regulations.

(3) Where the Registrar is not satisfied with the proof of value submitted with an instrument under subsection (1), the Registrar may require the person submitting the instrument for registration to produce a photographic copy of the records of a municipality or a report of a qualified appraiser, supporting the valuation."

12. Section 39 is repealed and the following is substituted:

Regulations

"39. (1) The Lieutenant-Governor in Council may make regulations

- (a) prescribing fees to be collected by the Registrar and paid into the Consolidated Revenue Fund;
- (b) regarding matters related to the collection of fees by the Registrar;
- (c) prescribing the waiver of fees in regard to certain categories of property under subsection (2) of section 38;
- (d) prescribing the hours during which the registry offices shall be kept open, and the hours during which instruments shall be received for registration;

- (e) respecting the quality of writing material used in instruments tendered for registration and in duplicates and copies required under this Act;
- (f) prescribing forms and providing for their use;
- (g) requiring, in connection with instruments presented for registration, proof of compliance with a law that if not complied with might detrimentally affect the title or interest of a person claiming title or an interest in an instrument and governing the form and manner of that proof; and
- (h) generally for carrying out the purposes and provisions of this Act.

(2) No instrument, deed or document shall be registered unless the proper fee is first paid.

(3) A fee is not payable on the registration of an instrument, deed or document registered by or on behalf of the Crown in right of the province.

(4) Regulations made under this section may be made with retroactive effect to a date stated in the regulations and that date shall not be greater than six months before their publication in the Gazette."

13. The Schedule to the Act is repealed and the following substituted:

**"SCHEDULE**

**Requisition for Search**

To the Registrar of Deeds, St. John's:

Under section 36 of *The Registration of Deeds Act*, search for deeds and other documents (*or as the case may be*) registered in your office during the period from ....., to ....., both inclusive, in the following name or names:

Surname	Given Name or Names	Location of Property	Volume or roll	Folio or Frame

I declare that the above mentioned search is required for the purpose of an application under *The Quieting of Titles Act*.

I desire than an office copy of the certificate be made and sent to my address.

Dated at ....., this ..... day of .....

*Signature, address and description of person requiring the search.*

**Certificate of Search**

This is to certify that a search has been diligently made in the Registry of Deeds for deeds and other documents (or as the case may be) in the name of ....., for the period from ..... to ....., both inclusive, and no deed or other document has been registered in the Registry of Deeds in that name during that period, (or that except the....., described in the particulars to this Certificate, no deed or other document has been registered in that name during that period).

Particulars:

Dated the ..... day of .....

**Requisition for Copies**

Under section 36 of *The Registration of Deeds Act*, certify as true copies deeds and documents as follows:

Surname	Given Name or Names	Location of Property	Volume or roll	Folio or Frame

I declare that the above mentioned copies are required for .....

I desire that the certified copies be made and sent to my address.

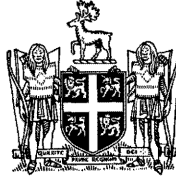
Dated at ..... this ..... day of ....., 19.... .

*Signature, address".*

Commence-  
ment

14. (1) Sections 1, 2, 3, 4, 5, 6, and 9 of this Act are deemed to have come into force on July 1, 1984.

(2) Section 12 of this Act comes into force on January 1st, 1991.



## CHAPTER 33

### AN ACT TO AMEND THE CHILD WELFARE ACT, 1972

(Assented to December 7, 1990)

#### Analysis

Section:

1. S. 4 R&S  
Appearance in Court

Section:

2. Ss. 21 to 33 Rep.  
Mentally defective children

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1972 No.37  
as amended

1. Section 4 of *The Child Welfare Act, 1972* is repealed and the following substituted:

Appearance in  
Court

"4. The Director, the Assistant Director of Child Welfare or a social worker of the Department may appear in Court in respect of a matter arising out of a provision of this Act and he or she may conduct a prosecution instituted as a result of an alleged violation of this Act."

2. Sections 21 to 33 inclusive of the Act are repealed.



## CHAPTER 34

### AN ACT TO AMEND THE URBAN AND RURAL PLANNING ACT

(Assented to December 7, 1990)

#### *Analysis*

Section:

1. S.132 Amdt.  
Authorized administrator  
to purchase land

Section:

2. S.134 Amdt.  
Penalty
3. S.136 Amdt.  
Stop order

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

RSN 1970 c.387  
as amended

1. (1) Subsection (2) of section 132 of *The Urban and Rural Planning Act* is amended by striking out the words "that authorized administrator shall forthwith transmit" and by substituting the words "the person who served the purchase notice shall immediately transmit".

(2) Subsection (3) of section 132 of the Act is amended by striking out the word "or" at the end of paragraph (b) and by substituting the word "and".

(3) Subsection (7) of section 132 of the Act is amended by striking out the words "a purchase notice is served under subsection (1)," and by substituting the words "a copy of a purchase notice is received by the Minister after having been transmitted to the Minister under subsection (2),".

(4) Subsection (8) of section 132 of the Act is repealed and the following substituted:

"(8) Before confirming a purchase notice, or taking another action in respect of it under this section, the Minister shall give notice of his or her proposed action

- (a) to the person by whom the purchase notice was served;
- (b) to the authorized administrator on whom the purchase notice was served;
- (c) to the authorized administrator for the area in which the land is situated; and
- (d) to an authorized administrator which the Minister proposes, under subsection (6), to substitute for the authorized administrator on which the purchase notice was served.

(8.1) If, within a period, not less than twenty-eight days from the date of the service of the purchase notice, to be prescribed in the notice to be given by the Minister under subsection (8), the person by whom the purchase notice was served, or an authorized administrator on which that notice was served so requires, the Minister shall, before confirming the purchase notice or taking another action under this section in respect of it, afford to that person and that authorized administrator an opportunity of appearing before and being heard by a person designated or appointed by the Minister for the purpose."

2. Subsection (1) of section 134 of the Act is amended by striking out the words "two hundred dollars" and by substituting the words "one thousand dollars".

3. (1) Subsection (1) of section 136 of the Act is amended by striking out the words "Where a person begins a development" and by substituting the words "Where a person begins or continues a development".

(2) Subsection (2) of section 136 of the Act is repealed and the following substituted:

"(2) A person who does not comply with an order made under subsection (1) is guilty of an offence and, in addition to the penalties provided for in section 134, is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both the fine and imprisonment.

(3) The Minister or an authorized administrator may take an action by way of prosecution or other legal proceedings including but not limited to an application for injunction or declaratory relief which the Minister or authorized administrator considers necessary to enforce this Act or the regulations or an order, Municipal Plan, Local Area Plan or Joint Municipal Plan, Regional Plan or other plan or scheme or order made under subsection (1)."



## CHAPTER 35

### AN ACT TO AMEND THE FISH INSPECTION ACT

(Assented to December 7, 1990)

#### Analysis

Section:

1. S.10 Amdt.  
Seizure of fish
2. S.13(2) R&S  
Falsification of  
certificates

Section:

3. S.14(2) R&S  
Marketing prohibited
4. S.15 R&S  
General penalty  
S.15.1 Added  
Interpretation

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

RSN 1970 c.132  
as amended

1. (1) Section 10 of *The Fish Inspection Act* is amended by adding immediately after subsection (3) the following:

"(3.1) Where fish and containers are seized under subsection (1), a person having an interest in the fish and containers may apply to a judge of the Trial Division for the return of the fish and containers.

(3.2) The judge may order the return of the fish and containers where

(a) he or she is satisfied that the fish was not seized because it is decomposed, tainted or unwholesome;

- (b) he or she is satisfied that the retention of the fish and containers is not necessary as evidence of the commission of an offence;
- (c) he or she is satisfied as to the value of the fish and containers seized; and
- (d) the applicant posts a bond or other form of security satisfactory to the judge in an amount satisfactory to the judge."

(2) Subsection (7) of section 10 of the Act is repealed and the following substituted:

"(7) Where a person is convicted of an offence under this Act or the regulations or of a violation of a condition of a licence issued under this Act or the regulations, the judge before whom he or she is convicted may, in addition to a penalty imposed under this Act

- (a) order that the fish and containers by means of or in relation to which the offence was committed or the proceeds of a sale under subsection (3) be forfeited to the Crown to be disposed of as the Minister directs; or
- (b) where a bond or other security has been posted under subsection (3.2), call upon the bond or other security and order the person posting it to pay immediately the amount of the bond or other security to the Consolidated Revenue Fund as a debt due the Crown."

2. Subsection (2) of section 13 of the Act is repealed and the following substituted:

"(2) A person who violates subsection (1) is guilty of an offence and is liable on summary conviction

- (a) for a first offence, to a fine of not less than \$500 and not more than \$5,000 or to imprisonment for a term of not less than one month or more than six months or to both a fine and imprisonment;

- (b) for a second offence, to a fine of not less than \$5,000 and not more than \$20,000 or to imprisonment for a term of not less than two months or more than six months, or to both a fine and imprisonment; and
- (c) for a third or subsequent offence, to a fine of not less than \$20,000 and not more than \$50,000 or to imprisonment for a term of not less than three months or more than six months, or to both a fine and imprisonment."

3. Subsection (2) of section 14 of the Act is repealed and the following substituted:

"(2) A person who violates subsection (1) is guilty of an offence and is liable on summary conviction

- (a) for a first offence to a fine of not less than \$500 and not more than \$5,000, or to imprisonment for a term of not less than one month or more than six months, or to both a fine and imprisonment;
- (b) for a second offence, to a fine of not less than \$5,000 and not more than \$20,000 or to imprisonment for a term of not less than two months or more than six months, or to both a fine and imprisonment; and
- (c) for a third or subsequent offence, to a fine of not less than \$20,000 and not more than \$50,000, or to imprisonment for a term of not less than three months or more than six months, or to both a fine and imprisonment."

4. Section 15 of the Act is repealed and the following substituted:

General penalty

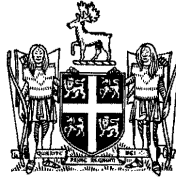
"15. A person who violates a provision of this Act or the regulations or a condition attached to a licence issued under this Act or the regulations for which no penalty is elsewhere provided in this Act is guilty of an offence and is liable on summary conviction

- (a) for a first offence to a fine of not less than \$500 and not more than \$5,000 or to imprisonment for a term of not less than one month or more than six months or to both a fine and imprisonment;

- (b) for a second offence to a fine of not less than \$5,000 and not more than \$20,000, or to imprisonment for a term of not less than two months or more than six months, or to both a fine and imprisonment; and
- (c) for a third or subsequent offence to a fine of not less than \$20,000 and not more than \$50,000, or to imprisonment for a term of not less than three months or more than six months, or to both a fine and imprisonment.

## Interpretation

15.1 For the purpose of subsection (2) of section 13, subsection (2) of section 14 and section 15 a person shall be considered to be convicted of a second, third or subsequent offence if he or she is convicted of an offence within two years of his or her conviction of a first offence under this Act, notwithstanding that the first conviction and subsequent conviction may be for different offences under this Act."



## CHAPTER 36

### AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT

*(Assented to December 7, 1990)*

#### *Analysis*

Section:

1. 1981 c.5  
Schedule Amdt.

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1985 c.5  
as amended

1. (1) The Schedule to *The Freedom of Information Act* is amended by striking out the following:

"Bay St. George Community College

The College of Fisheries

The College of Trades and Technology

The Gander Development Corporation

The Fishing Industry Advisory Board

The Harmon Corporation

The Marystown Shipyard Limited

The St. John's Housing Corporation

The Workers' Compensation Board

The Newfoundland Fibrply Limited".

(2) The Schedule to the Act is amended by adding the following:

"The Cabot Institute of Applied Arts and Technology

The Fisher Institute of Applied Arts and Technology

The Institute of Fisheries and Marine Technology

Avalon Community College

Eastern Community College

Central Community College

Western Community College

Labrador Community College

The Workers' Compensation Commission".



## CHAPTER 37

### AN ACT TO AMEND THE WELFARE INSTITUTIONS ACT

(Assented to December 7, 1990)

#### Analysis

Section:

1. S.4 Amdt.  
Composition of  
Authority

Section:

2. S.5.(1) Rep.  
Chairperson & Chief Executive  
Officer
3. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

RSN 1970 c.397  
as amended

1. (1) Subsection (4) of section 4 of *The Welfare Institutions Act* is repealed.

(2) Subsection (6) of section 4 of the Act is repealed and the following substituted:

"(6) The members of the Authority, other than those who are members of the public service, may receive the remuneration for services that the Lieutenant-Governor in Council fixes and all members of the Authority are entitled to be paid for travelling and other expenses necessarily incurred in connection with the business of the Authority."

2. Subsection (1) of section 5 of the Act is repealed.

Commence-  
ment

**3.** This Act is deemed to have come into force on January 1, 1990.



## CHAPTER 38

### AN ACT TO AMEND THE LIVESTOCK (HEALTH) ACT

*(Assented to December 7, 1990)*

#### *Analysis*

Section:

1. S.4 Amdt.  
Regulations

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

RSN 1970 c.212  
as amended

1. Section 4 of *The Livestock (Health) Act* is amended by adding immediately after paragraph (b) the following:

"(b.1) those species or classes of animal or livestock which the Minister considers appropriate to exempt from the regulations or portions of the regulations;"



## CHAPTER 39

### AN ACT TO AMEND THE INCOME TAX SAVINGS PLANS ACT

(Assented to December 7, 1990)

#### Analysis

##### Section:

1. S.2(c) Amdt.  
Interpretation

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1974 No.36  
as amended

1. Paragraph (c) of section 2 of *The Income Tax Savings Plans Act*  
is amended by

- (a) striking out the word "or" at the end of subparagraph (i);
- (b) striking out the semi-colon at the end of subparagraph (ii)  
and by substituting a comma and the word "or"; and
- (c) adding immediately after subparagraph (ii) the following:  
"(iii) a retirement income fund as defined by the *Income  
Tax Act (Canada)*";



## CHAPTER 40

### AN ACT TO AMEND THE DEPARTMENT OF HEALTH ACT

*(Assented to December 7, 1990)*

#### *Analysis*

##### Section:

1. S.23(1) Amdt.  
Regulations

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

RSN 1970 c.83  
as amended

1. Subsection (1) of section 23 of *The Department of Health Act*  
is amended by adding immediately after paragraph (a) the following:

"(a.1) prescribing fees to be charged and collected for services,  
inspections and duties carried out under this Act and  
the regulations;"



## CHAPTER 41

### AN ACT TO AMEND THE LOAN AND GUARANTEE ACT, 1957 (NO. 2)

*Analysis(Assented to December 7, 1990)*

Section:

1. Schedule Amdt.
2. 1983 c.37  
Schedule Amdt.
3. 1985 c.3  
Schedule Amdt.
4. 1986 c.21  
Schedule Amdt.

Section:

5. 1987 c.31  
Schedule Amdt.
6. 1989 c.8 s.1  
Schedule Amdt.
7. 1989 c.8 s.7  
Schedule Amdt.
8. 1990 c.5  
Schedule Amdt.

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1957 No.70  
as amended

**1.** The Schedule to *The Loan and Guarantee Act, 1957* is amended  
by adding the following:

"1. James Doyle (Sr.) and Sons Limited	\$ 700,000	June 28/90	Aug. 31/90
2. James Doyle (Sr.) and Sons Limited	450,000	June 28/90	March 31/91
3. Island Seafoods Limited	250,000	July 27/90	Feb. 28/91
4. P. Janes and Sons Limited	1,000,000	June 28/90	Oct. 31/90
5. Moorfish Limited	250,000	Aug. 17/90	Dec. 31/90
6. Torngat Fish Producers Co-operative Society Limited	500,000	Sept. 5/90	May 31/91
7. White's Fisheries Limited	175,000	June 20/90	Dec. 31/90
8. Newfoundland and Labrador Development Corporation	23,559,000	Nov. 16/89	Nov. 16/94".

1983 c.37  
Schedule Amdt.

**2.** The Schedule to the Act is further amended by amending Item 3 of the Schedule, as enacted by chapter 37 of 1983, as amended by paragraph (b) of section 5 of 1985, section 4 of chapter 21 of 1986, section 4 of chapter 31 of 1987 and section 3 of chapter 8 of 1989, by striking out the date of expiry "June 30, 1989" and by substituting the date of expiry "June 30, 1991".

1985 c.3  
Schedule Amdt.

**3.** The Schedule to the Act is further amended by amending Item 15 of the Schedule, as enacted by chapter 3 of 1985, as amended by paragraph (f) of section 5 of chapter 21 of 1986, paragraph (e) of section 5 of chapter 31 of 1987, paragraph (c) of section 4 of chapter 8 of 1989 and paragraph (a) of section 2 of chapter 27 of 1989, as follows:

- (a) by striking out the statutory amount "\$50,000" and by substituting the statutory amount "\$100,000";
- (b) by striking out the date of expiry "June 30/90" and by substituting the date of expiry "June 30/91"; and
- (c) on December 1, 1990, by striking out the statutory amount "\$100,000" referred to in paragraph (a) and by substituting the statutory amount "\$50,000".

1986 c.21  
Schedule Amdt.

**4.** The Schedule to the Act is further amended by amending Item 1 of the Schedule, as enacted by chapter 21 of 1986, as amended by paragraph (a) of section 6 of chapter 31 of 1987, paragraph (a) of section 5 of chapter 8 of 1989 and section 3 of chapter 27 of 1989, by striking out the date of expiry "April 30/90" and by substituting the date of expiry "April 30/91".

1987 c.31  
Schedule Amdt.

**5.** The Schedule to the Act is further amended by amending the Schedule, as enacted by chapter 31 of 1987, as follows:

- (a) item 10 of that Schedule, as amended by paragraph (d) of section 6 of chapter 8 of 1989 and paragraph (a) of section 3 of chapter 5 of 1990, is further amended by striking out the date of expiry "June 30/90" and by substituting the date of expiry "June 30/91";
- (b) item 15 of that Schedule, as amended by paragraph (f) of section 6 of chapter 8 of 1989, is further amended

- (i) by striking out the name "Marystown Shipyard Limited" and by substituting the name "Newfoundland Ocean Enterprises Limited", and
- (ii) by striking out the statutory amount "\$25,000,000" and by substituting the statutory amount "30,000,000"; and
- (c) item 23 of that Schedule, as amended by paragraph (j) of section 6 of chapter 8 of 1989 and paragraph (c) of section 3 of chapter 5 of 1990, is further amended by striking out the date of expiry "July 31/90" and by substituting the date of expiry "June 30/91".

1989 c.8 s.1  
Schedule Amdt.

**6.** The Schedule to the Act is further amended by amending the Schedule, as enacted by section 1 of chapter 8 of 1989, as follows:

- (a) item 7 of that Schedule is amended by striking out the date of expiry "Jan. 31/90" and by substituting the date of expiry "Jan. 31/91";
- (b) item 10 of that Schedule, as amended by paragraph (b) of section 4 of chapter 27 of 1989, is further amended
  - (i) by striking out the statutory amount "\$1,500,000" and by substituting the statutory amount "\$3,000,000", and
  - (ii) by striking out the date of expiry "Jan. 31/90" and by substituting the date of expiry "Feb. 28/91";
- (c) item 15 of that Schedule, as amended by item 4 of section 7 of chapter 8 of 1989, is further amended by striking out the date of expiry "Mar. 31/90" and by substituting the date of expiry "May 31/91";
- (d) item 35 of that Schedule is amended by striking out the date of expiry "Jan. 31/90" and by substituting the date of expiry "Jan. 31/91"; and
- (e) items 37 and 38 of that Schedule, as amended by paragraph (g) of section 4 of chapter 5 of 1990, are further amended by striking out the dates of expiry "July 31/90" and by substituting the dates of expiry "June 30/91".

1990

*The Loan and Guarantee (Amendment)  
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1989 c.8 s.7  
Schedule Amdt.

**7.** The Schedule to the Act is further amended by amending item 1 of the Schedule, as enacted by section 7 of chapter 8 of 1989, by striking out the date of expiry "Dec. 31/89" and by substituting the date of expiry "Dec. 31/90".

1990 c.5

**8.** The Schedule to the Act is further amended by amending the Schedule, as enacted by chapter 5 of 1990, as follows:

- (a) items 1 and 2 of that Schedule are amended by adding the date of issue "July 23/89" to both items; and
- (b) item 5 of that Schedule is amended by adding the date of issue "April 10/90".



# CHAPTER 42

## AN ACT TO AMEND THE LOCAL AUTHORITY GUARANTEE ACT, 1957 (NO. 2)

(Assented to December 7, 1990)

### Analysis

Section:

- 1. Schedule Amdt.

*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

1957 No.71  
as amended

1. The Schedule to *The Local Authority Guarantee Act, 1957* is amended by adding the following:

"The Community Council of the Community of Anchor Point	367,000	20 years
The Town Council of the Town of Arnold's Cove	42,000	20 years
The Town Council of the Town of Arnold's Cove	95,000	20 years
The Town Council of the Town of Badger	275,000	20 years
The Town Council of the Town of Badger	165,000	20 years
The Town Council of the Town of Badger	100,000	20 years

The Town Council of the Town of Badger's Quay-Valleyfield-Pool's Island	120,000	20 years
The Town Council of the Town of Badger's Quay-Valleyfield-Pool's Island	100,000	20 years
The Community Council of the Community of Baine Harbour	20,000	20 years
The Town Council of the Town of Bay de Verde	256,000	20 years
The Town Council of the Town of Bay Roberts	260,000	20 years
The Town Council of the Town of Bayview	365,000	20 years
The Town Council of the Town of Belleoram	200,000	10 years
The Town Council of the Town of Belleoram	2,000	20 years
The Community Council of the Community of Bide Arm	10,000	20 years
The Town Council of the Town of Birch Bay	300,000	20 years
The Town Council of the Town of Bishop's Falls	25,000	20 years
The Town Council of the Town of Bishop's Falls	76,800	10 years
The Town Council of the Town of Bishop's Falls	51,200	10 years
The Town Council of the Town of Bonavista	395,000	20 years

The Town Council of the Town of Bonavista	250,000	20 years
The Town Council of the Town of Botwood	112,000	20 years
The Town Council of the Town of Botwood	10,000	20 years
The Town Council of the Town of Botwood	210,000	20 years
The Town Council of the Town of Botwood	140,000	20 years
The Community Council of the Community of Brent's Cove	321,000	20 years
The Community Council of the Community of Brighton	385,000	20 years
The Town Council of the Town of Brigus	350,000	20 years
The Town Council of the Town of Buchans	350,000	20 years
The Town Council of the Town of Burgeo	800,000	10 years
The Town Council of the Town of Burgeo	72,000	20 years
The Town Council of the Town of Burgeo	48,000	20 years
The Town Council of the Town of Burin	156,600	20 years
The Town Council of the Town of Burin	104,400	20 years

The Town Council of the Town of Burnt Islands	485,000	20 years
The Town Council of the Town of Campbellton	225,000	20 years
The Town Council of the Town of Campbellton	200,000	20 years
The Community Council of the Com- munity of Cape St. George	470,000	20 years
The Town Council of the Town of Car- bonear	36,000	10 years
The Town Council of the Town of Car- bonear	24,000	10 years
The Town Council of the Town of Chance Cove	50,000	20 years
The Town Council of the Town of Change Islands	42,000	10 years
The Town Council of the Town of Change Islands	28,000	10 years
The Town Council of the Town of Change Islands	1,122,000	10 years
The Town Council of the Town of Channel-Port aux Basques	30,000	20 years
The Town Council of the Town of Channel-Port aux Basques	182,000	20 years
The Town Council of the Town of Clareville	45,000	20 years
The Town Council of the Town of Clareville	200,000	20 years

The Town Council of the Town of Clareville	160,000	20 years
The Town Council of the Town of Clarke's Beach	300,000	20 years
The Town Council of the Town of Come By Chance	300,000	20 years
The Town Council of the Town of Conception Bay South	2,000,000	20 years
The Town Council of the Town of Conception Bay South	1,000,000	20 years
The Town Council of the Town of Conception Bay South	240,000	10 years
The Town Council of the Town of Conception Bay South	160,000	10 years
The Town Council of the Town of Conception Bay South	171,000	20 years
The Town Council of the Town of Conception Bay South	114,000	20 years
The Community Council of the Community of Conche	250,000	20 years
The Community Council of the Community of Conche	45,000	10 years
The Community Council of the Community of Conche	30,000	10 years
The Town Council of the Town of Cook's Harbour	212,000	20 years
The Corner Brook City Council of the City of Corner Brook	1,200,000	10 years

The Corner Brook City Council of the City of Corner Brook	800,000	10 years
The Corner Brook City Council of the City of Corner Brook	250,000	20 years
The Corner Brook City Council of the City of Corner Brook	340,000	20 years
The Town Council of the Town of Cottesville	200,000	20 years
The Community Council of the Community of Cox's Cove	700,000	20 years
The Town Council of the Town of Cupids	400,000	20 years
The Community Council of the Community of Daniel's Harbour	279,000	20 years
The Town Council of the Town of Dunville	600,000	20 years
The Town Council of the Town of Durrell	300,000	20 years
The Town Council of the Town of Durrell	78,000	20 years
The Town Council of the Town of Elliston	100,000	20 years
The Town Council of the Town of Elliston	573,000	20 years
The Town Council of the Town of Embree	425,000	20 years
The Town Council of the Town of Englee	60,000	20 years

The Town Council of the Town of Englee	72,000	20 years
The Town Council of the Town of Englee	48,000	20 years
The Town Council of the Town of Fogo	650,000	20 years
The Town Council of the Town of Freshwater	63,000	20 years
The Town Council of the Town of Freshwater	60,000	20 years
The Town Council of the Town of Freshwater	97,200	10 years
The Town Council of the Town of Freshwater	64,800	10 years
The Town Council of the Town of Gambo	500,000	20 years
The Town Council of the Town of Gambo	280,000	20 years
The Town Council of the Town of Gander	429,000	10 years
The Town Council of the Town of Gander	286,000	10 years
The Town Council of the Town of Gander	550,000	20 years
The Town Council of the Town of Garnish	400,000	20 years
The Town Council of the Town of Glenwood	171,000	10 years

The Town Council of the Town of Glenwood	114,000	10 years
The Town Council of the Town of Glovertown	13,000	20 years
The Town Council of the Town of Grand Bank	162,000	20 years
The Town Council of the Town of Grand Bank	315,000	20 years
The Town Council of the Town of Grand Bank	210,000	20 years
The Town Council of the Town of Grand Falls	360,000	10 years
The Town Council of the Town of Grand Falls	240,000	10 years
The Town Council of the Town of Grand Falls	450,000	20 years
The Town Council of the Town of Grand Falls	300,000	20 years
The Town Council of the Town of Grand Falls	270,000	20 years
The Town Council of the Town of Grand Falls	180,000	20 years
The Town Council of the Town of Grand Falls	1,000,000	20 years
The Town Council of the Town of Greenspond	50,000	20 years
The Town Council of the Town of Greenspond	50,000	20 years

The Town Council of the Town of Greenspond	350,000	20 years
The Town Council of the Town of Halfway Point - Benoit's Cove	700,000	20 years
The Community Council of the Community of Hampden	20,000	20 years
The Community Council of the Community of Hampden	30,000	20 years
The Town Council of the Town of Hant's Harbour	280,000	20 years
The Community Council of the Community of Happy Adventure	300,000	20 years
The Town Council of the Town of Harbour Breton	400,000	20 years
The Town Council of the Town of Harbour Grace	98,400	10 years
The Town Council of the Town of Harbour Grace	65,600	10 years
The Town Council of the Town of Harbour Main - Chapel Cove	15,000	20 years
The Town Council of the Town of Harbour Main - Chapel Cove	350,000	20 years
The Town Council of the Town of Hawke's Bay	25,000	20 years
The Town Council of the Town of Heart's Content	100,000	20 years
The Town Council of the Town of Heart's Delight - Islington	48,000	20 years

The Town Council of the Town of Heart's Desire	18,000	10 years
The Town Council of the Town of Heart's Desire	12,000	10 years
The Town Council of the Town of Heart's Desire	46,200	10 years
The Town Council of the Town of Heart's Desire	30,800	10 years
The Community Council of the Community of Hermitage-Sandyville	20,000	20 years
The Community Council of the Community of Hermitage-Sandyville	400,000	20 years
The Community Council of the Community of Jackson's Arm	449,000	20 years
The Town Council of the Town of Jerseyville	28,000	20 years
The Town Council of the Town of Jerseyville	180,000	20 years
The Town Council of the Town of Joe Batt's Arm	400,000	20 years
The Community Council of the Community of King's Cove	12,600	10 years
The Community Council of the Community of King's Cove	8,400	10 years
The Town Council of the Town of Labrador City	120,000	10 years
The Community Council of the Community of Leading Ticks West	480,000	20 years

The Town Council of the Town of Lewisporte	90,000	10 years
The Town Council of the Town of Lewisporte	60,000	10 years
The Town Council of the Town of Little Burnt Bay	500,000	20 years
The Town Council of the Town of Little Catalina	471,000	20 years
The Town Council of the Town of Lumsden	64,000	20 years
The Community Council of the Community of Lushes Bight-Beaumont-Beaumont North	360,000	20 years
The Town Council of the Town of Main Brook	20,000	20 years
The Town Council of the Town of Main Brook	300,000	20 years
The Community Council of the Community of Makkovik	100,000	20 years
The Town Council of the Town of Marystown	382,000	20 years
The Town Council of the Town of Marystown	182,400	10 years
The Town Council of the Town of Marystown	121,600	10 years
The Community Council of the Community of McIvers	275,000	20 years
The Community Council of the Community of Middle Arm	15,000	20 years

The Community Council of the Community of Millertown	160,000	20 years
The Community Council of the Community of Millertown	200,000	20 years
The Community Council of the Community of Millertown	73,200	10 years
The Community Council of the Community of Millertown	48,800	10 years
The Town Council of the Town of Milltown - Head of Bay D'Espoir	300,000	20 years
The Town Council of the Town of Milltown - Head of Bay D'Espoir	23,600	10 years
The Town Council of the Town of Milltown - Head of Bay D'Espoir	35,400	10 years
The Town Council of the Town of Milltown - Head of Bay D'Espoir	70,000	20 years
The Community Council of the Community of Ming's Bight	22,000	20 years
The Community Council of the Community of Ming's Bight	350,000	20 years
The Community Council of the Community of Morrisville	45,000	20 years
The Mount Pearl City Council of the City of Mount Pearl	330,000	20 years
The Mount Pearl City Council of the City of Mount Pearl	508,200	10 years
The Mount Pearl City Council of the City of Mount Pearl	338,800	10 years

The Town Council of the Town of Musgrave Harbour	260,000	20 years
The Town Council of the Town of Musgrave Harbour	48,000	10 years
The Town Council of the Town of Musgrave Harbour	32,000	10 years
The Town Council of the Town of New Perlican	185,000	20 years
The Town Council of the Town of Newtown	400,000	20 years
The Town Council of the Town of Norman's Cove-Long Cove	343,000	20 years
The Town Council of the Town of Norris Arm	190,000	20 years
The Town Council of the Town of North West River	275,000	20 years
The Town Council of the Town of Northern Arm	35,000	20 years
The Town Council of the Town of Old Perlican	176,000	20 years
The Town Council of the Town of Paradise	80,000	20 years
The Town Council of the Town of Paradise	300,000	20 years
The Community Council of the Community of Parson's Pond	170,000	20 years
The Town Council of the Town of Pasadena	40,000	20 years

The Town Council of the Town of Pasadena	600,000	20 years
The Town Council of the Town of Pasadena	450,000	20 years
The Town Council of the Town of Pasadena	1,200,000	20 years
The Town Council of the Town of Peterview	350,000	20 years
The Town Council of the Town of Petty Harbour-Maddox Cove	49,200	10 years
The Town Council of the Town of Petty Harbour-Maddox Cove	32,800	10 years
The Community Council of the Community of Pilley's Island	60,000	20 years
The Town Council of the Town of Placentia	28,000	20 years
The Town Council of the Town of Placentia	51,000	10 years
The Town Council of the Town of Placentia	34,000	10 years
The Town Council of the Town of Point Leamington	50,000	20 years
The Community Council of the Community of Point May	300,000	20 years
The Community Council of the Community of Point of Bay	550,000	20 years
The Community Council of the Community of Port Anson	300,000	20 years

The Town Council of the Town of Port au Choix	500,000	20 years
The Town Council of the Town of Port Blandford	300,000	20 years
The Community Council of the Community of Port Kirwan	30,000	20 years
The Town Council of the Town of Port Saunders	85,000	20 years
The Town Council of the Town of Port Saunders	200,000	20 years
The Town Council of the Town of Portugal Cove	300,000	20 years
The Town Council of the Town of Portugal Cove	13,800	10 years
The Town Council of the Town of Portugal Cove	9,200	10 years
The Town Council of the Town of Portugal Cove	59,400	10 years
The Town Council of the Town of Portugal Cove	39,600	10 years
The Community Council of the Community of Raleigh	51,000	20 years
The Town Council of the Town of Ramea	50,000	20 years
The Town Council of the Town of Ramea	272,000	20 years
The Town Council of the Town of Roddickton	25,000	20 years

The Town Council of the Town of Roddickton	190,000	20 years
The Town Council of the Town of Rose Blanche-Harbour Le Cou	150,000	10 years
The Town Council of the Town of Rose Blanche-Harbour Le Cou	100,000	10 years
The Town Council of the Town of Salmon Cove	500,000	20 years
The Community Council of the Community of Sandringham	5,500	20 years
The Community Council of the Community of Seal Cove, F.B.	15,000	20 years
The Town Council of the Town of Seal Cove, W.B.	125,000	20 years
The Town Council of the Town of Shoal Harbour	250,000	20 years
The Town Council of the Town of Small Point-Broad Cove, etc.	60,000	20 years
The Town Council of the Town of Small Point-Broad Cove, etc.	48,600	10 years
The Town Council of the Town of Small Point-Broad Cove, etc.	32,400	10 years
The Town Council of the Town of Southern Harbour	220,000	20 years
The Town Council of the Town of Spaniard's Bay	184,000	10 years
The Town Council of the Town of Springdale	306,000	20 years

The Town Council of the Town of Springdale	175,000	20 years
The Town Council of the Town of St. Alban's	211,000	20 years
The Town Council of the Town of St. Anthony	253,000	20 years
The Town Council of the Town of St. Anthony	18,000	20 years
The Town Council of the Town of St. Anthony	126,000	10 years
The Town Council of the Town of St. Anthony	84,000	10 years
The Community Council of the Community of St. Bernard's	58,500	20 years
The Town Council of the Town of St. George's	21,000	10 years
The Town Council of the Town of St. Jacques-Cooomb's Cove	19,200	10 years
The Town Council of the Town of St. Jacques-Cooomb's Cove	12,800	10 years
The St. John's Municipal Council of the City of St. John's	1,920,000	20 years
The St. John's Municipal Council of the City of St. John's	1,500,000	10 years
The St. John's Metropolitan Area Board	475,000	20 years
The Town Council of the Town of St. Lawrence	150,000	10 years

The Town Council of the Town of St. Lawrence	100,000	10 years
The Community Council of the Community of St. Lunaire - Griquet	150,000	20 years
The Community Council of the Community of St. Lunaire - Griquet	200,000	20 years
The Community Council of the Community of St. Mary's	170,000	20 years
The Community Council of the Community of St. Mary's	250,000	20 years
The Community Council of the Community of St. Mary's	15,000	20 years
The Town Council of the Town of Stephenville Crossing	48,000	10 years
The Town Council of the Town of Stephenville Crossing	32,000	10 years
The Town Council of the Town of Summerford	140,000	20 years
The Town Council of the Town of Summerford	420,000	20 years
The Town Council of the Town of Terrenceville	434,000	20 years
The Town Council of the Town of Tilton	300,000	20 years
The Town Council of the Town of Torbay	141,000	20 years
The Town Council of the Town of Trinity, B.B.	221,000	20 years

The Town Council of the Town of Triton	70,000	20 years
The Town Council of the Town of Twillingate	450,000	20 years
The Town Council of the Town of Twillingate	28,000	20 years
The Town Council of the Town of Upper Island Cove	300,000	20 years
The Town Council of the Town of Victoria	20,000	20 years
The Town Council of the Town of Victoria	230,000	20 years
The Town Council of the Town of Wabana	415,000	20 years
The Town Council of the Town of Wabana	120,000	10 years
The Town Council of the Town of Wabana	80,000	10 years
The Town Council of the Town of Wareham	500,000	20 years
The Town Council of the Town of Wesleyville	300,000	20 years
The Community Council of the Community of West St. Modeste	105,000	20 years
The Community Council of the Community of West St. Modeste	70,000	20 years
The Town Council of the Town of Whitbourne	1,050,000	20 years

The Community Council of the Community of Whitway	268,000	20 years
The Town Council of the Town of Windsor	1,250,000	10 years
The Town Council of the Town of Windsor	100,000	10 years
The Community Council of the Community of Woodstock	425,000	20 years
The Community Council of the Community of Woody Point	25,000	20 years".



## CHAPTER 43

### AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT, 1988

(Assented to December 7, 1990)

#### Analysis

Section:	Section:
1. S.2 Amdt. Definition	11. S.72(2) Amdt. Wrongful procurement of licence
2. S.11 Amdt. Application for registration	12. S.105 R&S Traffic control devices
3. S.47(3) Added Expiry of licence	13. S.155(2) R&S Obstruction of driver
4. S.61 Amdt. Report to Registrar	14. S.175(5) Rep. Radar detectors
5. S.61.1 Added National Defence Act (Canada)	15. S.177(11) Rep. Use of seat belts
6. S.63 Amdt. Suspension or cancellation of driver's licence	16. S.185(c.1) Added Regulations
7. S.64 Amdt. Suspension or cancellation of driver's licence	17. S.195 Amdt. Regulations re: Safety Code
8. S.65 Amdt. Suspension or cancellation of driver's licence	18. S.206(2) R&S Penalty
9. S.67 Amdt. Suspension or cancellation of driver's licence	19. S.206.1 Added Late payment penalty
10. S.70 Amdt. Where licence suspended or cancelled	20. S.207 R&S Liability of owner for penalties S.207.1 Added Person prima facie owner of vehicle
	21. Schedule R&S

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1988 c.33  
as amended

1. (1) Section 2 of *The Highway Traffic Act, 1988* is amended by adding immediately after paragraph (c) the following:

"(c.1) "bank" means a bank to which the *Bank Act* (Canada) applies;"

(2) Paragraph (xx) of section 2 of the Act is amended by deleting the word "and" and substituting a comma and by adding immediately after the phrase "a municipal police force" the following "and a park warden appointed under the *Public Service Employment Act* (Canada) who is stationed in the province".

2. (1) Subsection (1) of section 11 of the Act is amended by adding the phrase "or renewal of registration" after the phrase "for the registration".

(2) Subsections (2) and (3) of section 11 of the Act are amended by adding the phrase "or renewal of registration" after the phrase "for registration".

(3) Section 11 of the Act is further amended by adding immediately after subsection (7) the following:

"(7.1) Where a person pays the prescribed fee for registration at a bank the registration is considered to be valid for thirty days from the date of payment of the fee."

3. Section 47 of the Act is amended by adding immediately after subsection (2) the following:

"(3) Notwithstanding subsections (1) and (2), where a person pays the prescribed fee for a driver's licence at a bank the driver's licence is considered to be valid for thirty days from the date of payment of the fee."

4. Subsection (2) of section 61 of the Act is amended by striking out the word and numbers "section 203, 204, 219, 233, 236, 237, 238, 239, 295" and by substituting the word and numbers "section 220, 221, 236, 249, 252, 253, 254, 255, 335".

5. The Act is amended by adding immediately after section 61 the following:

National  
Defence Act  
(Canada)

"61.1(1) Where a person has been convicted of an offence under section 120 of the *National Defence Act* (Canada) by reason that the person contravened section 222, 221, 236, 249, 252, 253, 254 or 255 of the *Criminal Code* the Registrar may by order in writing suspend that person's driver's licence.

(2) For the purpose of this section "driver's licence" means a Canadian Forces Europe Driver's Licence to operate a private motor vehicle issued by or under the authority of the Department of National Defence (Canada)."

6. Subsection (1) of section 63 of the Act is amended by striking out the words and numbers "section 239 or 295" and by substituting the words and numbers "section 255 or 335".

7. Subsection (1) of section 64 of the Act is amended by striking out

(a) the words and numbers "section 235 or 236" and by substituting the words and numbers "section 251 or 252"; and

(b) the word and number "section 219" and by substituting the word and number "section 236".

8. Subsection (1) of section 65 of the Act is amended by striking out the words and numbers "section 203, 204 or 219" and by substituting the words and numbers "section 220, 221 or 236".

9. Subsection (1) of section 67 of the Act is amended by striking out the words and numbers "subsection (3) of section 238" and by substituting the words and numbers "subsection (3) of section 254".

10. Subsection (3) of section 70 of the Act is amended by striking out the word and numbers "section 203, 204, 219, 233, 236, 237, 238, 239, 295" and by substituting the word and numbers "section 220, 221, 236, 249, 252, 253, 254, 255, 335".

11. Paragraph (a) of subsection (2) of section 72 of the Act is repealed and the following substituted:

"(a) in case of a first offence to a fine of not less than one hundred dollars and not more than two hundred dollars;

- (a.1) in the case of a second offence to a fine of not less than two hundred dollars and not more than three hundred dollars;
- (a.2) in the case of a third and subsequent offence to a fine of not less than three hundred dollars and not more than five hundred dollars;".

12. Section 105 of the Act is repealed and the following substituted:

Traffic control  
devices

"105. (1) Except when a traffic officer directs otherwise, drivers and pedestrians shall obey the instructions of a traffic-control signal or traffic-control device in accordance with this Part.

(2) When a green light alone is shown at an intersection by a traffic-control signal, the driver of a vehicle approaching the intersection and facing the light or signal

(a) may proceed across the intersection or turn left or right, subject to a traffic-control device prohibiting a left or right turn or both; and

(b) shall yield the right-of-way, if turning left or right, to other traffic lawfully within the intersection or within an adjacent crosswalk at the time the light or signal is shown.

(3) When a green light alone is shown at an intersection by a traffic-control signal, a pedestrian facing the light or signal may proceed across the roadway, subject to a pedestrian-control signal, if any, directing the pedestrian otherwise, and while so proceeding across the roadway has a right-of-way over all vehicles.

(4) When a green light alone is shown at a place other than an intersection by a traffic-control signal, the driver of a vehicle approaching the light or signal

(a) may proceed to pass the light or signal; and

(b) shall yield the right-of-way to a pedestrian still in the roadway or on a crosswalk in the vicinity of the light or signal when it is shown after the pedestrian entered the roadway or crosswalk.

(5) When a green light alone is shown at a place other than an intersection by a traffic-control signal, a pedestrian facing the light or signal may proceed across the roadway, subject to a pedestrian-control signal, if any, directing the pedestrian otherwise, and while so proceeding across the roadway has a right-of-way over all vehicles.

(6) When a yellow or amber light alone is shown at an intersection by a traffic-control signal following a green light

(a) the driver of a vehicle approaching the intersection and facing the yellow or amber light shall, subject to paragraph (b), stop the vehicle at a clearly marked stop line or, if none, then immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, unless a stop cannot be made in safety; and

(b) the driver of a vehicle approaching the intersection and facing the yellow or amber light and intending to turn right at the intersection may, unless a traffic-control device prohibits a right turn to be made on a yellow or amber light, with caution, proceed and turn right at the intersection, but only after yielding the right-of-way to a pedestrian referred to in paragraph (b) of subsection (7) and to a vehicle proceeding in the intersection.

(7) When a yellow or amber light alone is shown at an intersection by a traffic-control signal following a green light

(a) a pedestrian facing the yellow or amber light shall not commence to cross the roadway until a pedestrian-control signal or other traffic-control signal permitting the pedestrian to enter the roadway is shown; and

(b) a pedestrian on the roadway or on a crosswalk in the vicinity of the yellow or amber light when the light is shown after the pedestrian entered the roadway or

crosswalk shall proceed across the roadway and has a right-of-way for that purpose over all vehicles.

(8) When a yellow or amber light is shown at a place other than an intersection by a traffic-control signal following a green light, the driver of a vehicle approaching the light shall stop the vehicle at a clearly marked stop line or, if none, then immediately before entering the crosswalk on the near side of the light or, if there is no crosswalk, then immediately before reaching the light unless a stop cannot be made in safety.

(9) When a yellow or amber light is shown at a place other than an intersection by a traffic-control signal following a green light

- (a) a pedestrian facing the light shall not commence to cross the roadway until a pedestrian-control signal or other traffic-control signal permitting the pedestrian to enter the roadway is shown; and
- (b) a pedestrian still in the roadway or on a crosswalk in the vicinity of the light when the light is shown after the pedestrian entered the roadway shall proceed across the roadway and has a right-of-way for that purpose over all vehicles.

(10) When a red light alone is shown at an intersection by a traffic-control signal, the driver of a vehicle approaching the signal shall stop the vehicle at a clearly marked stop line, or, if none, then immediately before entering the crosswalk on the near side of the intersection or, if none, then immediately before entering the intersection, and shall not proceed until a traffic-control signal permitting the movement of the vehicle in the intersection is shown, but the driver may, after bringing the vehicle to a full stop, and yielding the right-of-way to a pedestrian and other vehicles lawfully within the intersection

- (a) turn to the right; or
- (b) turn to the left from a one-way street into a one-way street provided that those turns are not prohibited by a traffic-control device.

(11) When a red light alone is shown at an intersection by a traffic-control signal, a pedestrian facing the signal shall not begin to cross the roadway until a traffic-control signal permitting the pedestrian to enter the road way is shown.

(12) When a red light alone is shown at a place other than an intersection by a traffic-control signal, the driver of a vehicle approaching the light shall stop the vehicle at a clearly marked stop line or, if none, then immediately before entering the cross-walk on the near side of the light or, if there is no crosswalk, then immediately before reaching the light and shall not proceed until a traffic-control signal permitting the driver to pass the light or signal is shown.

(13) When a red light alone is shown at a place other than an intersection by a traffic-control signal, a pedestrian facing the light shall not commence to cross the roadway until a pedestrian-control signal or other traffic-control signal permitting the pedestrian to enter the roadway is shown.

(14) When a solid green arrow or a flashing green arrow is shown alone or in conjunction with a red light at an intersection by a traffic-control signal, the driver of a vehicle approaching the intersection and facing the arrow

- (a) may enter the intersection only to make the movement indicated by the arrow; and
- (b) shall yield the right-of-way to other traffic lawfully within the intersection and to pedestrians lawfully in an adjacent crosswalk.

(15) When a solid green arrow or a flashing green arrow is shown alone or in conjunction with a red light at an intersection by a traffic-control signal, a pedestrian facing the arrow shall not begin to cross the roadway until a traffic-control signal permitting the pedestrian to enter the roadway is shown.

(16) When a flashing red light is shown by a traffic-control signal the driver of a vehicle approaching the light

- (a) shall stop the vehicle at a clearly marked stop line or, if none, then immediately before entering the crosswalk

on the near side of the light or, if none, then immediately before entering the intersection; and

- (b) having stopped, shall yield the right-of-way to all traffic lawfully in the roadway or in a crosswalk in the vicinity of the light, and proceed with caution.

(17) When a flashing red light is shown by a traffic-control signal, a pedestrian facing the light may proceed across the roadway within the crosswalk.

(18) When a yellow or amber flashing light is shown by a traffic-control signal the driver of a vehicle approaching the light

- (a) may proceed past the light only with caution; and
- (b) shall yield the right-of-way to traffic lawfully in the roadway or in a crosswalk in the vicinity of the light.

(19) When a yellow or amber flashing light is shown by a traffic-control signal, a pedestrian facing the light may proceed across the roadway with caution.

(20) When the word "WALK" or a symbol for "WALK" is shown by a pedestrian-control signal, a pedestrian facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has a right-of-way over all vehicles.

(21) When the word "WAIT" or "STOP" or the words "DON'T WALK" or a symbol for "WALK" or "STOP" or "DON'T WALK" is shown by a pedestrian-control signal

- (a) a pedestrian facing the signal shall not commence to cross the roadway until the word "WALK" or a symbol for "WALK" is shown by a pedestrian-control signal; and
- (b) a pedestrian proceeding across the roadway when the word "WAIT" or "STOP" or the words "DON'T WALK" or a symbol for "WALK" or "STOP" or "DON'T WALK" is shown after the pedestrian entered the roadway shall

proceed across the roadway and has a right-of-way for that purpose over all vehicles.

(22) Where traffic is being controlled at an intersection or a crosswalk or elsewhere by a person holding a flag or sign containing the word "STOP" or a symbol for "STOP", the driver of a vehicle approaching the flag or sign shall stop the vehicle immediately before entering the intersection or crosswalk, if any, in the vicinity of the flag or sign and shall not proceed until the person holding the flag or sign directs the driver to proceed.

(23) Where traffic is being controlled at an intersection or a crosswalk or elsewhere by a person holding a flag or sign containing the word "STOP" or a symbol for "STOP", a pedestrian if intending to cross the roadway may enter the intersection or crosswalk, if any, in the vicinity of the person holding the flag or sign and proceed across the roadway and has a right-of-way for that purpose over all vehicles in the intersection.

(24) Where a sign which has the word "STOP" or a symbol for "STOP" inscribed on it is erected at or near the intersection of two highways and facing the stream of traffic on one highway, the driver of a vehicle on the highway shall stop the vehicle before entering but as near as practicable to the driving surface of the other highway and shall then proceed with special care and give way to traffic on the other highway, but if there is a crosswalk at or in the vicinity of the sign the driver of the vehicle shall stop the vehicle before entering the crosswalk and may then proceed with caution, giving way to pedestrians in the crosswalk.

(25) Where a sign which has the words "TURN RIGHT" or "RIGHT TURN ONLY" or a symbol for "TURN RIGHT" or "RIGHT TURN ONLY" inscribed on it is erected at or near the intersection of two highways and facing the stream of traffic on one highway, the driver of a vehicle on that highway shall stop the vehicle before entering but as near as practicable to the driving surface of the intersection and shall then proceed with special care and make a right turn only in accordance with the sign and give way to traffic on the other highway.

(26) Where a sign which has the words "TURN LEFT" or "LEFT TURN ONLY" or a symbol for "TURN LEFT" or

"LEFT TURN ONLY" inscribed on it is erected at or near the intersection of two highways and facing the stream of traffic on one highway, the driver of a vehicle on that highway shall stop the vehicle before entering but as near as practicable to the driving surface of the intersection and shall then proceed with special care and make a left turn only in accordance with the sign and give way to traffic on the other highway.

(27) Where a sign which has the words "NO PARKING " or a symbol for "NO PARKING" inscribed on it is erected on a highway and the part of the highway to which the sign is applicable is clearly indicated by painted red or white lines or words or markers on the highway or by additional words inscribed on the signs describing the area to which the prohibition of the sign is applicable by name or other description or by reference to another sign erected on or near the same highway, the driver of a vehicle shall not park the vehicle in the area to which the sign applies, or between the hours or during the time, if any, specified on the sign.

(28) The prohibition in subsection (27) does not apply, unless stated on the sign, to the stopping of a vehicle for the immediate taking up or discharging of passengers or for the time that may be actually necessary for the loading or unloading of goods.

(29) Where a sign which has the words "NO PARKING EXCEPT UNDER PERMIT" or a symbol for "NO PARKING EXCEPT UNDER PERMIT" inscribed on it is erected on a highway and the part of the highway to which the sign is applicable is indicated by painted red or white lines or words or markers on the highway or by additional words or symbols inscribed on the sign describing the area to which the prohibition of the sign is applicable by name or other description or by reference to another sign erected on or near the same highway, no person other than the person to whom the permit was issued shall park a vehicle in the area to which the sign applies.

(30) Signs to indicate places where buses or school buses may stop but only for the purpose of taking up or letting down passengers and where no other vehicles may stop or park shall have inscribed on them the words "BUS STOP" or "SCHOOL BUS STOP" a symbol for "BUS STOP" or "SCHOOL BUS

STOP" and may have inscribed on them additional words, figures, letters or symbols

- (a) prescribing the part of the highway to which the sign applies, by reference to another sign erected on or near the same highway or by description of the part of the highway or otherwise;
- (b) prescribing the distance from the sign, measured in a direction indicated on the sign, within which parking or stopping is prohibited;
- (c) prescribing the period within which or the hours or days during which the sign applies;
- (d) prohibiting stopping or parking on the part of the highway to which the sign applies;
- (e) indicating the ownership of buses or school buses for whose use that part of the highway is reserved; or
- (f) conveying information respecting the service provided by buses or school buses for whose use that part of the highway is reserved,

and on a highway or a section of a highway on which signs have been erected under this subsection a bus or school bus shall not stop to take up or let down passengers except at a place indicated by a sign erected under this section.

(31) Signs to indicate the highway or part of a highway where the driving of a vehicle in excess of a certain maximum speed is prohibited may be erected in accordance with subsection (32).

(32) The highway or part of a highway where a special maximum speed limit applies shall be indicated by the erection of a sign at each end of the highway or part of the highway to which the maximum speed limit applies and facing the stream of traffic entering the highway or part highway, the signs having inscribed on them the words "SPEED LIMIT", "MAXIMUM" or "MAXIMUM SPEED" or a symbol for "SPEED LIMIT" "MAXIMUM" or "MAXIMUM SPEED" and the maximum speed limit.

(33) Each sign in the form prescribed by subsection (32) may be varied by the insertion on the sign of those figures that may be prescribed by the Minister or traffic authority for the place where the sign is erected.

(34) Signs conveying the order not to enter a highway at a particular point of intersection with another highway may be erected in those places as the Minister or a traffic authority appoints, the signs having inscribed on them the words "NO ENTRY" or "DO NOT ENTER" or a symbol for "NO ENTRY" or "DO NOT ENTER".

(35) Signs to close a highway or part of a highway to traffic may be erected in accordance with subsection (34) to indicate the highway or part upon which the driving of vehicles is prohibited.

(36) Each sign erected in accordance with subsection (34) shall have inscribed on it words or symbols to indicate the period for which the highway or part is closed or that it is closed until further notice.

(37) The highway or part of the highway to which a sign erected in accordance with subsection (34) applies shall be indicated by the erection of a sign at each end of the highway or part of the highway which is closed and at all major points of intersection with the highway.

(38) Each sign erected in accordance with subsection (34) shall be taken as prohibiting a person from driving a vehicle upon a highway or part of a highway to which the sign refers.

(39) Signs conveying the order not to proceed, or permission to proceed, from one highway into another by means of making a turn to the left or right, or either way, as the case may be, may be erected on a highway, and the signs shall have inscribed on them the words or symbols for the words

NO LEFT TURN; or  
NO RIGHT TURN; or  
NO TURNS which shall mean no turn either way; or  
NO RIGHT TURN ON YELLOW OR AMBER  
OR RED LIGHT,

as the case may be.

(40) Each sign erected in accordance with subsection (39) shall be taken as prohibiting a person from driving a vehicle from one highway to another highway in contravention of the direction of the sign.

(41) Signs conveying the order to proceed in one direction only on a highway may be erected on the highway and the signs shall have inscribed on them the words "ONE WAY" or a symbol for "ONE WAY" and an arrow.

(42) Each sign erected in accordance with subsection (41) shall be taken as prohibiting a person from driving a vehicle upon the highway or part of the highway to which the sign refers in a direction other than the direction in which the arrow points.

(43) Signs to limit the maximum gross mass of commercial motor vehicles on a highway or part of the highway may be erected and the signs shall have inscribed on them the words "HALF LOAD LIMIT" or a symbol for "HALF LOAD LIMIT".

(44) Each sign erected in accordance with subsection (43) shall be taken as prohibiting a person from driving upon the highway or part of the highway to which the sign refers a commercial motor vehicle if that vehicle is loaded in excess of the sum of the curb mass of the vehicle plus one-half of the difference between the curb mass and the maximum gross mass for which the vehicle is registered.

(45) The highway or part of the highway to which a sign erected in accordance with subsection (43) refers shall be indicated by the erection of a sign at each end of the highway or part of the highway and at all major points of intersection with the highway or part of the highway to which the signs refers.

(46) Signs to indicate places where commercial motor vehicles may be parked on a highway shall be deemed to prohibit a vehicle other than a commercial motor vehicle from stopping or standing

(a) nearer to the sign than the distance; or

(b) within the area inscribed or referred to on the sign by name or other description or by reference to any other sign erected on or near the same highway.

(47) Every sign erected in accordance with subsection (46) shall have inscribed on it the words "RESTRICTED PARKING - COMMERCIAL MOTOR VEHICLES ONLY" or a symbol for "RESTRICTED PARKING - COMMERCIAL VEHICLES ONLY" and shall indicate in accordance with subsection (46) the distance from the sign or area within which vehicles other than commercial motor vehicles are prohibited from stopping or standing.

(48) Each sign erected in accordance with subsection (49) shall have inscribed on it the words "CLOSED TO ALL TRAFFIC EXCEPT" or a symbol for "CLOSED TO ALL TRAFFIC EXCEPT" and further words or symbols to indicate the class of vehicles to which the prohibition does not apply.

(49) Signs to restrict the use of a highway or a part of a highway shall be deemed to prohibit a vehicle other than the class of vehicles specified on the sign from being driven over the highway or a part of it.

(50) Each sign erected in accordance with subsection (48) shall be taken as prohibiting a person from driving a vehicle upon a highway or part of highway to which the sign refers.

(51) Signs to restrict the use of a highway or a part of a highway to vehicles other than vehicles of a maximum gross mass in excess of that inscribed on the signs may have inscribed on them other letters, figures, words and signs and different letters, figures, words and signs may be used on different signs in different circumstances.

(52) Each sign erected in accordance with subsection (51) shall be taken as prohibiting a person from driving upon the highway or the part of the highway to which the sign refers a vehicle of a maximum gross mass in excess of that inscribed on the sign.

(53) The highway or part of the highway to which a sign erected in accordance with subsection (51) refers shall be indi-

cated by the erection of a sign at each end of the highway or part of the highway and at all major points of intersection with the highway or part of the highway."

**13.** Subsection (2) of section 155 of the Act is repealed and the following substituted:

"(2) A passenger in a vehicle shall not occupy a position which interferes with

- (a) the driver's view to the front or to the side of the vehicle;  
or
- (b) the driver's control over the driving mechanism of the vehicle.

(3) The driver of a vehicle shall not permit a passenger in the vehicle to occupy a position which interferes with

- (a) the driver's view to the front or to the side of the vehicle;  
or
- (b) the driver's control over the driving mechanism of the vehicle."

**14.** Subsection (5) of section 175 of the Act is repealed.

**15.** Subsection (11) of section 177 of the Act is repealed.

**16.** Section 185 of the Act is amended by adding immediately after paragraph (c) the following:

"(c.1) providing that a driver's licence or the registration of a motor vehicle may be considered valid for a period of thirty days from the date of payment of the prescribed fee where a person pays the prescribed fee at a bank;"

**17.** Section 195 of the Act is amended by renumbering subsection (2) as subsection (3) and by adding immediately after subsection (1) the following:

"(2) The Minister may, subject to the approval of the Lieutenant-Governor in Council, prescribe a penalty for a contravention of the regulations made under subsection (1)."

**18.** Subsection (2) of section 206 of the Act is repealed and the following substituted:

"(2) Every person who is guilty of an offence under this Act for which a penalty has not been prescribed in another provision of this Act or in the Schedule to this Act shall be liable on summary conviction

(a) where the offence is a first offence, to a fine of not less than thirty dollars and not more than two hundred dollars and in default of payment of the fine to imprisonment for a period not exceeding three months; and

(b) where the offence is a second or subsequent offence to a fine of not less than fifty dollars and not more than five hundred dollars and in default of payment of the fine to imprisonment for a period not exceeding six months."

**19.** The Act is amended by adding immediately after section 206 the following:

Late payment  
penalty

"206.1 (1) Where a person who has been convicted of an offence under this Act or the regulations fails to pay the fine with respect to that offence within sixty days from the date of conviction, the person shall pay a late payment penalty in addition to the fine.

(2) The late payment penalty referred to in subsection (1) shall be

(a) in the case of a fine which is fifty dollars or less than fifty dollars, five dollars;

(b) in the case of a fine which is greater than fifty dollars and less than or equal to one hundred dollars, ten dollars; and

(c) in the case of a fine which is greater than one hundred dollars, ten dollars plus an additional late payment

penalty of ten dollars for each increment of a one hundred dollar fine or part of a one hundred dollar fine up to a maximum late payment penalty of one hundred dollars."

**20.** Section 207 of the Act is repealed and the following substituted:

Liability of  
owner for  
penalties

"207. (1) The owner of a motor vehicle shall incur the penalties provided for a violation of this Act or the regulations, but the owner shall not incur the penalties for a violation of this Act or the regulations involving a motor vehicle that was in motion or had just ceased to be in motion unless the owner was the driver of the motor vehicle.

(2) Where an owner can prove that at the time of the violation, the motor vehicle was in the possession of some person other than the owner without the owner's consent, the owner shall not incur the penalties provided for that violation.

(3) The owner of a motor vehicle, who incurs a penalty under subsection (1), is not liable to imprisonment.

Person *prima*  
*facie* owner of  
vehicle

207.1 The registration of a vehicle in the name of a person is for the purposes of this Act and the regulations *prima facie* evidence that that person is the owner of the vehicle."

**21.** The Schedule to the Act is repealed and the following substituted:

**"SCHEDULE  
Penalties**

Section and subsection or paragraph	Offence	Penalty			
		A fine of not more than the dollar amounts specified		In default of payment of fine for no longer or shorter than time specified	
		Max.	Min.	Max.	Min.
13(1)	Non-resident failing to register commercial motor vehicle	900	360	30 days	20 days
17(2)	Dealer assigning or transferring licence	360	90	20 days	5 days
21	Operating service vehicle with dealer's plates attached	360	90	20 days	5 days
22	Using or hiring dealer's vehicle without registration	360	90	20 days	5 days
27	Using vehicle without dealer's plates attached	360	90	20 days	5 days
28(2)	Failure to return or deliver plate or vehicle licence	180	45	10 days	2 days

29	Failure to produce vehicle licence	100	25	5 days	1 day
30	Identification plates not securely fastened in proper position	100	25	5 days	1 day
31	Failure to keep identification plates clean	100	25	5 days	1 day
37	Failure to notify Registrar of transfer of ownership	90	45	10 days	2 days
38	Failure to file change of address with Registrar	90	45	10 days	2 days
39	Failure to notify Registrar of change of name	100	25	10 days	1 day
42(a) (i)(A)	Driving or drawing unregistered or unlicensed vehicle not exceeding 4500 kg. M.G.M.	180	90	10 days	5 days
42(a) (i)(B)	Driving or drawing unregistered or unlicensed vehicle exceeding 4500 kg. but not exceeding 10900 kg. M.G.M.	900	180	30 days	10 days
42(a) (i)(C)	Driving or drawing unregistered or unlicensed vehicle exceeding 10900 kg. M.G.M.	1800	900	60 days	30 days

42(a) (ii)	Driving or drawing vehicle without identification or other plates, stickers or markers or dealer's plates	100	25	2 days	1 day
42(b)	Defacing or altering identification plate or marker	300	75	20 days	5 days
42(c)	Using vehicle with defaced mutilated or altered identification plate or marker	180	45	10 days	2 days
42(d)	Removing identification plate or marker without authority	360	90	10 days	3 days
42(e)	Using identification plate or marker other than that issued	180	65	20 days	5 days
42(f)	Using marker or number plate capable of being confused with identification plate or marker	360	90	20 days	5 days
42(g)	Failure to surrender identification plates	360	90	20 days	5 days
42(h)	Giving false name or address in application for registration of vehicle	360	90	20 days	5 days
42(i)	Applying for registration or having licence illegally	360	90	20 days	5 days

42(j)	Using or permitting use of fictitious plate or marker	360	90	20 days	5 days
42(k)	Failure to deliver plate or licence or give advice required to Registrar	65	45	3 days	2 days
43(3)	Invalid or no driver's licence	50	50	2 days	2 days
	Second offence	200	100	10 days	2 days
	Subsequent	500	300	20 days	15 days
45(7)	Applying for driver's licence on behalf of another	360	90	20 days	5 days
45(8)	Non-disclosure by applicant of previous refusal	65	45	3 days	2 days
49(1)	Licensee failing to sign licence	100	25	5 days	1 day
49(2)	Licensee failing to produce licence upon request	100	25	5 days	1 day
50(1)	Failure to return licence to Registrar on request	90	65	5 days	3 days
50(2)	Failure to return or deliver licence	100	25	5 days	1 day

51	Driving other than class of vehicles specified in licence	90	65	5 days	3 days
52	Using licence issued another person	360	90	20 days	5 days
53(1)	Unlawful operation under licence issued elsewhere	90	65	5 days	3 days
53(2)	Unlawful operation of motor cycle under licence issued elsewhere	90	65	5 days	3 days
54	Allowing unlicensed driver to drive	90	65	5 days	3 days
55(2)	Having person in addition to learner and instructor in vehicle	90	65	5 days	3 days
55(4)(b)	Motorcycle learner transporting passenger when prohibited	90	65	5 days	3 days
55(4)(c)(i)	Motorcycle learner not accompanied by licensed driver	90	65	5 days	3 days
55(4)(c)(ii)	Motorcycle learner accompanied by licensed driver under 18 years of age	90	65	5 days	3 days

55(4)(d)	Motorcycle learner operating after dark	90	45	5 days	3 days
55(4)(e)	Motorcycle learner operating vehicle on highway with speed limit in excess of 60 kph.	90	45	5 days	3 days
56(1)	Renting vehicle to person not licensed to drive	90	65	5 days	3 days
56(3)	Renting vehicle to person without inspecting licence	90	65	3 days	2 days
56(4)	Failure to keep record regarding vehicles rented	90	65	5 days	3 days
57	Failure to notify Registrar of lost driver's licence, etc.	100	25	5 days	1 day
58	Failure of holder of driver's licence to notify Registrar of change of address	90	45	5 days	1 day
59(1)(a)	Display or possession of fictitious, defaced, altered, cancelled or suspended licence	360	90	20 days	5 days
59(1)(a)	Defacing or altering driver's licence	360	90	20 days	5 days

59(1)(b)	Lending driver's licence	360	90	20 days	5 days
59(1)(c)	Person misrepresenting driver's licence as his or her own	360	90	20 days	5 days
59(1)(d)	Failure to surrender suspended or cancelled driver's licence	360	90	20 days	5 days
59(1)(e)	Giving false name or address in application for driver's licence	360	90	20 days	5 days
60	Failure to deliver driver's licence to court upon conviction	360	90	20 days	5 days
72(1)	Applying for driver's licence while disqualified	360	90	20 days	5 days
72(2)	Driving while disqualified	200	100	10 days	2 days
	Second offence	300	200	15 days	10 days
	Subsequent offence	500	300	20 days	15 days
74(5)(a)	Obtaining the registration of a motor vehicle when such motor vehicle is not insured by a policy	1260	450	45 days	15 days
74(5)(b)	Operating or permitting the operation of a motor vehicle without a policy	1260	450	45 days	15 days

74(5)(c)	Failure to produce proof that a policy is in force	100	25	5 days	1 day
79(a)(i)	Producing financial responsibility card with policy of insurance not in force	360	90	20 days	5 days
79(a)(ii)	Producing financial responsibility card purporting to prove financial responsibility	360	90	20 days	5 days
79(a)(iii)	Producing financial responsibility card purporting to show person named in the card as insured	360	90	20 days	5 days
79(b)	Giving or loaning financial responsibility card	360	90	20 days	5 days
94(1)	Failure to drive to the right	180	45	10 days	2 days
94(2)	Failure to give one-half the roadway	180	45	10 days	2 days
95(1)	Improper passing	180	45	10 days	2 days
95(2)	Failure to give way to passing vehicle	180	45	10 days	2 days

96(1)	Improper overtaking and passing on the right of another vehicle	180	45	10 days	2 days
96(2)	Passing on the right when unsafe to do so	180	45	10 days	2 days
97	Passing where width or weight of vehicles make it difficult	180	45	10 days	2 days
98(1)	Passing on left when unsafe	180	45	10 days	2 days
98(2) & (3)	Overtaking and passing near crest of grade, curve or bridge, etc.	180	45	10 days	2 days
99(1)	Driving to left of centre line of roadway	180	45	10 days	2 days
99(2)	Vehicle proceeding at less than normal speed not driving in right hand lane	180	45	10 days	2 days
99(3)	Failure to drive to right of rotary traffic island	180	45	10 days	2 days
100(b)	Crossing solid line	180	45	10 days	2 days
100(e)	Failing to signal driving from one lane to another	180	45	10 days	2 days

100(f)	Making improper left turn at intersection or into private road or driveway	180	45	10 days	2 days
100(g)	Making improper right turn at intersection	180	45	10 days	2 days
100(h)	Driving in centre lane of three lane roadway	180	45	10 days	2 days
100(i)	Improper passing on roadway with two or more lanes available to traffic heading in same direction	180	45	10 days	2 days
100(j)	Driving in wrong lane contrary to direction of traffic-control device	180	45	10 days	2 days
100(k)	Failure to allow over-taking vehicle to pass	180	45	10 days	2 days
101	Passing in no passing zone or failing to drive to right in zone	180	45	10 days	2 days
102(1)	Following vehicle too closely	180	45	10 days	2 days
102(2)	Failing to leave proper distance between vehicles	180	45	10 days	2 days

102(3)	Failing to leave sufficient space between vehicles in caravan or motorcade	180	45	10 days	2 days
103	Driving over intervening space dividing highway into two roadways	180	45	10 days	2 days
104(1)	Failure to enter controlled-access highway at proper location	180	45	10 days	2 days
104(2)	Failure to leave controlled-access highway at proper location	180	45	10 days	2 days
105(2)	Failure to yield right-of-way while turning to other traffic in intersection when green or "go" signal shown	180	45	10 days	2 days
105(4)	Failure to yield right-of-way to pedestrian in roadway or crosswalk when green or "go" signal shown at place other than intersection	180	45	10 days	2 days
105(6)	Entering intersection on yellow or amber light	180	45	10 days	2 days
105(7)(a)	Pedestrian crossing the roadway while yellow or amber light on at intersection	180	25	10 days	1 day

105(8)	Passing yellow or amber light at place other than intersection	180	45	10 days	2 days
105(9)(a)	Pedestrian crossing roadway while yellow or amber light on at place other than intersection	180	25	10 days	1 day
105(10)	Passing red light or "stop" signal at intersection	180	45	10 days	2 days
105(11)	Pedestrian crossing roadway when facing red light or "stop" signal at intersection	180	25	10 days	2 days
105(12)	Passing red light or "stop" signal at place other than intersection	180	45	10 days	2 days
105(13)	Pedestrian crossing roadway when facing red light or "stop" signal at place other than intersection	180	25	10 days	1 day
105(14)(a)	Failing to obey green arrow at intersection	180	45	10 days	2 days
105(14)(b)	Entering intersection when green arrow shown and failing to yield right-of-way	180	45	10 days	2 days
105(15)	Pedestrian illegally crossing intersection when green arrow showing	180	25	10 days	1 day

105(16)(a)	Failure to stop when flashing red light on at intersection	180	45	10 days	2 days
105(16)(b)	Failure to yield right-of-way at intersection when flashing red light on	180	45	10 days	2 days
105(18)(b)	Failure to yield right-of-way to traffic in intersection when yellow or amber traffic light on	180	45	10 days	2 days
105(21)	Pedestrian crossing roadway when "wait", "stop" or "don't walk" signal showing	180	45	10 days	2 days
105(22)	Entering intersection against flag signal or other device	180	45	10 days	2 days
105(24)	Failing to stop at stop sign	180	45	10 days	2 days
105(25)	Failure to obey signs reading "Turn Right" or "Right Turn Only"	180	45	10 days	2 days
105(26)	Failure to obey signs reading "Turn Left" or "Left Turn Only"	180	45	10 days	2 days
105(27)	Failing to obey no parking signs	180	20	10 days	1 day

105(29)	Parking in prohibited area without a permit	180	20	10 days	1 day
105(30)	Bus picking up or letting down passengers at place other than Bus Stop	180	20	10 days	1 day
105(38)	Failure to obey no entry sign	180	45	10 days	2 days
105(40)	Failure to obey signs reading "No Left Turn", "No Right Turn", "No Turns" or "No Right Turn On Yellow Or Amber Or Red Light"	180	45	10 days	2 days
105(42)	Proceeding wrong way on one-way highway	180	45	10 days	2 days
105(44)	Failure to observe half load limit	900	90	30 days	5 days
105(46)	Parking in places reserved for commercial motor vehicles	180	20	10 days	1 day
105(50)	Failure to obey sign restricting use of highway to certain classes of vehicles	180	45	10 days	2 days
105(52)	Failure to obey sign restricting use of highway to vehicles of certain maximum gross mass	900	90	30 days	5 days

106	Erecting devices resembling or interfering with traffic-control device	360	90	20 days	5 days
107	Placing commercial advertising upon a traffic-control device	180	45	10 days	2 days
108	Altering or injuring or removing traffic-control device	360	90	20 days	5 day
109(1)(a)	Driving imprudently	135	90	7 days	5 days
	Second offence	180	135	10 days	7 days
	Subsequent offence	360	180	20 days	10 days
109(1)(b)	Driving without due care and attention	180	120	7 days	5 days
	Second offence	240	180	10 days	7 days
	Subsequent offence	480	240	20 days	10 days
109(1)(c)	Driving without reasonable consideration for other persons	180	120	7 days	5 days
	Second offence	240	180	10 days	7 days
	Subsequent offence	480	240	20 days	10 days
109(1)(d)	Driving while suffering from disease or disability	180	120	7 days	5 days
	Second offence	240	180	10 days	7 days
	Subsequent offence	480	240	20 days	10 days

109(3)(a)	Exceeding the speed limit by between one and ten kilometres per hour	135	50	7 days	2 days
	Second offence	225	135	12 days	7 days
	Subsequent offence	360	225	20 days	12 days
109(3)(b)	Exceeding the speed limit by between eleven and twenty kilometres per hour	135	50	7 days	2 days
	Second offence	225	135	12 days	7 days
	Subsequent offence	360	225	20 days	12 days
109(3)(c)	Exceeding the speed limit by between twenty-one and thirty kilometres per hour	135	60	7 days	2 days
	Second offence	225	150	12 days	7 days
	Subsequent offence	360	250	20 days	12 days
109(3)(d)	Exceeding the speed limit by thirty-one kilometres and over	135	75	7 days	2 days
	Second offence	225	175	12 days	7 days
	Subsequent offence	360	275	20 days	12 days
110(1)	Slow driving	180	45	10 days	2 days
110(3)	Failing to obey order to increase speed, pull in to curb or remove vehicle from highway	180	45	10 days	2 days
111	Failing to signal change of direction, etc.	180	45	10 days	2 days

112(1)	Moving a vehicle when unsafe to do so or without signalling	180	45	10 days	2 days
112(2)	Failure to give sufficient signal	180	45	10 days	2 days
112(3)	Entering traffic with improper movement or signal	180	45	10 days	2 days
113(3)(a)	Right-hand drive vehicle not equipped with a mechanical or electrical device	180	45	10 days	2 days
113(3)(b)	Right-hand drive vehicle not having prominently displayed on rear the words "Right-Hand Drive Vehicle"	180	45	10 days	2 days
114(1)	Making improper right turn at intersection	180	45	10 days	2 days
114(2)	Making improper left turn at intersection	180	45	10 days	2 days
114(3)	Making improper left or right turn on multi lane roadway	180	45	10 days	2 days
114(4)	Making improper left turn at intersection from one-way roadway	180	45	10 days	2 days

114(5)	Making improper left turn at intersection into one-way roadway	180	45	10 days	2 days
114(6)	Making improper left turn at intersection from one-way roadway into another one-way roadway	180	45	10 days	2 days
114(7)	Failure to obey traffic-control device at intersection indicating course to be travelled	180	45	10 days	2 day
115	Turning on highway to proceed in opposite direction	180	45	10 days	2 days
116(1)	Improper turning at intersection	180	45	10 days	2 days
116(2)	Turning or changing course when unsafe to do so	180	45	10 days	2 days
116(3)	Improper signal of intention to turn	180	45	10 days	2 days
116(4)	Stopping or decreasing speed without signalling	180	45	10 days	2 days
117	Failing to yield right- of-way at intersection	180	45	10 days	2 days

118	Failing to yield right-of-way at intersection while making left turn	180	45	10 days	2 days
119	Failing to yield right-of-way when entering highway	180	45	10 days	2 days
120	Failing to yield right-of-way to emergency vehicle	180	90	10 days	5 days
122(2)	Driver of emergency vehicle exceeding speed limit and not sounding audible signal or showing flashing red light	360	90	20 days	5 days
122(3)	Emergency vehicle not proceeding with regard for safety	360	90	20 days	5 days
122(5) & (6)	Unlawfully sounding siren or showing flashing red light	180	45	10 days	2 days
124(1)	Failing to yield right-of-way to pedestrian in crosswalk	180	45	10 days	2 days
124(2)	Pedestrian failing to yield right-of-way to vehicle	180	25	5 days	1 day
124(3)	Overtaking and passing vehicle stopped at crosswalk	180	45	10 days	2 days

125	Pedestrian failing to yield right-of-way to driver at place other than crosswalk	180	25	5 days	1 day
126(a)	Failing to exercise due care to avoid colliding with pedestrian	360	90	20 days	5 days
126(b)	Failing to give warning by sounding horn	180	45	10 days	2 days
126(c)	Failing to observe precaution where child or incapacitated person on highway	360	90	20 days	5 days
127(1)	Walking on roadway when sidewalks provided	180	25	10 days	1 day
127(2)	Walking on wrong side of highway	180	25	10 days	1 day
127(3)	Standing on roadway to solicit rides, etc.	180	25	5 days	1 day
128(2)(a)	Riding bicycle on sidewalk	180	25	5 days	1 day
128(2)(b)	Failing to ride close to the edge of the highway	180	25	5 days	1 day

128(2)(c)	Riding bicycle abreast of another bicycle rider	180	25	5 days	1 day
128(2)(d)	Riding bicycle without at least one hand on handle-bars	180	25	5 days	1 day
128(2)(e)	Riding bicycle and not astride regular seat	180	25	5 days	1 day
128(2)(f)	Carrying more persons on bicycle than designed for	180	25	5 days	1 day
128(2)(g)	Carrying object which may interfere with operation or control of bicycle	180	25	5 days	1 day
128(2)(h)	Driving bicycle on highway where signs prohibit use of bicycles	180	25	5 days	1 day
128(2)(i)	Riding bicycle on roadway when bicycle path provided	180	25	5 days	1 day
129	Person attaching on to vehicle on highway	180	25	5 days	1 day
130	Driving through a safety zone	180	45	10 days	2 days
131(1)	Failing to stop at railway crossing	180	45	10 days	2 days

131(2)	Driving vehicle through barrier, etc., at railway crossing	180	45	10 days	2 days
132	Failing to stop at stop sign at railway crossing	180	45	10 days	2 days
133(1)(a)	Passenger vehicle failing to stop at railway crossing	720	180	25 days	10 days
133(1)(b)	School bus carrying children failing to stop at railway crossing	720	180	25 days	10 days
133(1)(c)	Vehicle carrying explosive substance, etc., failing to stop at railway crossing	720	180	25 days	10 days
133(2)	Shifting gears while crossing railway track	180	45	5 days	2 days
134	Failing to approach railway track with caution	180	45	10 days	2 days
135	Failing to observe yield sign at intersection	180	45	10 days	2 days
136(1)	Passing school bus	180	45	10 days	2 days
136(2)(a)	Stopping school bus in improper place	180	45	10 days	2 days

136(2)(b)	School bus delaying other vehicles passing	180	45	10 days	2 days
136(3)	Failing to have school bus properly marked	180	45	10 days	2 days
136(4)	School bus not equipped with visual signals or not activated	120	45	10 days	2 days
136(5)	Operating school bus with markings not concealed	180	45	10 days	2 days
137(1)	Failing to yield right- of-way to vehicle drawn by animal	180	45	10 days	2 days
137(2)	Making avoidable noise when animal passing engine	180	45	10 days	2 days
138	Failing to exercise caution when approaching animal on highway	180	45	10 days	2 days
139(1)	Parking on roadway	180	45	10 days	2 days
139(2)	Parking so as to obstruct traffic	180	45	10 days	2 days
141	Parking too close to bus stop	180	45	10 days	2 days
142(1)	Parking on private land	180	45	10 days	2 days

143(a)	Parking on sidewalk	180	45	10 days	2 days
143(b)	Parking in front of driveway or authorized loading door	180	45	10 days	2 days
143(c)	Parking within an intersection	180	45	10 days	2 days
143(d)	Parking too close to fire hydrant	180	45	10 days	2 days
143(e)	Parking within a crosswalk	180	45	10 days	2 days
143(f)	Parking within six metres of the approach side of crosswalk	180	45	10 days	2 days
143(g)	Parking within ten metres of traffic-control signal on side of roadway	180	45	10 days	2 days
143(h)	Parking too near the entrance to or exit from hotel, school, church, etc.	180	45	5 days	2 days
143(i)	Parking too near safety zone	180	45	10 days	2 days
143(j)	Parking too near railway crossing	180	45	10 days	2 days
143(k)	Parking too near fire station	180	45	10 days	2 days

143(l)	Parking too near street excavation or obstruction and obstructing traffic	180	45	10 days	2 days
143(m)	Parking on the road-way side of a stopped or parked vehicle	180	45	10 days	2 days
143(n)	Parking on a bridge or in a highway tunnel	180	45	10 days	2 days
143(o)	Failure to observe traffic-control device prohibiting parking or stopping	90	20	5 days	1 day
144	Failing to park on right side of highway	180	45	10 days	2 days
145	Parking so as to cause danger to persons using highway	180	45	10 days	2 days
146	Parking on highway where vehicle not visible to approaching traffic	180	45	10 days	2 days
147	Parking vending vehicle on highway	180	45	10 days	2 days
148(2)	Failing or refusing to remove vehicle from highway	180	45	10 days	2 days

148(3)	Failing to remove vehicle from highway or Crown land or land occupied by Crown	180	45	10 days	2 days
148(12)	Failing or refusing to surrender vehicle licence	180	45	10 days	2 days
149	Parking unattended vehicle on highway without stopping engine and locking ignition, etc.	180	45	10 days	2 days
150	Backing vehicle when unsafe to do so	180	45	10 days	2 days
151(1)	Improper operation of a motorcycle	180	45	10 days	2 days
151(2)	Motorcycle passenger riding improperly	180	45	10 days	2 days
151(3)	Permitting passenger to ride improperly equipped motor cycle	180	45	10 days	2 days
152	Motorcycles riding two abreast	180	45	10 days	2 days
153(1)	Motorcycle driver operating without helmet or eye protection	180	45	10 days	2 days

153(2)	Motorcycle passenger riding without helmet	180	45	10 days	2 days
154(a)	Driving motor vehicle with stickers on windows	180	45	10 days	2 days
154(b)	Driving motor vehicle with ornaments thereon obstructing vision	180	45	10 days	2 days
154(c)	Driving motor vehicle with windshield, etc., so covered with snow, etc. as to obscure or obstruct vision	180	45	10 days	2 days
154(d)	Driving motor vehicle with broken glass	180	45	10 days	2 days
155(1)	Driving vehicle with vision obscured or control obstructed by overloading or too many passengers in front seat	180	45	10 days	2 days
155(2)	Passenger occupying position in vehicle interfering with driver's vision and control	180	45	10 days	2 days
155(3)	Driver permitting passenger to occupy position interfering with vision and control	180	45	10 days	2 days
156	Driving vehicle with load projecting	180	45	10 days	2 days

157	Persons obstructing or interfering with traffic	180	45	10 days	2 days
158	Coasting down grade in neutral or with clutch disengaged	180	45	10 days	2 days
159(1)	Following emergency vehicle too closely or parking too close to fire apparatus	180	45	10 days	2 days
159(2)	Driving vehicle over unprotected fire hose	180	45	10 days	2 days
160	Failing to obey person with flag or sign	180	45	10 days	2 days
161	Failing to obey directions of a traffic officer	180	45	10 days	2 days
162(1)	Throwing glass, etc., upon highway	180	45	10 days	2 days
162(2)	Failing to remove injurious material	180	45	10 days	2 days
163	Driving on sidewalk	180	45	10 days	2 days
164(a)	Opening door of vehicle on highway	180	45	10 days	2 days

164(b)	Leaving door of vehicle open	180	45	10 days	2 days
165(1)	Failure to carry warning devices in vehicle	180	45	10 days	2 days
165(2)	Failure to place warning devices on highway in case of emergency breakdown	180	45	10 days	2 days
166	Driving vehicle without chains or winter tires	180	45	10 days	2 days
167	Racing vehicles or bicycles on highways	900	180	30 days	10 days
168(1)(a)	Failing to stop at accident scene	450	180	25 days	10 days
	Second offence	900	450	30 days	25 days
	Subsequent offence	1800	900	60 days	25 days
168(1)(b)	Failing to give name and address	450	180	25 days	10 days
168(1)(c)	Failure to provide proof of insurance at scene of accident	100	25	5 days	1 day
168(1)(d)	Failing to render assistance to injured person	450	180	25 days	10 days
	Subsequent offence	900	450	30 days	25 days

168(2) & (3)	Failure to notify owner, driver or peace officer after collision with unattended vehicle	180	45	10 days	2 days
	Subsequent offence	360	180	20 days	10 days
168(4)	Failure to notify owner where other property damaged	180	45	10 days	2 days
	Subsequent offence	360	180	20 days	10 days
168(6)(a)	Bicycle operator failing to remain at accident scene	180	45	10 days	2 days
168(6)(b)	Bicycle operator failing to render assistance	180	45	10 days	2 days
168(6)(c)	Bicycle operator failing to give name and address	180	45	10 days	2 days
168(7)	Bicycle operator failing to make written report	180	45	10 days	2 days
169(1)	Driver of vehicle failing to make report	180	45	10 days	2 days
	Subsequent offence	360	90	20 days	5 days
169(2)	Occupant of vehicle failing to make report	180	45	10 days	2 days
169(3)	Owner of vehicle failing to make report	180	45	10 days	2 days

169(4)	Person being owner and driver failing to make report when capable	180	90	10 days	5 days
	Subsequent offence	360	180	20 days	10 days
171(1)	Garage operator failing to report vehicle involved in accident	900	180	30 days	10 days
173(2)	Making false statement in report	360	90	20 days	10 days
175(1)	Care and control of a motor vehicle equipped with radar detector	300	100	20 days	10 days
	Subsequent offence	500	200	25 days	15 days
175(4)	Unlawful sale of radar detectors	300	100	20 days	10 days
	Subsequent offence	500	200	25 days	15 days
176	Knowingly causing another to drive unlawfully	360	180	20 days	10 days
177(2)	Driving motor vehicle with seat belt removed or inoperative	500	45	25 days	2 days
177(3)	Driver not wearing seat belt	500	45	25 days	2 days
177(4)	Passenger not wearing seat belt	500	45	25 days	2 days

177(6)	Driver operating vehicle where underage passenger required to wear seat belt is unbelted	500	45	25 days	2 days
177(8)	Driver operating vehicle with child not in car seat	500	45	25 days	2 days
183(1)	Placing unauthorized signs on highway	180	45	10 days	2 days
184	Injuring or defacing traffic signs	180	90	10 days	5 days
	Subsequent offence	360	180	20 days	10 days
186(5)	Operating vehicle without proper equipment or of improper construction	90	20	10 days	1 day
194(2)	Failure to comply with vehicle inspection requirements	120	60	10 days	5 days
203(1)	Driver refusing to give name or address or giving false name or address	360	90	20 days	5 days
203(2)(a)	Owner of vehicle failing to identify driver	360	90	20 days	5 days

203(2)(b)	Person failing to give information regarding identity of driver	360	90	20 days	5 days*.
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## CHAPTER 44

### AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT, 1988 (NO. 2)

(Assented to December 7, 1990)

#### Analysis

Section:

Section:

1. S.169(1) Amdt.  
Accident involving property

2. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1988 c.33  
as amended

1. Subsection (1) of section 169 of *The Highway Traffic Act, 1988* is amended by striking out the words "five hundred dollars or more" and by substituting the words "one thousand dollars or more".

Commence-  
ment

2. This Act comes into force on January 1, 1991.



## CHAPTER 45

### AN ACT TO AMEND THE MUNICIPALITIES ACT

(Assented to December 7, 1990)

#### Analysis

##### Section:

1. S.6 R&S  
Order respecting  
assets and liabilities
2. S.124 Amdt.  
Minimum business tax
3. S.128(3) Added  
Water and sewerage  
tax exemption
4. S.154 Amdt.  
Water and sewage systems
5. S.159 Amdt.  
Diversion of watercourses
6. S.161 Amdt.  
Regulations
7. S.183 Amdt.  
Regulations
8. S.183.1 Added  
Offence re: S.183

##### Section:

9. S.253 R&S  
Order respecting assets  
and liabilities
10. S.299 R&S  
Order respecting  
assets and liabilities
11. S.443 Amdt.  
General penalty
12. S.490 R&S  
Receivership
13. S.491 Amdt.  
Effect of order
14. S.497(1) Amdt.  
Application of money
15. S.532 R&S  
Advance poll
16. S.537(1) Amdt.  
Impeditive voter

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1979 c.33 as  
amended

1. Section 6 of *The Municipalities Act* is repealed and the following substituted:

Order respect-  
ing assets and  
liabilities

"6. Notwithstanding section 11, in an order made annexing an area to a town or amalgamating towns or communities and towns, the Lieutenant-Governor in Council may provide for the adjustment of assets and liabilities between the towns and communities affected by the order."

2. Section 124 of the Act is amended by

- (a) renumbering it as subsection (1) of section 124; and
- (b) adding immediately after subsection (1) the following:

"(2) Notwithstanding sections 119, 120, 121, 122, 123 and subsection (1), a council may impose a minimum business tax on all individuals, partnerships, associations and corporations carrying on a business in the town."

3. Section 128 of the Act is amended by adding immediately after subsection (2) the following:

"(3) Notwithstanding subsection (2), where a person liable for a tax under this section indicates to a council that

- (a) a building on the property does not require a water system, sewerage system or water and sewerage system; or
- (b) the property is vacant and without a building

the council may exempt the person from the tax for a period which the council considers appropriate."

4. Section 154 of the Act is amended by striking out the words "*Environment Act*" and by substituting the words and figure "*Environment and Lands Act, 1989*".

5. Subsection (1) of section 159 of the Act is amended by striking out the words and figure "*The Department of Consumer Affairs and Environment Act, 1973*" and substituting the words and figure "*The Department of Environment and Lands Act, 1989*".

6. Paragraph (a) of subsection (1) of section 161 of the Act is amended by striking out the words and figure "*The Department of Consumer Affairs and Environment Act, 1973*" and substituting the words and figure "*The Department of Environment and Lands Act, 1989*".

7. Section 183 of the Act is amended by

(a) striking out the word "and" at the end of paragraph (b); and

(b) adding immediately after paragraph (b) the following:

"(b.1) the definition of waste and litter for the purposes of this section; and".

**8.** The Act is amended by adding immediately after section 183 the following:

Offence  
re: S.183

"183.1 Every person who contravenes or fails to comply with a regulation made under paragraph (b) of section 183 is guilty of an offence and liable on summary conviction to

(a) a fine of twenty-five dollars for a first offence;

(b) a fine of fifty dollars for a second offence; and

(c) a fine of one hundred dollars for each subsequent offence."

**9.** Section 253 of the Act is repealed and the following substituted:

Order respect-  
ing assets and  
liabilities

"253. Notwithstanding section 258, in an order made annexing an area to a community or amalgamating communities or communities and towns, the Lieutenant-Governor in Council may provide for the adjustment of assets and liabilities between the towns and communities affected by the order."

**10.** Section 299 of the Act is repealed and the following substituted:

Order respect-  
ing assets and  
liabilities

"299. Notwithstanding section 303, in an order made establishing a region, annexing an area to a region or amalgamating regions, the Lieutenant-Governor in Council may provide for the adjustment of assets and liabilities between the cities, towns, communities and regions affected by the order."

**11.** Section 443 of the Act is amended by adding immediately after the words "to a fine" the words "of not less than fifty dollars, and".

**12.** Section 490 of the Act is repealed and the following substituted:

Receivership

"490. Where the Lieutenant-Governor in Council has reason to believe that a municipality is insolvent or is in imminent danger of insolvency and that it is in the best interest of the municipality and its creditors that the municipality be disbanded and its affairs wound up, or that the municipality be disestablished, the Lieutenant-Governor in Council may, by order, disband or disestablish the municipality and appoint a receiver."

**13.** Section 491 of the Act is amended by adding immediately after the words "the municipality is disbanded" the words "or disestablished".

**14.** Subsection (1) of section 497 of the Act is amended by adding immediately after the words "the costs and expenses incidental to the receivership" the words "or the disestablishment".

**15.** Section 532 of the Act is repealed and the following substituted:

Advance poll

"532. (1) A council may hold an advance poll not earlier than fourteen days immediately preceding the day established as polling day.

(2) Where it considers it appropriate, a council may hold a second advance poll on the Saturday immediately preceding polling day."

**16.** Subsection (1) of section 537 of the Act is amended by adding immediately after paragraph (b) the following:

"(b.1) a hunter or trapper in the course of his or her occupation;"



## CHAPTER 46

### AN ACT TO PROVIDE FOR THE REGULATION OF MOTOR VEHICLES USED IN THE TRANSPORTATION OF PERSONS OR GOODS FOR COMPENSATION

(Assented to December 7, 1990)

#### *Analysis*

Section:

1. Short title
2. Definitions
3. Exemption from Act
4. Certificate required
5. Leasing prohibited
6. Certificates
7. Granting of certificate
8. Where application is rejected
9. Hearing before Board
10. Processing of applications
11. Re-application prohibited
12. Transfer, etc. prohibited
13. Term of certificate
14. Exclusive rights
15. Information to be furnished
16. Amendment, etc. of certificate
17. Registrar's powers
18. Costs of hearing
19. Operation of vehicle after cancellation, etc.
20. Display of plate or sticker on vehicle
21. Operation to comply with certificate
22. Rates
23. Cessation of service

Section:

24. Employees to be notified
25. Duty to accept passengers
26. Routes
27. Schedules and services
28. Regulations
29. Segregation of services
30. Duty of carrier
31. Information required
32. Exceeding certificate limits; offence
33. Offence and penalty
34. Violation ticket
35. Powers of Board
36. Joint hearing
37. Direction to Board
38. Inspectors
39. Application of Public Utilities Act
40. Inspection of premises
41. Exclusion from Act
42. Provisions, etc. additional to other Act
43. Disposition of fees
44. Employer liable
45. Certificates continued
46. 1989 c.33 Amdt.
47. RSN 1970 c.242 Rep.
48. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

- |             |   |
|-------------|---|
| Short title | 1. This Act may be cited as <i>The Motor Carrier Act, 1990</i> .  |
| Definitions | <p>2. In this Act</p> <p>(a) "ambulance" means an ambulance as defined by the regulations and "ambulance service" has a corresponding meaning;</p> <p>(b) "Board" means the Board of Commissioners of Public Utilities;</p> <p>(c) "certificate" means a valid and subsisting motor carrier certificate granted to a person under this Act;</p> <p>(d) "freight" includes personal property of every description that may be conveyed upon a motor vehicle or trailer, except a passenger's personal baggage;</p> <p>(e) "freight forwarder" means a freight forwarder as defined by the regulations;</p> <p>(f) "highway" means highway as defined by <i>The Highway Traffic Act, 1988</i>;</p> <p>(g) "inspector" means a person appointed as an inspector under section 38;</p> <p>(h) "inter-corporate carriage" means inter-corporate carriage as defined by the regulations;</p> <p>(i) "maximum gross mass" means maximum gross mass as defined by <i>The Highway Traffic Act, 1988</i>;</p> <p>(j) "Minister" means the Minister of Works, Services and Transportation;</p> <p>(k) "motor carrier" means a person operating a public service vehicle and includes a person who is the holder of a certificate but does not include a freight forwarder;</p> |

- (l) "motor vehicle" means a motor vehicle as defined by *The Highway Traffic Act, 1988*;
- (m) "operate", in respect of a motor vehicle, includes the driving or managing of the motor vehicle;
- (n) "owner" means
  - (i) the person who holds the legal title to a vehicle,
  - (ii) in the case of a vehicle which is the subject of a mortgage, the mortgagor if he or she is entitled to possession of the vehicle,
  - (iii) in the case of a vehicle which is the subject of a hire-purchase agreement, the person in possession of the vehicle under the agreement, or
  - (iv) in the case of a vehicle which is the subject of a conditional sale contract, the buyer under the conditional sale contract if he or she is entitled to possession of the vehicle;
- (o) "passenger" includes a passenger's personal baggage;
- (p) "public service vehicle" means
  - (i) a motor vehicle designed or used for the transportation of passengers or ill or injured persons for hire, gain or reward, and
  - (ii) a motor vehicle or trailer designed or used for the transportation of freight for hire, gain or reward;
- (q) "Registrar" means the Registrar of Motor Vehicles appointed under *The Highway Traffic Act, 1988*;
- (r) "school bus" means a bus as defined in *The Highway Traffic Act, 1988* and operated for the transportation of children to or from school or school related activities;

- (s) "trailer" means a vehicle which has no motive power of its own and which is attached to a traction engine or other motor vehicle upon a highway, but does not include
  - (i) an implement of husbandry temporarily attached to a traction engine,
  - (ii) a side car attached to a motor cycle, or
  - (iii) a device used exclusively on fixed rails;
- (t) "transportation", with respect to freight, includes the shipment, care, handling, storage, and delivery of that freight;
- (u) "vehicle" means a vehicle as defined by *The Highway Traffic Act, 1988*; and
- (v) "violation ticket" means a document by which a complaint is laid and a summons issued in accordance with section 34.

Exemption  
from Act

- 3. (1) This Act does not apply to
  - (a) a school bus owned or operated by a school board or operated under a contract with a school board or school official, while operated for school related activities;
  - (b) a vehicle being used exclusively to take workers to and from their work over a highway upon which no adequate transportation is provided at convenient times for that purpose by a person holding a certificate;
  - (c) a vehicle while being used exclusively in the transportation of
    - (i) trees, logs, pulpwood, wood chips, pit-props or similar forest products, or
    - (ii) mineral ore from a mine to a processing plant or to the first point of transshipment;
  - (d) a vehicle while being used exclusively by or for

- (i) a farmer for the transportation of unprocessed products of the farm, or
  - (ii) a fisherman for the transportation of unprocessed products of the sea
- from the place of production or landing to the market or to the first point of transshipment;
- (e) a vehicle while being used exclusively for the transportation of goods and chattels that are genuinely the property of the owner;
  - (f) a vehicle, other than an ambulance, while being operated under the management and control of or in accordance with a franchise or licence granted by or on behalf of
    - (i) the City of St. John's, other than a vehicle operating outside the limits of that City under subsection (3) of section 228 of *The City of St. John's Act*,
    - (ii) the City of Corner Brook,
    - (iii) the City of Mount Pearl, or
    - (iv) a town, community or region established or continued under *The Municipalities Act*,for the purpose of a municipal undertaking;
  - (g) a vehicle while being used exclusively for the transportation of a commodity prescribed by the regulations;
  - (h) inter-corporate carriage; and
  - (l) a vehicle or class of vehicles exempted by the regulations.
- (2) This Act does not apply to a leased vehicle
- (a) while the vehicle is being used exclusively for the transportation of goods and chattels that are genuinely the property of the lessee;

- (b) where the leased vehicle is placed in the lessee's exclusive possession and control and is operated by an employee of the lessee who is under the exclusive direction, control and responsibility of the lessee;
- (c) where there is no relationship between the lessor of the vehicle and the driver of the vehicle; and
- (d) where the lessee is responsible for the safe operation of the vehicle.

#### Motor Carrier Certificates

Certificate re-  
quired

**4.** (1) A person shall not operate a motor vehicle or trailer upon a highway as a public service vehicle unless that person

- (a) obtains or is exempted from obtaining a
  - (i) public service freight certificate, or
  - (ii) public service passenger certificate; and
- (b) complies with the terms and conditions of the certificate.

(2) No person shall make use of a motor vehicle or trailer on a highway in the province as a public service vehicle unless the person who permitted the use holds a certificate authorizing the operation of that motor vehicle or trailer as a public service vehicle for the purpose for which the use is made.

(3) No person shall knowingly hire, directly or indirectly, or participate in an arrangement to hire a person to carry goods where the service would be carried out contrary to subsection (1).

Leasing  
prohibited

**5.** No person shall enter into a lease of a motor vehicle or trailer where

- (a) the lessor of the motor vehicle or trailer engages or pays directly or indirectly the driver of the motor vehicle or trailer;

- (b) the lessor exercises control over the driver in the course of his or her employment as a driver of the motor vehicle or trailer;
- (c) the lessor of the motor vehicle or trailer assumes responsibility for goods transported by the motor vehicle or trailer; or
- (d) the lessee of the vehicle does not acquire or exercise absolute possession of and control over the operation of the motor vehicle or trailer under the lease.

## Certificates

**6.** (1) The Board may grant a public service freight certificate authorizing the transportation of goods.

(2) The Board may grant a public service passenger certificate authorizing the transportation of passengers and freight as prescribed by the Registrar.

(3) Where the Board grants a certificate under this section, the Registrar may issue to the holder of the certificate, plates or stickers of a design prescribed by the regulations.

(4) A plate or sticker issued under subsection (3) remains the property of the Crown.

## Granting of certificate

**7.** (1) Every application for a certificate shall be made to the Board on a form prescribed by the regulations.

(2) When considering an application for a certificate or an amendment to a certificate, the Board shall consider those conditions for obtaining a certificate that may be set by the regulations and may approve provisionally the application in whole or in part or may deny the application.

(3) The Board shall within thirty days notify an applicant of a decision under subsection (2) and if the Board refuses to grant a certificate the reasons for the refusal.

(4) Where the Board notifies an applicant that his or her application has been approved provisionally, the applicant shall publish a notice of the application and the Board's decision under

subsection (2) in an edition of the *Gazette* and in another manner that the Board may direct.

Where applica-  
tion is rejected

**8.** (1) Where the Board does not approve an application under section 7, an applicant may within fifteen days request a hearing before the Board.

(2) Where a hearing is requested under subsection (1) the Board shall hold one.

Hearing before  
Board

**9.** (1) A person who objects to an application for a certificate shall

(a) file with the Board a notice of objection to the application together with

(i) a written statement setting out in full the reasons why the application should be denied, and

(ii) relevant documentary evidence, and

(b) serve the applicant with a copy of the notice of objection, the statement of reasons and the relevant documentary evidence filed with the Board

(i) by personal service, or

(ii) by prepaid, registered mail, at the address shown on the application,

not later than twenty days after the date of publication of the notice referred to in subsection (4) of section 7.

(2) Where the Board receives a notice of objection under subsection (1) and determines that the objection does not establish a *prima facie* case against granting the certificate, the Board shall immediately notify in writing the person who filed the objection and the applicant for a certificate of that fact.

(3) Where

(a) no objection has been filed with the Board and served on the applicant in accordance with subsection (1);

(b) the objections under subsection (1) have been rejected by the Board under subsection (2); or

(c) the objections under subsection (1) have been withdrawn

the Board shall approve the application and grant a certificate to the applicant.

(4) Where the Board decides that a notice of objection raises sufficient grounds for holding a hearing with respect to an application for a certificate, the Board shall set a time and place for the hearing of the application and notify all parties of the time and place of the hearing.

(5) The Board shall publish a notice of the hearing in the *Gazette*.

(6) The parties to a hearing are

(a) the applicant;

(b) a person who has submitted an objection which has been found to establish a *prima facie* case against the applicant; and

(c) those other persons that the Board determines have a genuine interest in the application.

(7) In conducting a hearing, the Board shall give all the parties full opportunity to present evidence and make representations, in person or by counsel or agent.

(8) After considering the evidence and submissions made at a hearing, the Board shall approve the application and grant a certificate unless it is demonstrated to the Board, on the balance of probabilities, that the approving of the application would be contrary to the conditions established by the regulations for the granting of a certificate.

(9) The Board shall deliver its decision in writing to each of the parties to the hearing within thirty days of the completion of the hearing.

Processing of applications	<p><b>10.</b> The Board shall process all applications for certificates in a like manner irrespective of the size or type of motor carrier operation in relation to which the application is being made.</p>
Re-application prohibited	<p><b>11.</b> Where the Board refuses to grant a certificate to an applicant, the Board shall not consider a new application for the same or substantially the same certificate from that applicant until six months have elapsed from the date of the first application.</p>
Transfer, etc. prohibited	<p><b>12.</b> (1) No person shall capitalize, sell, assign, lease or transfer a certificate.</p> <p>(2) The Board may require a corporation that is the holder of a certificate to report to it an issue, a cancellation, conversion, surrender or transfer of its shares or capital stock.</p> <p>(3) Where the Board is of the opinion that an issue, a cancellation, conversion, surrender or transfer of shares or capital stock has affected the control of a corporation referred to in subsection (2) and has not received the prior written approval of the Board, the issue, cancellation, conversion, surrender or transfer shall be considered to be a transfer contrary to subsection (1) of all certificates held by the corporation and the Board may suspend, alter or revoke the certificates.</p> <p>(4) Where a person who is a certificate holder dies, the executor or administrator of the estate of the deceased person may carry on the business of that person in accordance with the certificate for not more than six months after the death.</p>
Term of certificate	<p><b>13.</b> (1) Every certificate unless cancelled expires on the last day of the month one year following the date on which it is expressed to take effect or from which it is renewed unless an earlier date is fixed by the Board and stated in the certificate.</p> <p>(2) A certificate may be renewed upon application to the Registrar on a form prescribed by the regulations and upon payment of the fees prescribed by the regulations.</p> <p>(3) A person who wishes to have a certificate renewed shall apply for the renewal before the expiry of his or her present certificate.</p>

(4) In a case where an application for renewal of a certificate has not been filed on or before the date on which the certificate expires the Registrar may refuse to renew the certificate.

(5) A certificate shall not be renewed unless the applicant has paid in full an amount due under section 18 or otherwise.

Exclusive rights

**14.** A certificate does not confer a perpetual or exclusive right upon the holder.

Information to be furnished

**15.** (1) Every person shall, within thirty days or within a longer period that may be approved by the Board after being notified that his or her application for a certificate has been approved or that an application for amendment of his or her certificate to provide additional service has been approved, supply all the information required by the regulations.

(2) A certificate holder who does not maintain a place of business in the province shall designate and maintain a person resident in the province as an agent of the certificate holder for the purposes of this Act and to accept service for and on behalf of the certificate holder.

(3) Where the name or address of a holder of a certificate changes from that set out in the application for the certificate or a previous notice of change, the holder shall file, with the Board and with the Registrar, a notice of the change within fifteen days after the change.

Amendment, etc. of certificate

**16.** (1) The Board may, for cause, amend, suspend or cancel a certificate in whole or in part.

(2) Where the Board intends to amend, suspend or cancel a certificate under subsection (1) the Board shall inform the holder of the certificate of that intention and if one is requested by the certificate holder within fifteen days of being so notified, the Board shall hold a hearing into the matter.

(3) Where a hearing is requested before the Board under subsection (2), the Board shall publish a notice of the hearing in the *Gazette*.

(4) The parties to a hearing are

(a) the certificate holder; and

(b) those other persons that the Board determines have a genuine interest in the matter.

(5) In conducting a hearing the Board shall give all the parties full opportunity to present evidence and make representations, in person or by counsel or agent.

(6) Where a Board holds a hearing under subsection (2), the Board may make whatever determination it considers appropriate.

(7) Where the Board amends, suspends or cancels a certificate it shall publish a notice to that effect in the *Gazette*.

Registrar's  
powers

17. The powers conferred on the Registrar by this Act are additional to the powers conferred on the Registrar by *The Highway Traffic Act, 1988* and an action taken by the Registrar in the exercise the first mentioned powers shall have the same force as if it was taken under *The Highway Traffic Act, 1988*.

Costs of hearing

18. (1) All costs of and incidental to a hearing before the Board shall be in the discretion of the Board and may be fixed at a sum certain or may be taxed in accordance with a scale to be prescribed by the Board, and the Board may order by whom and to whom the costs are to be taxed and allowed.

(2) The Board in its discretion may order one or more of the parties concerned in a hearing to pay all expenses incurred by the Board in connection with that hearing, including the costs of counsel and of employees of the Board while they are employed in or about the hearing, or the Board may prescribe a fee to be charged instead of those expenses.

(3) Where an order for payment of expenses under subsection (2) is made against two or more of the parties concerned in a hearing the Board may order the manner in which they are to be apportioned.

(4) The Board may require a person who requests a hearing before the Board to deposit with the Board the estimated costs, charges and expenses of the Board incidental to the hearing and where the amount so deposited exceeds the actual costs, charges and expenses the Board shall refund the difference to the person.

(5) The costs assessed by the Board against the parties to a hearing shall not exceed those necessary to defray the expenses incurred by the Board in holding a hearing.

#### Duties and Restrictions Imposed on Operators

Operation of vehicle after cancellation, etc.

**19.** No person, either as principal or by an agent or employee, shall operate a public service vehicle after the certificate under which the vehicle is operated has expired, been cancelled or during a period of suspension of the certificate.

Display of plate or sticker on vehicle

**20.** (1) The holder of a certificate to whom a plate or sticker is issued under subsection (3) of section 6 shall, subject to *The Highway Traffic Act, 1988* affix the plate or sticker to the vehicle in respect of which it is issued in such a manner that it is clearly visible at all times from the highway.

(2) No person shall deface or alter a plate or sticker, or operate a vehicle which has affixed to it a plate or sticker issued in respect of another vehicle.

(3) A person shall not operate a public service vehicle under the certificate covering the vehicle unless the vehicle has attached to it the plates or stickers issued under section 6 in respect of the vehicle and the other distinctive plate, sticker, marking or sign that may be prescribed by the Registrar.

Operation to comply with certificate

**21.** (1) Except as exempted by this Act, a person shall not operate a public service vehicle unless the operation of the vehicle conforms with the terms and conditions of the certificate covering the vehicle and with this Act and all orders, rules, regulations and schedules made under this Act and with *The Highway Traffic Act, 1988* and *The Dangerous Goods Transportation Act* and regulations made under either of those Acts.

(2) A failure to conform to the requirements referred to in subsection (1) is sufficient cause for the suspension or cancellation by the Board of the certificate or part of the certificate.

Rates

**22.** (1) The holder of a public service freight certificate may file his or her rates with the Registrar, shall publish the rates and shall maintain a permanent copy of a contract that varies the published rates.

(2) The holder of a public service passenger certificate shall not charge in excess of the rates that are approved by the Board or that are set by the Board.

(3) The Lieutenant-Governor in Council may make regulations prescribing

(a) commodities, classes of vehicles or services in respect of which the rates shall be set by the Board; and

(b) areas of the province in which the rates set by the Board shall be effective.

Cessation of  
service

**23.** (1) A holder of a public service passenger certificate shall not suspend, abandon or discontinue a service provided for in his or her certificate without first obtaining the approval of the Board.

(2) Where a certificate holder applies to the Board for permission to discontinue a service, the Board may conduct whatever investigation it considers necessary and may hold a hearing if in its opinion one is necessary.

(3) Where, after an investigation, including the holding of a hearing, if one is considered necessary by the Board, the Board may approve a suspension, abandonment or discontinuance of service.

(4) Where the Board receives an objection to a proposal of an operator to suspend, abandon or discontinue a service that in the Board's opinion provides sufficient grounds for holding a hearing, the Board shall set a time and place for the hearing of the application and notify all parties of the time and place of the hearing.

(5) Where the Board approves a proposal to suspend, abandon or discontinue a service, either under subsection (3) or after holding a hearing under subsection (4), the Board shall publish a notice in the *Gazette* and in another manner that the Board considers appropriate that the proposal to suspend, abandon or discontinue the service has been approved and the notice shall state the date on which the discontinuance becomes effective.

(6) When the holder of a certificate has been authorized by the Board to suspend, abandon or discontinue a service or where the holder's certificate has expired, been suspended or cancelled he or

she shall remove from the vehicles formerly operated under that certificate the distinctive plates, stickers, markings or signs that were placed on the vehicle in compliance with this Act.

Employees to  
be notified

**24.** (1) A motor carrier shall inform his or her officers and servants of all regulations and orders made under this Act that pertain to the motor carrier's operations by delivering to those officers or servants a copy of the regulations or orders or by posting up a copy in a conspicuous place where that officer or servant works.

(2) Every motor carrier shall do all things necessary to secure observance by his or her officers, agents and servants of this Act and the regulations.

Duty to accept  
passengers

**25.** (1) A driver or operator of a public service vehicle used for the transportation of passengers and for which a certificate has been issued shall not refuse to carry a person offering himself or herself at a regular stopping place on the route of the vehicle or at a terminus of the route, unless at the time of the offer

(a) the seats of the vehicle are fully occupied; or

(b) the person is conducting himself or herself in a boisterous, disorderly or objectionable manner or is using profane or obscene language.

(2) A driver or operator of a public service vehicle used for the transportation of passengers and for which a certificate has been issued authorizing that vehicle to be used for the irregular transportation of passengers shall not refuse to carry a person who requests the service unless at the time of the request

(a) the seats of the vehicle are fully occupied; or

(b) the person is conducting himself or herself in a boisterous, disorderly or objectional manner or is using profane or obscene language.

Routes

**26.** The Board may specify the route over which a public service passenger vehicle may operate and specify the highway within an area or zone upon which the vehicle may operate.

Schedules and  
services

**27.** The Board may fix the schedules and services that shall be observed and provided by the holder of a public service passenger certificate.

## Regulations

**28.** (1) The Lieutenant-Governor in Council may make regulations

- (a) regulating and controlling motor carriers;
- (b) prescribing the form and content, and method of verification and certification of content, of forms for the purposes of this Act;
- (c) requiring the filing of returns, reports and other information by motor carriers, and the verification and certification of them, and the manner of that verification and certification;
- (d) prescribing the time for the doing of anything under this Act or the regulations;
- (e) prescribing, for the purposes of paragraph (i) of subsection (1) of section 3 a vehicle or class of vehicles the operation of which does not require a certificate;
- (f) providing for the issuance and use of vehicle permits and other means of identification and authorization in respect of vehicles covered by certificates;
- (g) providing for the furnishing of bonds and other security by motor carriers, and prescribing the form, content, amount and conditions of or applicable to those bonds or other security;
- (h) prescribing fees for the purposes of this Act and the regulations;
- (i) providing for the authorization of the interchange or leasing of freight vehicles by motor carriers and the terms and conditions respecting that authorization;
- (j) providing for the amendment of certificates;

- (k) prescribing offences under this Act and prescribing penalties in relation to those offences;
- (l) prescribing conditions to be contained in and to become part of agreements entered into by motor carriers in respect of their services or in respect of a class of service;
- (m) for the safety, protection, comfort and convenience of the persons availing themselves of the services of motor carriers;
- (n) regulating the conduct of drivers of and passengers in public service vehicles;
- (o) respecting the obligations and liabilities of motor carriers to the public in regard to the acceptance and carriage of passengers or freight;
- (p) respecting the classification of motor carriers, public service vehicles, certificates, freight and passengers;
- (q) respecting the issuance of duplicates of certificates and other documents or things authorized by this Act or the regulations;
- (r) respecting the financial responsibility of motor carriers;
- (s) respecting the maximum number of passengers or the maximum mass of freight, or both, which may be carried by public service vehicles;
- (t) respecting the time schedules of motor carriers;
- (u) respecting the routes over which and the area within which the holder of a public service passenger certificate may operate;
- (v) respecting the rates, fares and charges to be charged by motor carriers and publication of them, and the prohibition of the carrying of passengers or freight on vehicles to which this Act applies without charge;

- (w) respecting the hours of work of drivers of public service vehicles;
- (x) respecting bills of lading, uniform or otherwise, and the compulsory use of them;
- (y) respecting the methods of accounting and the keeping of records of the operation of motor carriers;
- (z) providing for the issuance, notwithstanding a provision of this Act or the regulations, of temporary permits authorizing limited, seasonal, emergency or occasional operation of public service vehicles and the terms and conditions and duration of those temporary permits;
- (aa) respecting the solicitation of business by or on behalf of motor carriers by advertising or otherwise;
- (bb) respecting the conduct of the business of transportation agents and transportation brokers in relation to public service vehicles;
- (cc) respecting the checking of passengers' baggage and limitations on the size, weight and value of that baggage;
- (dd) for the effective execution of the duties of the Board;
- (ee) providing that a regulation shall apply to a class of motor carriers or public service vehicles and providing different regulations for different classes of motor carriers and public service vehicles;
- (ff) respecting the inspection of public service vehicles and of their operation;
- (gg) prescribing for the purposes of paragraph (g) of subsection (1) of section 3 commodities the carriage of which by a vehicle exempts that vehicle from the requirement of having a certificate;
- (hh) respecting the operation of ambulances;
- (ii) defining words or phrases used in this Act; and

(j) generally for giving effect to the provisions of this Act.

(2) Notwithstanding the definition of public service vehicle, the Lieutenant-Governor in Council may make regulations under subsection (1) that apply to motor vehicles designed or used for the transportation of passengers or ill or injured persons, where that transportation is not for hire, gain or reward.

(3) A regulation made under this section may be limited as to time or place or both.

Segregation of services

**29.** Where the motor carrier is both a carrier of freight and passengers, the carrier shall segregate those services for the purpose of returns or reports and each kind of service shall be considered a separate and self-contained unit.

Duty of carrier

**30.** Every motor carrier shall furnish service and facilities reasonably safe and adequate and in all respects just and reasonable.

Information required

**31.** (1) Whenever required by the Board or the regulations every motor carrier shall furnish to the Registrar or the Board all information required by either and shall make specific answers to all questions submitted and every motor carrier who receives from the Registrar a form of return with directions to fill it out shall fill out the return so as to answer each question fully and correctly, and shall deliver it to the Registrar within the time prescribed.

(2) Whenever required by the Board or the regulations, every motor carrier shall deliver to the Board all documents, books, accounts, papers and records in his or her possession or control relating to his or her property or service or affecting his or her business or verified copies of them, and shall deliver to the Registrar complete inventories of his or her property in a form that the Registrar may direct.

#### Offences and Penalties

Exceeding certificate limits; offence

**32.** Every person who operates a vehicle in respect of which a certificate has been issued over a highway in violation of the provisions of the certificate or in excess of the limits set out in the certificate is guilty of an offence.

Offence and  
penalty

**33.** (1) Every person who violates a provision of this Act or of the regulations or an order of the Board or who refuses or neglects to observe or perform a duty or obligation created or imposed by this Act or by a regulation or an order of the Board is guilty of an offence, and each day's continuance of the violation, refusal or neglect constitutes a new and distinct offence.

(2) Notwithstanding *The Summary Proceedings Act*, unless otherwise provided by this Act or the regulations, a person who has been convicted of an offence under this Act or the regulations is liable to a fine of not more than the maximum and not less than the minimum amount prescribed for the offence in the regulations or if no fine is prescribed, to imprisonment for a term not exceeding the maximum and not less than the minimum period prescribed for that offence in the regulations.

(3) A person who has been convicted of an offence under this Act or the regulations for which a penalty has not been specifically provided in this Act or in the regulations is liable

(a) in the case of the first offence to a fine of not less than one hundred dollars nor more than five hundred dollars and in default of payment to imprisonment for a term not exceeding twenty days; and

(b) in the case of a second or subsequent offence within a period of one year after the date of the last previous offence to a fine of not less than five hundred dollars nor more than one thousand dollars and in default of payment to imprisonment for a term not exceeding one hundred and twenty days.

(4) All fines imposed under this Act or the regulations and recovered on summary conviction shall be paid over by the convicting Provincial Court judge to the Consolidated Revenue Fund.

(5) For the purposes of subsections (2) and (3) an offence committed more than one year after the date of the last previous offence shall be deemed to be a first offence.

(6) A person shall not be guilty of an offence under this Act or the regulations by reason only of operating a public service vehicle for hire, gain or reward on a highway without a certificate or in

contravention of a term, condition or restriction attached to a certificate if the person can satisfy the court that the public service vehicle was used in a circumstance amounting to an emergency.

Violation ticket

**34.** (1) A complaint may be made and a summons issued by means of a violation ticket in accordance with this section for a violation of a provision of this Act or the regulations.

(2) Every violation ticket shall contain

(a) the complaint;

(b) the summons; and

(c) those other matters that may be prescribed by the regulations.

(3) The use on a violation ticket of a word or expression prescribed by the regulations to designate an offence under this Act shall be sufficient for all purposes to describe the offence designated by that word or expression.

(4) An inspector shall indicate the offence charged on the violation ticket by placing a mark in the box to the left of the offence charged or if the offence charged does not appear on the violation ticket the inspector shall write the offence in the space provided on the violation ticket.

(5) Upon completing a violation ticket in respect of an offence prescribed by the regulations and signing it, the inspector shall

(a) deliver the violation ticket to the person charged with an offence; and

(b) if the driver of the motor vehicle is not the person to whom the certificate has been issued forward a copy of the violation ticket to the holder of the certificate by registered mail

and delivery of the violation ticket in accordance with this subsection shall be deemed to be personal service.

(6) Where the offence is not one set out in the regulations, a summons shall be issued in accordance with the provisions of *The Summary Proceedings Act*.

#### General

Powers of Board

**35.** Except where inconsistent with this Act or the regulations the provisions of *The Public Utilities Act, 1989* relating to the constitution, powers, procedures and practices of the Board apply to and in respect of the Board when acting under this Act.

Joint hearing

**36.** The powers and duties of the Board with respect to the holding of a hearing under this Act extend to the holding of a hearing jointly with a body constituted under the laws of a jurisdiction outside the province and having substantially similar powers and duties as the Board.

Direction to Board

**37. (1)** The Lieutenant-Governor in Council may by order establish policies to be observed by the Board in the exercise of the jurisdiction or authority conferred upon the Board by this Act.

(2) Subsection (1) shall not be construed as conferring authority on the Lieutenant-Governor in Council to make an order directed specifically to an application, matter or decision pending before the Board.

(3) An order under this section constitutes subordinate legislation for the purposes of *The Statutes and Subordinate Legislation Act* and shall be published in two successive editions of the *Gazette*.

(4) An order under this section shall have effect from the date of its second publication in the *Gazette*.

Inspectors

**38. (1)** The Minister may appoint a person including, with the approval of the Minister of Justice, a member of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police in the province, to act as an inspector under this Act.

(2) An inspector shall enforce the provisions of this Act and the regulations and shall take all necessary measures to prevent the operation of a motor vehicle contrary to the provisions of this Act and the regulations.

(3) A person who fails or refuses to comply with the direction of an inspector or who resists or wilfully obstructs an inspector in the exercise of his or her duties or powers under this Act or the regulations is guilty of an offence.

(4) So long as it is reasonably necessary to determine compliance with this Act, an inspector may require the driver of a motor vehicle to stop the vehicle, and may detain, examine and test the vehicle and its contents and equipment.

(5) Where an inspector determines that an owner or operator is acting in contravention of the provisions of this Act a vehicle detained by the inspector shall remain detained until the owner or operator has complied with the provisions of this Act.

(6) Where a vehicle is detained under subsection (5) the driver or operator may appeal to a judge of the Trial Division and the judge may make whatever order he or she considers appropriate in the circumstances.

(7) No action or other proceeding lies against the Board or a member of the Board or an officer, agent or employee of the Board or an inspector or the Registrar or an agent or officer of the Registrar for anything done or purporting to be done in good faith under this Act.

(8) No member of the Board or an officer, agent or employee of the Board or an inspector or the Registrar or an agent or officer of the Registrar is required to give testimony in a civil suit with regard to information obtained by him or her in the discharge of his or her official duty.

Application of  
Public Utilities  
Act

**39.** The provisions of *The Public Utilities Act, 1989* relating to investigations generally, appeals and stated cases shall apply to and in respect of the Board, or Commissioners of the Board, when acting under this Act.

Inspection of  
premises

**40.** An inspector may at all reasonable times, enter upon the business premises of a person or upon the premises where that person's records are kept so long as it is reasonably necessary to determine compliance with this Act and may inspect, or examine manifests, bills of lading and other records or documents pertaining to goods or freight received or shipped by that person and the person

occupying or in charge of that premises shall answer all questions pertaining to those matters and shall produce for inspection manifests, bills of lading and other records or documents that the inspector may request.

Exclusion from Act

**41.** The Lieutenant-Governor in Council may exclude a road or area in the province in whole or in part from the provisions of this Act.

Provisions, etc. additional to other Act

**42.** The provisions, regulations and orders made by or under this Act shall be in addition to those made by or under *The Highway Traffic Act, 1988* and *The Dangerous Goods Transportation Act* and nothing in this Act shall be considered to exempt a person or vehicle from a provision of *The Highway Traffic Act, 1988* and *The Dangerous Goods Transportation Act* or the regulations made under either of those Acts.

Disposition of fees

**43.** The fees collected by the Registrar under this Act shall be paid into the Consolidated Revenue Fund of the province.

Employer liable

**44.** In construing and enforcing the provisions of this Act or of a regulation, or an order or a direction of the Board, the act, omission or failure of an officer, agent or person acting for or employed by a motor carrier shall, if within the scope of his or her employment, be deemed in every case to be the act, omission or failure of the motor carrier.

#### Transitional and Commencement

Certificates continued

**45.** Upon the coming into force of this Act all validly subsisting certificates issued under *The Motor Carrier Act* shall continue in effect.

1989 c.33  
Amdt.

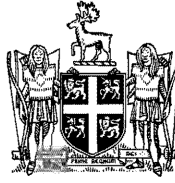
**46.** Item 9 of Schedule A of *The Department of Works, Services and Transportation Act* is amended by adding a comma and the figures "1990".

RSN 1970 c.242  
Repeal

**47.** *The Motor Carrier Act* is repealed.

Commence-  
ment

**48.** This Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.



## CHAPTER 47

### AN ACT TO REPEAL CERTAIN OBSOLETE AND SPENT STATUTES

(Assented to December 7, 1990)

#### Analysis

Section:

1. Short title

Section:

2. Acts repealed  
Schedule

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as *The Statutes Repeal Act, 1990*.

Acts repealed

2. The Acts enumerated in the Schedule to this Act are repealed.

**Schedule**

1.	The Bank Fishermen (Protection) Act	RSN 1970 c.18
2.	The British Columbia Packers Limited (Local Taxation) Act, 1964	1964 No. 20
3.	The Coasting Vessels (Bounties) Act	RSN 1970 c.46
4.	The Death Duties Act	RSN 1970 c.74
5.	The Essential Health Services Act	1981 c.76
6.	The Gander Hospital Act, 1961	1961 No. 44
7.	The Grand Falls Hospital (Building) Act, 1960	1960 No. 33
8.	The Hawkers and Pedlars Act	RSN 1970 c.150
9.	The Labrador Fishery Act	RSN 1970 c.193
10.	The Labrador Fishery (Steam Vessels) Act	RSN 1970 c.194
11.	The Memorial University Building Act, 1959	1959 No. 71
12.	The Memorial University (Arts and Education and Physics and Chemistry Buildings) Act, 1965	1965 No. 41
13.	The Minerals and Options Tax Act	RSN 1970 c.237
14.	The Missing Vessels Reporting Act	RSN 1970 c.241
15.	The Mooring Cove Fish Plant (Building) Act, 1966	1966 No. 46
16.	The Newfoundland Government Building Act, 1958	1958 No. 58

17.	The Newfoundland Hairdressers' Association Act	RSN 1970 c.260
18.	The Nurses Training School Building Act, 1960	1960 No. 79
19.	The Pothead and Minke Whales (Processing) Act	RSN 1970 c.301
20.	The Registration of Partnerships Act, 1972	1972 No. 29
21.	The Restaurants Act	RSN 1970 c.337
22.	The Retirement of Magistrates, An Act Respecting	1975-76 No. 55
23.	The Seal Fishery Act	RSN 1970 c.347
24.	The Sealers' Wages and Supplies Act	RSN 1970 c.348
25.	The Shark Industry, An Act Relating to the Encouragement of	1928 c.9
26.	The Succession Duty Act, 1972	1972 No. 40
27.	The Taxation Agreement Act	RSN 1970 c.367
28.	The Taxation of State Enterprises Act	RSN 1970 c.368
29.	The Technical College and Vocational Schools Building Act, 1960	1960 No. 73
30.	The Upper Churchill Water Rights Reversion Act	1980 c.40
31.	The Vocational Schools (Western) Building Act, 1962	1962 No. 49
32.	The Weights and Measures Act	RSN 1970 c.396

33. The Whaling Industry Regulations Act RSN 1970 c.398



## CHAPTER 48

### AN ACT TO REVISE THE LAW RESPECTING SECURITIES

(Assented to December 7, 1990)

#### Analysis

Section:	Section:
1. Short title	14. Investigation by order of Minister
2. Interpretation	15. Evidence not to be disclosed
PART I	16. Report to Minister
THE COMMISSION	17. Order to freeze property
3. Commission	18. Appointment of receiver, etc.
4. Commission staff	PART VII
PART II	AUDITS
FINANCIAL	19. Audits by Commission
DISCLOSURE	PART VIII
ADVISORY BOARD	SELF-REGULATION - GENERAL AND CLEARING AGENCIES
5. Financial Disclosure Advisory Board	20. Panel of auditors
PART III	21. Audits by association
APPOINTMENT OF	22. Filing of financial statements of registrants
EXPERTS	23. Recognition of clearing agencies
6. Appointment of experts	PART IX
PART IV	STOCK EXCHANGES
THE DIRECTOR	24. Stock exchanges
7. Director	25. Record of transactions
8. Refunds	PART X
PART V	REGISTRATION
ADMINISTRATIVE	26. Registration for trading
PROCEEDINGS,	27. Granting of registration
REVIEWS AND APPEALS	28. Suspension, cancellation, etc.
9. Notification of decision	29. Subsequent applications
10. Appeal	30. Application
11. Secretary	31. Address for service
PART VI	32. Further information
INVESTIGATIONS	33. Residence
12. Investigation order	
13. Report to Minister	

## Section:

- 34. Notice of changes  
PART XI  
EXEMPTIONS FROM  
REGISTRATION  
REQUIREMENTS
- 35. Exemption of advisers
- 36. Exemption of trades  
PART XII  
TRADING IN SECURITIES  
GENERALLY
- 37. Confirmation of trade
- 38. Order prohibiting calls to  
residences
- 39. Representations prohibited
- 40. Where dealer is principal
- 41. Disclosure of financial interest  
of advisers and dealers
- 42. Disclosure of underwriting  
liability
- 43. Publication of names
- 44. Use of name of another  
registrant
- 45. Registration not to be  
advertised
- 46. Holding out by unregistered  
person
- 47. Advertising approval by  
Commission
- 48. Margin contracts
- 49. Declaration as to short position
- 50. Shares in name of registrant  
not to be voted
- 51. Submission of advertising  
PART XIII  
PROSPECTING  
SYNDICATES
- 52. Agreements  
PART XIV  
PROSPECTUS -  
DISTRIBUTION
- 53. "distribution", extended  
meaning
- 54. Prospectus required
- 55. Preliminary prospectus
- 56. Receipt for preliminary  
prospectus
- 57. Prospectus
- 58. Amendment to preliminary  
prospectus

## Section:

- 59. Certificate by issuer
- 60. Certificate of underwriter
- 61. Statement of rights
- 62. Issuance of receipt
- 63. Refiling of prospectus
- 64. Short form prospectus
- 65. Orders to furnish  
information  
PART XV  
DISTRIBUTION - GENERALLY
- 66. "waiting period" defined
- 67. Distribution of preliminary  
prospectus
- 68. Distribution list
- 69. Defective preliminary  
prospectus
- 70. Material given on  
distribution
- 71. Order to cease trading
- 72. Obligation to deliver  
prospectus  
PART XVI  
EXEMPTIONS FROM  
PROSPECTUS  
REQUIREMENTS
- 73. Prospectus not required
- 74. Prospectus not required
- 75. Exemption order  
PART XVII  
CONTINUOUS  
DISCLOSURE
- 76. Publication of material  
change
- 77. Trading where undisclosed  
change
- 78. Interim financial  
statements
- 79. Comparative financial  
statements
- 80. Delivery of financial statements  
to security holders
- 81. Relief against certain  
requirement
- 82. Filing of information  
circular
- 83. Filing of documents filed  
in another jurisdiction
- 84. Order relieving small  
reporting issuer

## Section:

- PART XVIII  
PROXIES AND PROXY  
SOLICITATION
85. Interpretation
86. Mandatory solicitation of proxies
87. Information circular
88. Voting where proxies
89. Compliance with laws of other jurisdiction
- PART XIX  
TAKE-OVER BIDS  
AND ISSUER BIDS
90. Definitions
91. Deemed beneficial ownership
92. Acting jointly or in concert
93. Application to direct and indirect offers, etc.
94. Exempted takeover bids
95. Definition
96. General provisions
97. Financing of bid
98. Identical consideration
99. Offeror's circular
100. Directors' circular
101. Delivery of offeree issuer
102. Securities, reports of acquisitions
103. Press release re: acquisitions by person other than offeror
104. No duplication of reports
105. Applications to the Commission
106. Applications to a judge of the Trial Division
- PART XX  
INSIDER TRADING AND  
SELF-DEALING
107. Interpretation
108. Report
109. Report of transfer by insider
110. Report of transfer by insider
111. Interpretation
112. Loans of mutual funds in the province
113. Indirect investment
114. Relieving orders
115. Exception to s. 111(d)
116. Fees on investment

## Section:

117. Standard of care for management of mutual fund
118. Filing by management companies
119. "responsible person" defined
120. Trades by mutual fund insiders
121. Filing in other jurisdiction
- PART XXI  
ENFORCEMENT
122. Offences, general
123. Consent of Minister
124. Information containing more than one offence
125. Execution of warrant issued in another province
126. Order for compliance
127. Order to cease trading
128. Commission's discretion to remove exemptions
129. Limitation period
- PART XXII  
CIVIL LIABILITY
130. Liability for misrepresentation in prospectus
131. Liability for misrepresentation in circular
132. Standard of reasonableness
133. Liability of dealer or offeror
134. Liability where material fact or change undisclosed
135. Action by Commission on behalf of issuer
136. Rescission of contract
137. Rescission of purchase of mutual fund security
138. Limitation periods
- PART XXIII  
GENERAL  
PROVISIONS
139. Admissibility of certified statements
140. Filing and inspection of material
141. Immunity of Commission and officers
142. Application to the Crown
143. Regulations
144. Commission's direction
- PART XXIV  
TRANSITIONAL, CONSEQUENTIAL AND REPEAL
145. Continuation of registration

Section:	Section:
146. Director substituted for Commission	148. RSN 1970 c.349 Rep.
147. RSN 1970 c.184 amdt.	149. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title	1. This Act may be cited as <i>The Securities Act, 1990</i> .
Interpretation	<p>2. (1) In this Act</p> <p>(a) "adviser" means a person or company engaging in or holding himself, herself or itself out as engaging in the business of advising others as to the investing in or buying or selling of securities;</p> <p>(b) "associate", where used to indicate a relationship with a person or company, means</p> <p>(i) a company of which that person or company beneficially owns, directly or indirectly, voting securities carrying more than ten percent of the voting rights attached to all voting securities of the company for the time being outstanding,</p> <p>(ii) a partner of that person or company,</p> <p>(iii) a trust or estate in which that person or company has a substantial beneficial interest or in relation to which that person or company serves as trustee or in a similar capacity,</p> <p>(iv) a relative of that person,</p> <p>(v) a person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or</p> <p>(vi) a relative of a person mentioned in subparagraph (v) who has the same home as that person;</p>

- (c) "clearing agency" means a person or company that acts as an intermediary in paying funds or delivering securities, or both, in connection with trades in securities and that provides centralized facilities for the clearing of trades in securities;
- (d) "Commission" means the Securities Commission of Newfoundland;
- (e) "company" means a corporation, incorporated association, incorporated syndicate or other incorporated organization;
- (f) "contract" includes a trust agreement, declaration of trust or other similar instrument;
- (g) "contractual plan" means a contract or other arrangement for the purchase of shares or units of a mutual fund by payments over a specified period or by a specified number of payments where the amount deducted from any one of the payments as sales charges is larger than the amount that would have been deducted from that payment for sales charges if deductions had been made from each payment at a constant rate for the duration of the plan;
- (h) "contractual right of action" means a right of action against an issuer for rescission or damages, which right,
  - (i) is available to an investor to whom an offering memorandum prospectus has been delivered by or on behalf of the seller of securities referred to in the offering memorandum prospectus if the offering memorandum prospectus contains a misrepresentation,
  - (ii) is exercisable on notice given to the issuer not later than ninety days after the date on which payment was made for the securities or after the initial payment, where payments subsequent to the initial payment are made under a contractual commitment assumed prior to, or concurrently with, the initial payment,

- (iii) reasonably corresponds to the rights provided in section 130 applicable to a prospectus, and may be subject to defences equivalent to defences available under subsection (2) of that section, and
- (iv) includes a provision stating that the right is in addition to another right or remedy available at law to the investor;
- (i) "dealer" means a person or company that trades in securities in the capacity of principal or agent;
- (j) "decision" means a direction, decision, order, ruling or other requirement made under a power or right conferred by this Act or the regulations;
- (k) "Director" means the Director of Securities referred to in section 7;
- (l) "director", where used in relation to a person, includes a person acting in a capacity similar to that of a director of a company;
- (m) "distribution", where used in relation to trading in securities, means
  - (i) a trade in securities of an issuer that have not been previously issued,
  - (ii) a trade by or on behalf of an issuer in previously issued securities of that issuer that have been redeemed or purchased by or donated to that issuer,
  - (iii) a trade in previously issued securities of an issuer from the holdings of a person, company or combination of persons or companies holding a sufficient number of securities of that issuer to affect materially the control of that issuer, but holdings of a person, company or combination of persons or companies holding more than twenty percent of the outstanding voting securities of an issuer shall, in the absence of evidence to the contrary, be deemed to affect materially the control of that issuer,

- (iv) a trade by or on behalf of an underwriter in securities which were acquired by that underwriter, acting as underwriter, prior to the day on which this Act comes into force if those securities continued on that date to be owned by or for that underwriter so acting,

and on and after the day this Act comes into force includes a distribution as referred to in subsections (4), (5) (6) and (7) of section 73, and also includes a transaction or series of transactions involving a purchase and sale or a repurchase and resale in the course of or incidental to a distribution and "distribute", "distributed" and "distributing" have a corresponding meaning;

- (n) "distribution company" means a person or company distributing securities under a distribution contract;
- (o) "distribution contract" means a contract between a mutual fund or its trustees or other legal representative and a person or company under which that person or company is granted the right to purchase the shares or units of the mutual fund for distribution or to distribute the shares or units of the mutual fund on behalf of the mutual fund;
- (p) "distribution to the public", where used in relation to trading in securities, means a distribution that is made for the purpose of distributing to the public securities issued by an issuer, whether the trades are made directly or indirectly to the public through an underwriter or otherwise;
- (q) "financial intermediary" means
  - (i) a bank to which the *Bank Act* (Canada) applies,
  - (ii) a loan company or trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974*,
  - (iii) an insurance company licensed under *The Insurance Companies Act*,
  - (iv) a credit union registered under *The Co-operative Societies Act*, and

- (v) a co-operative society to which *The Co-operative Societies Act* applies;
- (r) "form of proxy" means a written or printed form that, upon completion and execution by or on behalf of a security holder, becomes a proxy;
- (s) "individual" means a natural person, but does not include a partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, or a natural person in his or her capacity as trustee, executor, administrator or other legal personal representative;
- (t) "insider" or "insider of a reporting issuer" means
  - (i) a director or senior officer of a reporting issuer,
  - (ii) a director or senior officer of a company that is itself an insider or subsidiary of a reporting issuer,
  - (iii) a person or company who beneficially owns, directly or indirectly, voting securities of a reporting issuer or who exercises control or direction over voting securities of a reporting issuer or a combination of both carrying more than ten percent of the voting rights attached to all voting securities of the reporting issuer for the time being outstanding other than voting securities held by the person or company as underwriter in the course of a distribution, and
  - (iv) a reporting issuer where it has purchased, redeemed or otherwise acquired any of its securities, for so long as it holds any of its securities;
- (u) "issuer" means a person or company that has outstanding, issues or proposes to issue, a security;
- (v) "management company" means a person or company that provides investment advice, under a management contract;
- (w) "management contract" means a contract under which a mutual fund is provided with investment advice, alone or

together with administrative or management services, for valuable consideration;

- (x) "material change", where used in relation to the affairs of an issuer, means a change in the business, operations or capital of the issuer that would reasonably be expected to have a significant effect on the market price or value of the securities of the issuer and includes a decision to implement a material change made by the board of directors of the issuer or by senior management of the issuer who believe that confirmation of the decision by the board of directors is probable;
- (y) "material fact", where used in relation to securities issued or proposed to be issued, means a fact that significantly affects, or would reasonably be expected to have a significant effect on, the market price or value of those securities;
- (z) "Minister" means the Minister of Justice;
- (aa) "misrepresentation" means
  - (i) an untrue statement of material fact, or
  - (ii) an omission to state a material fact that is required to be stated or that is necessary to make a statement not misleading in the light of the circumstances in which it was made;
- (bb) "mutual fund" includes an issuer of securities that entitle the holder to receive on demand, or within a specified period after demand, an amount computed by reference to the value of a proportionate interest in the whole or in a part of the net assets, including a separate fund or trust account, of the issuer of the securities;
- (cc) "mutual fund in the province" means a mutual fund that is a reporting issuer or that is organized under the laws of the province but does not include a private mutual fund;
- (dd) "officer" means the chairperson, a vice-chairperson of the board of directors, the president, vice-president, the

secretary, the assistant secretary, the treasurer, the assistant treasurer and the general manager of a company, and another person designated an officer of a company by by-law or similar authority, or an individual acting in a similar capacity on behalf of an issuer or registrant;

- (ee) "offering memorandum prospectus" means a document purporting to describe the business and affairs of an issuer that has been prepared primarily for delivery to and review by prospective investors so as to assist those investors to make an investment decision in respect of securities being sold in a distribution to which section 54 or section 63 would apply but for the availability of one or more of the exemptions contained in paragraph (c), (d) or (p) of subsection (1) of section 73 or paragraph (f) of subsection (3) of section 54, but does not include
- (i) a document setting out current information about an issuer for the benefit of prospective investors familiar with the issuer through prior investment or business contacts, or
  - (ii) for the purpose of subsection (22) of section 73, an annual report, interim report, information circular, takeover bid circular, issuer bid circular, prospectus or other document the content of which is prescribed by statute or regulation;
- (ff) "person" means an individual, partnership, unincorporated syndicate, unincorporated organization, trust, trustee, executor, administrator or other legal representative;
- (gg) "portfolio manager" means an adviser registered for the purpose of managing the investment portfolio of clients through discretionary authority granted by the clients;
- (hh) "portfolio securities", where used in relation to a mutual fund, means securities held or proposed to be purchased by the mutual fund;
- (li) "private company" means a company in whose constating document

- (i) the right to transfer its shares is restricted,
  - (ii) the number of its shareholders, exclusive of persons who are in its employment and exclusive of persons who, having been formerly in the employment of the company, were, while in that employment, and have continued after termination of that employment to be, shareholders of the company, is limited to not more than fifty, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder, and
  - (iii) an invitation to the public to subscribe for its securities is prohibited;
- (jj) "private mutual fund" means a mutual fund that is
- (i) operated as an investment club, where
    - (A) its shares or units are held by not more than fifty persons and its indebtedness has never been offered to the public,
    - (B) it does not pay or give remuneration for investment advice or in respect of trades in securities, except normal brokerage fees, and
    - (C) all of its members are required to make contributions in proportion to the shares or units each holds for the purpose of financing its operations, or
  - (ii) administered by a trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974* and consists of
    - (A) a pooled fund maintained solely to serve registered retirement savings plans, registered home ownership savings plans, or other savings plans registered under the *Income Tax Act* (Canada), or

(B) a pooled fund maintained by a trust company in which money belonging to various estates and trusts in its care are commingled, with the authority of the settlor, testator or trustee, for the purpose of facilitating investment where no general solicitations are made with a view to the sale of participations in the pooled fund;

(kk) "promoter" means

(i) a person or company that, acting alone or in conjunction with one or more other persons, companies or a combination of them, directly or indirectly, takes the initiative in founding, organizing or substantially reorganizing the business of an issuer, or

(ii) a person or company that, in connection with the founding, organizing or substantial reorganizing of the business of an issuer, directly or indirectly, receives in consideration of services or property or both services and property, ten percent or more of the issued securities of a class of securities of the issuer or ten percent or more of the proceeds from the sale of a class of securities of a particular issue, but a person or company who receives the securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be considered a promoter within the meaning of this definition if that person or company does not otherwise take part in founding, organizing, or substantially reorganizing the business;

(ll) "proxy" means a completed and executed form of proxy by means of which a security holder has appointed a person or company as his or her nominee to attend and act for him or her and on his or her behalf at a meeting of security holders;

(mm) "recognized clearing agency" means a person or company that is designated as a recognized clearing agency by the Commission;

- (nn) "register" means register under this Act and "registered" has a corresponding meaning;
- (oo) "registrant" means a person or company registered or required to be registered under this Act;
- (pp) "regulations" means the regulations made under this Act;
- (qq) "reporting issuer" means an issuer
- (i) that has
    - (A) traded securities in the province under a prospectus filed and for which a receipt has been received, or
    - (B) filed a securities exchange take-over bid circular under this Act or a predecessor of this Act,
  - (ii) to which *The Corporations Act* applies and which, for the purposes of that Act, is offering its securities to the public, or
  - (iii) that is the company whose existence continues following the exchange of securities of a company by or for the account of that company with another company or the holders of the securities of that other company in connection with
    - (A) a statutory amalgamation or arrangement, or
    - (B) a statutory procedure under which one company takes title to the assets of the other company that in turn loses its existence by operation of law, or under which the existing companies merge into a new company,where one of the amalgamating or merged companies or the continuing company has been a reporting issuer for at least twelve months;

- (rr) "salesperson" means an individual who is employed by a dealer for the purpose of making trades in securities on behalf of the dealer;
- (ss) "security" includes
- (i) a document, instrument or writing commonly known as a security,
  - (ii) a document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of a person or company,
  - (iii) a document constituting evidence of an interest in an association of legatees or heirs,
  - (iv) a document constituting evidence of an option, subscription or other interest in or to a security,
  - (v) a bond, debenture, note or other evidence of indebtedness, share, stock, unit, unit certificate, participation certificate, certificate of share or interest, preorganization certificate or subscription other than a contract of insurance issued by an insurance company licensed under *The Insurance Companies Act* and an evidence of deposit issued by a bank to which the *Bank Act* (Canada) applies or by a loan company or trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974*,
  - (vi) an agreement under which the interest of the purchaser is valued for purposes of conversion or surrender by reference to the value of a proportionate interest in a specified portfolio of assets, except a contract issued by an insurance company licensed under *The Insurance Companies Act* which provides for payment at maturity of an amount not less than three quarters of the premiums paid by the purchaser for a benefit payable at maturity,
  - (vii) an agreement providing that money received will be repaid or treated as a subscription to shares, stock,

units or interests at the option of the recipient or of a person or company,

- (viii) a certificate of share or interest in a trust, estate or association,
- (ix) a profit-sharing agreement or certificate,
- (x) a certificate of interest in an oil, natural gas or mining lease, claim or royalty voting trust certificate,
- (xi) an oil or natural gas royalty or lease or fractional or other interest in an oil or natural gas royalty or lease,
- (xii) a collateral trust certificate,
- (xiii) an income or annuity contract not issued by an insurance company or an issuer within the meaning of *The Investment Contracts Act*,
- (xiv) an investment contract,
- (xv) a document constituting evidence of an interest in a scholarship or educational plan or trust, and
- (xvi) a commodity futures contract or a commodity futures option that is not traded on a commodity futures exchange registered with or recognized by the Commission or the form of which is not accepted by the Director under this Act

whether or not one of the above relates to an issuer or proposed issuer;

(tt) "senior officer" means

- (i) the chairperson or a vice-chairperson of the board of directors, the president, a vice-president, the secretary, the treasurer or the general manager of a company or another individual who performs functions for an issuer similar to those normally performed by an individual occupying that office, and

- (ii) each of the five highest paid employees of an issuer, including an individual referred to in subparagraph (i);
- (uu) "trade" or "trading" includes
- (i) a sale or disposition of a security for valuable consideration, whether the terms of payment be on margin, instalment or otherwise, but does not include a purchase of a security or, except as provided in subparagraph (iv), a transfer, pledge or encumbrance of securities for the purpose of giving collateral for a *bona fide* debt,
  - (ii) participation as a floor trader in a transaction in a security upon the floor of a stock exchange,
  - (iii) receipt by a registrant of an order to buy or sell a security,
  - (iv) a transfer, pledge or encumbering of securities of an issuer from the holdings of a person or company or combination of persons or companies described in subparagraph (iii) of paragraph (l) for the purpose of giving collateral for a *bona fide* debt, and
  - (v) an act, advertisement, solicitation, conduct or negotiation directly or indirectly in furtherance of the above;
- (vv) "underwriter" means a person or company who, as principal, agrees to purchase securities with a view to distribution or who, as agent, offers for sale or sells securities in connection with a distribution and includes a person or company who has a direct or indirect participation in that distribution, but does not include
- (i) a person or company whose interest in the transaction is limited to receiving the usual and customary distributor's or seller's commission payable by an underwriter or issuer,

- (ii) a mutual fund that, under the laws of the jurisdiction to which it is subject, accepts its shares or units for surrender and resells them,
  - (iii) a company that, under the laws of the jurisdiction to which it is subject, purchases its shares and resells them, or
  - (iv) a bank to which the *Bank Act* (Canada) applies with respect to the securities described in paragraph (a) of subsection (2) of section 36 and to the banking transactions that are designated by the regulations; and
- (ww) "voting security" means a security other than a debt security of an issuer carrying a voting right either under all circumstances or under some circumstances that have occurred and are continuing.

(2) A company is deemed to be an affiliate of another company if one of them is the subsidiary of the other or if both are subsidiaries of the same company or if each of them is controlled by the same person or company.

(3) A company is deemed to be controlled by another person or company or by two or more companies if

- (a) voting securities of the first-mentioned company carrying more than fifty percent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the other person or company or by or for the benefit of the other companies; and
- (b) the votes carried by the securities are entitled, if exercised, to elect a majority of the board of directors of the first-mentioned company.

(4) A company is deemed to be a subsidiary of another company if

- (a) it is controlled by
  - (i) that other,

(ii) that other and one or more companies each of which is controlled by that other, or

(iii) two or more companies each of which is controlled by that other; or

(b) it is a subsidiary of a company that is that other's subsidiary.

(5) A person is deemed to own beneficially securities beneficially owned by a company controlled by him or her or by an affiliate of that company.

(6) A company is deemed to own beneficially securities beneficially owned by its affiliates.

(7) Every management company and every distribution company of a mutual fund that is a reporting issuer and every insider of that management company or distribution company is deemed to be an insider of the mutual fund.

(8) Where an issuer becomes an insider of a reporting issuer, a director or senior officer of the issuer is deemed to have been an insider of the reporting issuer for the previous six months or for a shorter period that he or she was a director or senior officer of the issuer.

(9) Where a reporting issuer becomes an insider of another reporting issuer, a director or senior officer of the second-mentioned reporting issuer is deemed to have been an insider of the first-mentioned reporting issuer for the previous six months or for a shorter period that he or she was a director or senior officer of the second-mentioned reporting issuer.

## PART I

### THE COMMISSION

Commission

3. (1) The Securities Commission of Newfoundland is established and is responsible for the administration of this Act.

(2) The Commission shall be composed of a Chairperson and as many other members as may be appointed by the Lieutenant-Governor in Council.

(3) The Commission may hold hearings in or outside the province in conjunction with another body empowered by statute to administer or regulate trading in securities and may consult with that other body during the course of a hearing.

Commission  
staff

4. (1) The Chairperson shall be the chief executive officer of the Commission and he or she and the other members shall devote the time that may be necessary for the performance of their duties as members of the Commission.

(2) The Chairperson or a member of the Commission may exercise the powers and shall perform the duties vested in or imposed upon the Commission by this Act or the regulations that are assigned to him or her by the Commission.

(3) Where the person who exercises the powers and performs the duties vested in the Commission by sections 12 to 18 as a result of an assignment under subsection (2), receives the report of an investigation ordered under section 12 and on the basis of the report issues an *ex parte* order or a direction that proceedings be instituted by the Commission under section 28, 71, 127 or 128 that person shall not sit on the hearing required to be held by the Commission except with the written consent of the party directly affected by the proceedings.

(4) A decision made as a result of an assignment under subsection (2) is subject to review by the Commission under section 9 in the same manner as if it had been made by the Director, and the person who made the decision shall not sit on the hearing and review by the Commission.

## PART II

### FINANCIAL DISCLOSURE ADVISORY BOARD

Financial Dis-  
closure Ad-  
visory Board

5. (1) The Lieutenant-Governor in Council may appoint a Financial Disclosure Advisory Board and may designate one of the members to be chairperson.

(2) The Financial Disclosure Advisory Board shall meet when requested to do so by the Commission.

(3) The Financial Disclosure Advisory Board shall, when requested to by the Commission, consult with and advise the Commission concerning the financial disclosure requirements of this Act and the regulations.

(4) The members of the Financial Disclosure Advisory Board shall serve without remuneration, but the Lieutenant-Governor in Council may fix a daily allowance to be payable to each member, and a member is entitled to his or her reasonable and necessary expenses, as certified by the chairperson, for attending at meetings and transacting the business of the Board.

### PART III

#### APPOINTMENT OF EXPERTS

Appointment  
of experts

6. (1) The Commission may appoint one or more experts to assist the Commission in carrying out its responsibilities under this Act.

(2) The Commission may submit an agreement, prospectus, financial statement, report or other document to one or more experts appointed under subsection (1) for examination, and the Commission has the same power to summon and enforce the attendance of witnesses before the expert and to compel them to produce documents, records and things as is vested in the Commission, and subsections (3) and (4) of section 12 apply, with the necessary changes.

(3) An expert appointed under subsection (1) shall be paid the amounts for services and expenses that the Lieutenant-Governor in Council may determine.

### PART IV

#### THE DIRECTOR

Director

7. The Director of Securities may exercise the powers and shall perform the duties vested in or imposed upon him or her by this Act and may exercise the powers and shall perform the duties vested in or imposed upon the Commission by this Act or the regulations that are assigned by the Commission except those referred to in section 9 and sections 12 to 18 and, subject to the direction of the Commission, the Director is the chief administrative officer of the Commission.

Refunds

**8. Where**

- (a) an application for registration or renewal of registration is abandoned; or
- (b) a preliminary prospectus or prospectus is withdrawn,

the Director may, upon the application of the person or company who made the application or filed the preliminary prospectus or prospectus, recommend to the Minister of Finance that a refund of the fee paid on the making of the application or the filing of the preliminary prospectus or prospectus or a part of the fee that the Director considers fair and reasonable be made, and the Minister of Finance may make the refund from the Consolidated Revenue Fund.

**PART V****ADMINISTRATIVE PROCEEDINGS, REVIEWS AND APPEALS**Notification of  
decision

**9. (1)** The Director shall immediately notify the Commission of every decision refusing registration under section 27 or refusing to issue a receipt for a prospectus under section 62 and the Commission may within thirty days of the decision notify the Director and a person or company directly affected of its intention to convene a hearing to review the decision.

(2) A person or company directly affected by a decision of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the decision, request and be entitled to a hearing and review of the Director's decision by the Commission.

(3) Upon a hearing and review, the Commission may by order confirm the decision under review or make another decision that the Commission considers proper.

(4) Notwithstanding that a person or company requests a hearing and review under subsection (2) of this section or subsection (4) of section 4, the decision under review takes effect immediately, but the Commission may grant a stay until disposition of the hearing and review.

Appeal

**10.** (1) A person or company directly affected by a decision of the Commission, other than a decision under section 75, may appeal to a judge of the Trial Division.

(2) Notwithstanding that an appeal is taken under this section, the decision appealed from takes effect immediately, but the Commission or a judge of the Trial Division may grant a stay until disposition of the appeal.

(3) The secretary of the Commission shall certify to the Registrar of the Supreme Court

- (a) the decision that has been reviewed by the Commission;
- (b) the decision of the Commission, together with a statement of reasons for it;
- (c) the record of the proceedings before the Commission; and
- (d) all written submissions to the Commission or other material that is relevant to the appeal.

(4) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

(5) Where an appeal is taken under this section, the court may by its order direct the Commission to make the decision or to do another act that the Commission is authorized and empowered to do under this Act or the regulations and that the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Commission shall make the decision or do the act accordingly.

(6) Notwithstanding an order of the court on an appeal, the Commission may make a further decision upon new material or where there is a significant change in the circumstances, and that further decision is subject to this section.

Secretary

**11.** (1) There shall be a secretary to the Commission who may

- (a) accept service of all notices or other documents on behalf of the Commission;

- (b) when authorized by the Commission, sign a decision made by the Commission as a result of a hearing;
- (c) certify in writing a decision made by the Commission or a document, record or thing used in connection with a hearing by the Commission where certification is required for a purpose other than that stated in subsection (3) of section 10; and
- (d) exercise the other powers that are vested in the secretary by this Act or the regulations and perform the other duties that are imposed upon the secretary by this Act or the regulations or by the Commission.

(2) Where the secretary is absent, the Commission may designate another person to act in the capacity of secretary and the person designated may exercise all the powers vested in the secretary by this Act or the regulations.

(3) A certificate purporting to be signed by the secretary is, without proof of the office or signature certifying, admissible in evidence, so far as is relevant, for all purposes in an action, proceeding or prosecution.

## PART VI

### INVESTIGATIONS

Investigation  
order

**12.** (1) Where upon a statement made under oath or affirmation it appears probable to the Commission that a person or company has

- (a) contravened a provision of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in securities,

the Commission may, by order, appoint a person to make an investigation that the Commission considers expedient for the administration of this Act, and in the order shall determine and prescribe the scope of the investigation.

(2) The Commission may, by order, appoint a person to make an investigation that it considers expedient for the administration of

this Act or into a matter relating to trading in securities, and in that order shall determine and prescribe the scope of the investigation.

(3) For the purpose of an investigation ordered under this section, the person appointed to make the investigation may investigate, inquire into and examine

- (a) the affairs of the person or company in respect of which the investigation is being made, and books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with the person or company and property, assets or things owned, acquired or alienated in whole or in part by the person or company or by a person or company acting on behalf of or as agent for the person or company; and
- (b) the assets held, the liabilities, debts, undertakings and obligations existing, the financial or other conditions prevailing in or in relation to or in connection with the person or company and the relationship that may exist or have existed between the person or company and another person or company by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or other relationship.

(4) The person making an investigation under this section has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or affirmation or otherwise, and to produce documents, records and things, that is vested in a judge of the Trial Division for the trial of civil actions, and the failure or refusal of a person to attend, to answer questions or to produce the documents, records and things that are in his or her custody or possession makes the person liable to be committed for contempt by a judge of the Trial Division as if in breach of an order or judgment of the Trial Division provided that no provision of *The Evidence Act* exempts a bank or an officer or employee from the operation of this section.

(5) A person giving evidence at an investigation under this section may be represented by counsel.

(6) Where an investigation is ordered under this section, the person appointed to make the investigation may seize and take possession of documents, records, securities or other property of the person or company whose affairs are being investigated.

(7) Where documents, records, securities or other property is seized under subsection (6), the documents, records, securities or other property shall be made available for inspection and copying by the person or company from which it was seized at a mutually convenient time and place if a request for an opportunity to inspect or copy is made by the person or company to the person appointed to make the investigation.

(8) Where an investigation is ordered under this section, the Commission may appoint an accountant or other expert to examine documents, records, properties and matters of the person or company whose affairs are being investigated.

(9) A person appointed under subsection (1), (2) or (8) shall provide the Commission with a full and complete report of the investigation including a transcript of evidence and material in his or her possession relating to the investigation.

Report to Minister

**13.** Where, upon the report of an investigation made under section 12, it appears to the Commission that a person or company may have

- (a) contravened a provision of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in securities,

the Commission shall send a full and complete report of the investigation, including the report made to it, a transcript of evidence and material in the possession of the Commission relating to it, to the Minister.

Investigation by order of Minister

**14.** Notwithstanding section 12, the Minister may, by order, appoint a person to make an investigation that the Minister considers expedient for the administration of this Act or into a matter relating

to trading in securities, in which case the person so appointed, for the purposes of the investigation, has the same authority, powers, rights, and privileges as a person appointed under section 12.

Evidence not  
to be disclosed

**15.** No person, without the consent of the Commission, shall disclose, except to his or her counsel, information or evidence obtained or the name of a witness examined or sought to be examined under section 12 or 14.

Report to Mini-  
ster

**16.** Where an investigation has been made under section 12, the Commission may, and, where an investigation has been made under section 14, the person making the investigation shall, report the result of it, including the evidence, findings, comments and recommendations, to the Minister, and the Minister may publish the report in whole or in part in a manner that he or she considers proper.

Order to freeze  
property

**17. (1)** The Commission may

- (a) where it is about to order an investigation in respect of a person or company under section 12 or during or after an investigation in respect of a person or company under section 12 or 14;
- (b) where it is about to make or has made an order under section 127 that trading in securities of an issuer shall cease;
- (c) where it is about to make or has made a decision suspending or cancelling the registration of a person or company or affecting the right of a person or company to trade in securities; or
- (d) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against a person or company that in the opinion of the Commission are connected with or arise out of a security or a trade in a security, or out of business conducted by the person or company,

in writing direct a person or company having on deposit or under control or for safekeeping funds or securities of the person or company referred to in paragraph (a), (b), (c) or (d) to hold the funds or securities or direct the person or company referred to in paragraph

(a), (b), (c) or (d) to refrain from withdrawing the funds or securities from another person or company having them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his or her possession or control in trust for an interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act, 1986*, *The Corporations Act*, the *Winding-Up Act* (Canada) or section 18 of this Act, or until the Commission in writing revokes the direction or consents to release a particular fund or security from the direction, but no direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies named in the direction.

(2) A person or company named in a direction issued under subsection (1) may, if in doubt as to the application of the direction to particular funds or securities, apply to the Commission for an order of clarification.

(3) Upon the application of a person or company directly affected by a direction issued under subsection (1), the Commission may make an order on the terms and conditions it may impose revoking the direction or consenting to the release of a fund or security.

(4) In the circumstances mentioned in paragraph (a), (b), (c), or (d) of subsection (1), the Commission may in writing notify the Registrar of Deeds or the Mineral Claims Recorder that proceedings are being or are about to be taken that may affect land or minerals belonging to the person or company referred to in the notice, which notice shall be registered or recorded against the lands or minerals mentioned in it and the Commission may in writing revoke or modify the notice.

Appointment  
of receiver, etc.

**18.** (1) The Commission may

(a) where it is about to order an investigation in respect of a person or company under section 12 or during or after an investigation in respect of a person or company under section 12 or 14;

- (b) where it is about to make or has made an order under section 127 that trading in securities of an issuer shall cease;
- (c) where it is about to make or has made a decision suspending or cancelling the registration of a person or company or affecting the right of a person or company to trade in securities;
- (d) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against a person or company that in the opinion of the Commission are connected with or arise out of a security or a trade in a security, or out of business conducted by the person or company; or
- (e) where a person or company fails or neglects to comply with the minimum net asset requirements, investment restrictions, ownership restrictions, or capital requirements prescribed by the regulations for the person or company,

apply to a judge of the Trial Division for the appointment of a receiver, receiver and manager, trustee or liquidator of the property of the person or company.

(2) Upon an application under subsection (1), the judge may, where he or she is satisfied that the appointment of a receiver, receiver and manager, trustee or liquidator of all or a part of the property of a person or company is in the best interests of the creditors of the person or company or of persons or companies whose property is in the possession or under the control of the person or company, or, in a proper case, of the security holders of or subscribers to the person or company, appoint a receiver, receiver and manager, trustee or liquidator of the property of the person or company.

(3) Upon an *ex parte* application made by the Commission under this section, the judge may make an order under subsection (2) appointing a receiver, receiver and manager, trustee or liquidator for a period not exceeding fifteen days.

(4) A receiver, receiver and manager, trustee or liquidator of the property of a person or company appointed under this section shall be the receiver, receiver and manager, trustee or liquidator of

all or a part of the property belonging to the person or company or held by the person or company on behalf of or in trust for another person or company, and the receiver, receiver and manager, trustee or liquidator shall have authority, if so directed by the judge, to wind up or manage the business and affairs of the person or company and all powers necessary or incidental to winding up or managing that business and those affairs.

## PART VII

### AUDITS

Audits by Commission

**19.** (1) Notwithstanding sections 20, 21 and 22, the Commission may in writing appoint a person to examine

- (a) the financial affairs of a recognized clearing agency, registrant or reporting issuer; and
- (b) the books and records of a custodian of assets of a mutual fund or of a custodian of shares or units of a mutual fund under a custodial agreement or other arrangement with a person or company engaged in the distribution of shares or units of the mutual fund,

and prepare the financial or other statements and reports that may be required by the Commission.

(2) The person making an examination under this section may inquire into and examine all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person or company whose financial affairs are being examined, and no person or company shall withhold, destroy, conceal or refuse to give information or things reasonably required for the purpose of the examination.

(3) The Commission may charge the fees that may be prescribed by the regulations for an examination made under this section.

## PART VIII

## SELF-REGULATION - GENERAL AND CLEARING AGENCIES

- Panel of auditors
- 20.** The Commission may recognize a body to represent dealers in the province and where recognized, that body shall
- (a) select a panel of auditors, each of whom shall have practised in Canada for not fewer than five years and shall be known as a panel auditor or members' auditor; and
  - (b) employ a district association auditor whose appointment is subject to the approval of the Commission, and the appointee shall be an auditor who has practised in Canada for not fewer than ten years.
- Audits by association
- 21. (1)** A body recognized under section 20 shall require each member of the class of their members that the Commission may designate in writing to appoint an auditor from the panel of auditors selected under paragraph (a) of section 20 and that auditor shall make the examination of the financial affairs of the member as called for by the rules or regulations applicable to members of that class and shall report on the examination to the district association auditor.
- (2) The rules and regulations of a body recognized under section 20 in respect of the practice and procedure of the examinations under subsection (1) are subject to the approval of the Commission and the actual conduct of the examinations shall be satisfactory to the Commission.
- Filing of financial statements of registrants
- 22.** A registrant whose financial affairs are not subject to examination under section 21 shall keep the books and records that are necessary for the proper recording of his or her business transactions and financial affairs and shall deliver to the Commission annually and at other times that the Commission may require a financial statement satisfactory to the Commission as to his or her financial position, certified by the registrant or an officer or partner of the registrant and reported upon by the auditor of the registrant, and shall deliver to the Commission the other information that the Commission may require in the form that it may prescribe.
- Recognition of clearing agencies
- 23. (1)** Upon the application of a person or company carrying on or proposing to carry on the business of a clearing agency, the

Commission may designate the person or company as a recognized clearing agency where the Commission is satisfied that to do so would be in the public interest and that the person or company can comply with the regulations and all terms and conditions imposed by the Commission with respect to the designation.

(2) The Commission, in designating a person or company as a recognized clearing agency, shall make the designation in writing and the designation may be made subject to the terms and conditions that the Commission may impose.

(3) The Commission, after giving a recognized clearing agency an opportunity to be heard, may suspend or cancel its designation as a recognized clearing agency or may impose terms and conditions upon the designation where, in its opinion, the action is in the public interest.

(4) The Commission, where it appears to it to be in the public interest, may make a decision with respect to a constating document, general agreement with its participants or members, by-law, rule, regulation, procedure or practice of a recognized clearing agency, including, suspending the operation of or requiring an amendment to a constating document, general agreement, by-law, rule, regulation, procedure or practice.

(5) A person or company directly affected by a direction, order or decision made under a by-law, rule, regulation, procedure or practice of a recognized clearing agency may apply to the Commission for a hearing and review and section 9 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director.

## PART IX

### STOCK EXCHANGES

Stock exchanges

24. (1) A person or company shall not carry on business as a stock exchange in the province unless that stock exchange is recognized in writing by the Commission.

(2) The Commission may, where it appears to it to be in the public interest, make a decision

- (a) with respect to the manner in which a stock exchange in the province carries on business;
- (b) with respect to a by-law, ruling, instruction, or regulation of a stock exchange;
- (c) with respect to trading on or through the facilities of a stock exchange or with respect to a security listed and posted for trading on a stock exchange; or
- (d) to ensure that issuers whose securities are listed and posted for trading on a stock exchange comply with this Act and the regulations.

(3) A person or company directly affected by a direction, order or decision made under a by-law, rule or regulation of a stock exchange in the province may apply to the Commission for a hearing and review of it and section 9 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director.

Record of transactions

**25.** A stock exchange in the province shall keep a record showing the time at which each transaction of the stock exchange took place and shall supply to a customer of a member of the stock exchange, upon production of a written confirmation of a transaction with that member, particulars of the time at which the transaction took place and verification or otherwise of the matters set forth in the confirmation.

## PART X

### REGISTRATION

Registration for trading

- 26.** (1) A person or company shall not
- (a) trade in a security unless the person or company is registered as a dealer, or is registered as a salesperson or as a partner or as an officer of a registered dealer and is acting on behalf of the dealer;
  - (b) act as an underwriter unless the person or company is registered as an underwriter; or

- (c) act as an adviser unless the person or company is registered as an adviser, or is registered as a partner or as an officer of a registered adviser and is acting on behalf of the adviser,

and the registration has been made in accordance with this Act and the regulations and the person or company has received written notice of the registration from the Director and, where the registration is subject to terms and conditions, the person or company complies with the terms and conditions.

(2) The termination of the employment of a salesperson with a registered dealer shall operate as a suspension of the registration of the salesperson until notice in writing has been received by the Director from another registered dealer of the employment of the salesperson by the other registered dealer and the reinstatement of the registration has been approved by the Director.

(3) The Director may designate as non-trading an employee or class of employees of a registered dealer that does not usually sell securities, but the designation may be cancelled as to an employee or class of employees where the Director is satisfied that an employee or a member of a class of employees should be required to apply for registration as a salesperson.

Granting of  
registration

**27.** (1) The Director shall grant registration, renewal of registration, reinstatement of registration or amendment to registration to an applicant where in the opinion of the Director the applicant is suitable for registration and the proposed registration or amendment to registration is not objectionable.

(2) The Director may restrict a registration by imposing terms and conditions on the registration and may restrict the duration of the registration and may restrict the registration to trades in certain securities or a certain class of securities.

(3) The Director shall not refuse to grant, renew, reinstate or amend registration or impose terms and conditions on the registration without giving the applicant an opportunity to be heard.

Suspension,  
cancellation,  
etc.

**28.** (1) The Commission, after giving a registrant an opportunity to be heard, may suspend, cancel, restrict or impose terms and conditions upon the registration of the registrant or reprimand the registrant where in its opinion that action is in the public interest.

(2) Where the delay necessary for a hearing under subsection (1) would, in the opinion of the Commission, be prejudicial to the public interest, the Commission may suspend the registration without giving the registrant an opportunity to be heard, in which case it shall immediately notify the registrant of the suspension and of a hearing and review to be held before the Commission within fifteen days of the date of the suspension, and section 9 applies to the hearing and review in the same manner as the hearing and review of a decision of the Director.

(3) Notwithstanding subsection (1), the Commission may, upon an application by a registrant, accept, subject to the terms and conditions that it may impose, the voluntary surrender of the registration of the registrant where it is satisfied the financial obligations of the registrant to its clients have been discharged and the surrender of the registration would not be prejudicial to the public interest.

- Subsequent applications      **29.** A further application for registration may be made upon new or other material or where it is clear that material circumstances have changed.
- Application      **30.** An application for registration shall be made in writing upon a form prescribed by the regulations and provided by the Commission and shall be accompanied by the fee that may be prescribed by the regulations.
- Address for service      **31.** An applicant shall state in the application an address for service in the province and, except as otherwise provided in this Act, all notices under this Act or the regulations are sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated.
- Further information      **32.** The Director may require further information or material to be submitted by an applicant or a registrant within a specified time and may require verification by affidavit or otherwise of information or material then or previously submitted or may require the applicant or the registrant or a partner, officer, director, governor or trustee of, or a person performing a like function for, or an employee of, the applicant or of the registrant to submit to examination under oath or affirmation by a person designated by the Director.
- Residence      **33.** (1) The Director may refuse registration to an individual if he or she has not been a resident of Canada for at least one year immediately prior to the date of application for registration unless

at the time of the application the individual is registered in a capacity corresponding to that of a dealer, adviser, underwriter, partner, officer or salesperson under the securities laws of the jurisdiction in which he or she last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration.

(2) The Director may refuse registration to a person or company if a director or officer of the person or company has not been a resident of Canada for at least one year immediately prior to the date of application for registration unless at the time of the application he or she is registered in a capacity corresponding to that of a dealer, adviser, underwriter, partner, officer or salesperson under the securities laws of the jurisdiction in which he or she last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration.

Notice of changes

**34.** (1) Subject to the regulations, a registered dealer shall, within five business days of the event, notify the Director in the form prescribed by the regulations of

- (a) a change in address for service in the province or a business address;
- (b) a change in the directors or officers of the registered dealer and in the case of resignation, dismissal, severance or termination of employment or office, the reason for it;
- (c) a change in the holders of the voting securities of the registered dealer;
- (d) the commencement and termination of employment of a registered salesperson and, in the case of termination of employment, the reason for the termination;
- (e) the opening or closing of a branch office in the province and, in the case of the opening of a branch office in the province, the name and address of the person in charge; and

(f) a change in the name or address of the person in charge of a branch office in the province.

(2) Subject to the regulations, a registered adviser or underwriter shall, within five business days of the event, notify the Director in the form prescribed by the regulations of

(a) a change in address for service in the province or a business address;

(b) a change in the directors or officers of the registered adviser or underwriter and in the case of resignation, dismissal, severance or termination of employment or office, the reason for it; and

(c) a change in the holders of the voting securities of the registered adviser or underwriter.

(3) Every registered salesperson shall, within five business days of the event, notify the Director in the form prescribed by the regulations of

(a) a change in his or her address for service in the province or in his or her business address; and

(b) the commencement and termination of his or her employment by a registered dealer.

(4) The Director may, upon an application of a registrant that is a reporting issuer, exempt, subject to the terms and conditions that he or she may impose, the registrant from the requirement of subsections (1) and (2) that the Director be notified of a change in the holders of voting securities of the registrant where in the Director's opinion it would not be prejudicial to the public interest to do so.

## PART XI

### EXEMPTIONS FROM REGISTRATION REQUIREMENTS

Exemption of  
advisers

**35.** Registration as an adviser is not required to be obtained by

- (a) a bank to which the *Bank Act* (Canada) applies or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada), or a trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974*, or an insurance company licensed under *The Insurance Companies Act*;
- (b) a lawyer, accountant, engineer or teacher;
- (c) a registered dealer, or a partner, officer or employee of a registered dealer; and
- (d) a publisher of or a writer for a *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers to it for value or to purchasers of it who gives advice as an adviser only through that publication and has no interest either directly or indirectly in the securities upon which the advice is given and receives no commission or other consideration for giving the advice,

where the performance of the service as an adviser is solely incidental to their principal business or occupation; or

- (e) the other persons or companies that are designated by the regulations.

Exemption of  
trades

**36.** (1) Subject to the regulations, registration is not required in respect of the following trades:

- (a) a trade by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada) or by a receiver under *The Judicature Act, 1986* or by a liquidator under *The Corporations Act* or the *Winding-up Act* (Canada), or at a judicial sale;
- (b) an isolated trade by or on behalf of an issuer in a specific security of its own issue, for the issuer's account, or by or on behalf of an owner in a specific security, for the owner's account, where the trade is not made in the course of continued and successive transactions of a like nature, and

- is not made by a person or company whose usual business is trading in securities;
- (c) a trade where the party purchasing as principal, but not as underwriter, is
- (i) a bank to which the *Bank Act* (Canada) applies, or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada),
  - (ii) a loan company or trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974*,
  - (iii) an insurance company licensed under *The Insurance Companies Act*,
  - (iv) the Crown in right of Canada or a province or territory of Canada, or
  - (v) a municipal corporation or public board or commission in Canada;
- (d) a trade where the party purchasing as principal is a company or person, other than an individual, and is recognized by the Commission as an exempt purchaser;
- (e) a trade where the purchaser purchases as principal, if the trade is in a security which has an aggregate acquisition cost to that purchaser of not less than an amount that may be prescribed by the regulations;
- (f) a trade from the holdings of a person, company or combination of persons or companies described in subparagraph (iii) of paragraph (m) of subsection (1) of section 2 for the purpose of giving collateral for a *bona fide* debt;
- (g) a trade by or for the account of a pledgee, mortgagee or other encumbrancer for the purpose of liquidating a *bona fide* debt by selling or offering for sale a security pledged, mortgaged or otherwise encumbered in good faith as collateral for the debt;

- (h) a trade in a security that may occasionally be transacted by employees of a registered dealer where the employees do not usually sell securities and have been designated by the Director as non-trading employees, either individually or as a class;
- (i) a trade between a person or company and an underwriter acting as a purchaser or between or among underwriters;
- (j) a trade in a security by a person or company acting solely through an agent who is a registered dealer;
- (k) the execution of an unsolicited order to purchase or sell through a registered dealer by a bank to which the *Bank Act* (Canada) applies or a trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974* as an agent for a person or company and the trade by that person or company in placing the unsolicited order with the bank or trust company;
- (l) a trade by an issuer
  - (i) in a security of its own issue that is distributed by it to holders of its securities as a stock dividend or other distribution out of earnings or surplus,
  - (ii) in a security whether of its own issue or not that is distributed by it to holders of its securities as incidental to a *bona fide* reorganization or winding up of the issuer or distribution of its assets for the purpose of winding up its affairs under the laws of the jurisdiction in which the issuer was incorporated, organized or continued, or
  - (iii) in securities of its own issue transferred or issued through the exercise of a right to purchase, convert or exchange previously granted by the issuer,

provided that no commission or other remuneration is paid or given to others in respect of the distribution except for ministerial or professional services or for services performed by a registered dealer;

- (m) a trade by an issuer in a security of a reporting issuer held by it that is distributed by it to holders of its securities as a dividend *in specie*;
- (n) a trade by an issuer
  - (i) in a right, transferable or otherwise granted by the issuer to holders of its securities to purchase additional securities of its own issue and the issue of securities under the exercise of the right, or
  - (ii) in securities of a reporting issuer held by it transferred or issued through the exercise of a right to purchase, convert or exchange previously granted by the issuer, if the issuer has given the Commission written notice stating the date, amount, nature and conditions of the proposed trade, including the approximate net proceeds to be derived by the issuer on the basis of those additional securities being fully taken up and paid for, and either
  - (iii) the Commission has not informed the issuer in writing within ten days of the giving of the notice that it objects to the proposed trade, or
  - (iv) the issuer has delivered to the Commission information relating to the securities that is satisfactory to and accepted by the Commission;
- (o) a trade in a security of a company that is exchanged by or for the account of the company with another company or the holders of the securities of that other company in connection with
  - (i) a statutory amalgamation or arrangement, or
  - (ii) a statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge into a new company;
- (p) a trade in a security of an issuer that is exchanged by or for the account of the issuer with the security holders of

another issuer in connection with a take-over bid as defined in Part XIX;

- (q) a trade in a security to a person or company under a take-over bid or issuer bid made by that person or company;
- (r) a trade by an issuer in a security of its own issue as consideration for a portion or all of the assets of a person or company, if the fair value of the assets so purchased is not less than an amount that may be prescribed by the regulations;
- (s) a trade by an issuer in the securities of its own issue with its employees or directors or the employees or directors of an affiliate who are not induced to purchase by expectation of employment or continued employment;
- (t) a trade by an issuer in securities of its own issue where the trade is reasonably necessary to facilitate the incorporation or organization of the issuer and the securities are traded for a nominal consideration to not more than five incorporators or organizers unless the statute under which the issuer is incorporated or organized requires the trade to be for a greater consideration or to a larger number of incorporators or organizers, in which case the securities may be traded for that greater consideration or to that larger number of incorporators or organizers;
- (u) a trade made by an issuer with a view to the sale of securities of its own issue if solicitations are made to not more than fifty prospective purchasers resulting in sales to not more than twenty-five purchasers and
  - (i) each purchaser purchases as principal and all of the purchases are completed within a period of six months of the first purchase, except that subsequent sales to the same purchasers may be carried out if made in compliance with written agreements entered into during that six month period,

- (ii) each purchaser has access to substantially the same information concerning the issuer that a prospectus filed under this Act would provide and is
  - (A) an investor who, by virtue of his or her net worth and investment experience or by virtue of consultation with or advice from a person or company who is not a promoter of the issuer whose securities are being offered and who is a registered adviser or a registered dealer, is able to evaluate the prospective investment on the basis of information respecting the investment presented to him or her by the issuer,
  - (B) a senior officer or director of the issuer,
  - (C) a parent, brother, sister or child of a person mentioned in clause (B), or
  - (D) a person of the opposite sex to whom a person mentioned in clause (B) is married or with whom the person is living in a conjugal relationship outside marriage,
- (iii) the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection with the offer, except for professional services or for services performed by a registered dealer, and
- (iv) no promoter of the issuer, other than a registered dealer, has acted as a promoter of another issuer that has traded in securities of its own issue under the exemption in this paragraph within the previous twelve months,

but an issuer that relies upon this exemption may do so only once in a twelve month period and in that twelve month period the amount paid for the securities of the issuer by all the purchasers under this exemption shall not exceed in total the amount of one million dollars;

- (v) a trade in a commodity futures option or a commodity futures contract by a hedger through a dealer;
- (w) a trade in respect of which the regulations provide that registration is not required;
- (x) of the kind referred to in subsection (3) of section 54;
- (y) by a liquidator under the *Canada Business Corporations Act* or by a sheriff under *The Judicature Act, 1986*;
- (z) made through the facilities of a stock exchange recognized by the Commission for the purposes of this section, where
  - (i) the trade is effected in whole or part by means of telephone or other telecommunications equipment linking the facilities of that stock exchange with the facilities of another stock exchange recognized by the Commission for the purposes of this section,
  - (ii) the trade is made in a security of a class or type designated by the Commission as exempt for the purposes of this section, and
  - (iii) each of the parties to the trade is registered as a dealer, or in a similar capacity, under the securities legislation of a province or territory of Canada;
- (aa) by a trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974*, where the trade is made through its offices in the securities of a mutual fund promoted, managed and administered by that trust company provided no sales or other acquisition charges are levied;
- (bb) by a person or company with a registered dealer acting as principal;
- (cc) in a bond or debenture by way of an unsolicited order given to a bank to which the *Bank Act (Canada)* applies or to a trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974*, provided that the bank or trust company is acting as principal and the bond or debenture

is acquired by the bank or trust company for purposes of the trade from, or sold by the bank or trust company following the trade to, a registered dealer; or

- (dd) made by an offeree, who is a person or company to whom a take-over bid or an issuer bid is made and whose latest address as shown on the books of the offeree company is in the province, in securities that are being disposed of to a person or company making a cash or share exchange takeover bid.

(2) Subject to the regulations, registration is not required to trade in the following securities:

- (a) bonds, debentures or other evidences of indebtedness
  - (i) of or guaranteed by the Government of Canada or a province of Canada or by the Government of the United Kingdom or another foreign country or a political division of a foreign country,
  - (ii) of a municipal corporation in Canada, including debentures issued for public, separate, secondary or vocational school purposes or guaranteed by a municipal corporation in Canada, or secured by or payable out of rates or taxes levied under the law of a province of Canada on property in that province and collectable by or through the municipality in which that property is situated,
  - (iii) of or guaranteed by a bank to which the *Bank Act* (Canada) applies, a trust company or loan company licensed under *The Trust and Loan Companies (Licensing) Act, 1974*, or an insurance company licensed under *The Insurance Companies Act*,
  - (iv) of or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreement Act* (Canada), if the bonds, debentures, or evidences of indebtedness are payable in the currency of Canada or the United States of America, or

- (v) of or guaranteed by the Asian Development Bank or the Inter-American Development Bank, if the bonds, debentures or evidences of indebtedness are payable in the currency of Canada or the United States of America and if, with respect to the securities, the documents, certificates, reports, releases, statements, agreements or other information that may be required by the Commission are filed;
- (b) certificates or receipts issued by a trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974* for money received for guaranteed investment;
- (c) securities issued by a private mutual fund;
- (d) negotiable promissory notes or commercial paper maturing not more than one year from the date of issue, provided that each note or commercial paper traded to an individual has a denomination or principal amount of not less than \$50,000;
- (e) mortgages or other encumbrances upon real or personal property, other than mortgages or other encumbrances contained in or secured by a bond, debenture or similar obligation or in a trust deed or other instrument to secure bonds or debentures or similar obligations if the mortgages or other encumbrances are offered for sale by a person or company registered or exempted from registration under *The Mortgage Brokers Act, 1976*;
- (f) securities evidencing indebtedness due under a conditional sales contract or other title retention contract providing for the acquisition of personal property if the securities are not offered for sale to an individual;
- (g) securities issued by an issuer organized exclusively for educational, benevolent, fraternal, sororial, charitable, religious or recreational purposes and not for profit, where no part of the net earnings of the issuer enure to the benefit of a security holder and no commission or other remuneration is paid in connection with the sale of them;

- (h) securities issued by cooperative societies to which *The Co-operative Societies Act* applies;
  - (i) shares of a credit union to which *The Co-operative Societies Act* applies;
  - (j) securities of a private company where they are not offered for sale to the public;
  - (k) securities issued and sold by a prospector for the purpose of financing a prospecting expedition;
  - (l) securities issued by a prospecting syndicate that has filed a prospecting syndicate agreement under Part XIII for which the Director has issued a receipt, where the securities are sold by the prospector or one of the prospectors who staked claims that belong to or are the subject of a declaration of trust in favour of the prospecting syndicate, and the prospector delivers a copy of the prospecting syndicate agreement to the person or company purchasing the security before accepting payment for the securities;
  - (m) securities issued by a prospecting syndicate that has filed a prospecting syndicate agreement under Part XIII for which the Director has issued a receipt, if the securities are not offered for sale to the public and are sold to not more than fifty persons or companies;
  - (n) securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into the escrow or pooling agreement that the Director considers necessary; and
  - (o) securities in respect of which the regulations provide that registration is not required.
- (3) The exemption contained in subparagraph (iii) of paragraph (a) of subsection (2), and the corresponding exemption in paragraph (a) of subsection (1) of section 74 do not apply to bonds, debentures or other evidences of indebtedness that are subordinate in right of payment to deposits held by the issuer or guarantor of the bonds, debentures or other evidences of indebtedness.

(4) The exemptions contained in paragraph (c) of subsection (2) and paragraph (a) of subsection (1) of section 74 for securities of a private mutual fund as defined in subparagraph (ii) of paragraph (j) of subsection (1) of section 2 do not apply to securities of a mutual fund administered by a trust company if there is a promoter or manager of the mutual fund other than the trust company.

(5) On and after the day this Act comes into force, the exemption contained in paragraph (c) of subsection (2) and the corresponding exemption referred to in paragraph (a) of subsection (1) of section 74 are unavailable where the trade is in securities issued by a private mutual fund, as defined in clause (A) or (B) of subparagraph (ii) of paragraph (j) of subsection (1) of section 2.

(6) An exemption from the registration or prospectus requirements set out in this Act or the regulations that refers to a registered dealer is unavailable unless the dealer is registered to act as a dealer in respect of the trade described in the exempting provision.

(7) The exemptions from registration contained in subsections (1) and (2) are unavailable to a market intermediary except in respect of

- (a) a trade referred to in paragraph (a), (f), (g), (h), (s), (t) or (v) of subsection (1);
- (b) a trade in securities referred to in paragraph (e), (f), (g), (j), (k), (l), (m) or (n) of subsection (2);
- (c) a trade in securities of a private mutual fund as defined in subparagraph (i) of paragraph (g) of subsection (1) of section 2;
- (d) a trade referred to in paragraph (c) of subsection (3) of section 54, or paragraphs (y) or (z) of subsection (1); or
- (e) a trade in securities with a registered dealer that is an affiliate of the market intermediary.

(8) Subsection (7) does not apply so as to require registration by a lawyer or accountant where the performance of the service as a market intermediary is solely incidental to his or her principal business or occupation as a lawyer or accountant.

(9) For the purpose of subsection (1), a trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974* is deemed to be acting as principal when it trades as trustee or as agent for accounts fully managed by it.

## PART XII

### TRADING IN SECURITIES GENERALLY

Confirmation  
of trade

**37.** (1) Every registered dealer who has acted as principal or agent in connection with a trade in a security shall promptly send by prepaid mail or deliver to the customer a written confirmation of the transaction, setting forth

- (a) the quantity and description of the security;
- (b) the consideration;
- (c) whether or not the registered dealer is acting as principal or agent;
- (d) if acting as agent in a trade, the name of the person or company from or to or through whom the security was bought or sold;
- (e) the date and the name of the stock exchange upon which the transaction took place;
- (f) the commission charged in respect of the trade; and
- (g) the name of the salesperson in the transaction.

(2) Where a trade is made in a security of a mutual fund the confirmation shall contain, in addition to the requirements of subsection (1),

- (a) the price per share or unit at which the trade was effected; and
- (b) the amount deducted by way of sales, service and other charges.

(3) Subject to the regulations, where a trade is made in a security of a mutual fund under a contractual plan, the confirmation shall contain in addition to the requirements of subsections (1) and (2),

- (a) in respect of an initial payment made under a contractual plan which requires the prepayment of sales, service and other charges, a statement of the initial payment and the portion of the sales, service and other charges that is allocated to subsequent investments in the mutual fund and the manner of allocation of that portion;
- (b) in respect of each subsequent payment made under a contractual plan which requires the prepayment of sales, service and other charges, a statement of the portion of the sales, service and other charges, that is allocated to the payment which is the subject of the confirmation;
- (c) in respect of an initial purchase made under a contractual plan which permits the deduction of sales, service and other charges from the first and subsequent instalments, a brief statement of the sales, service and other charges to be deducted from subsequent purchases; and
- (d) in respect of each purchase made under a contractual plan, a statement of the total number of shares or units of the mutual fund acquired and the amount of sales charges paid under the contractual plan up to the date the confirmation is sent or delivered.

(4) For the purposes of paragraphs (d) and (g) of subsection (1), a person or company or a salesperson may be identified in a written confirmation by means of a code or symbols if the written confirmation also contains a statement that the name of the person, company or salesperson will be furnished to the customer on request.

(5) Where a person or company uses a code or symbols for identification in a confirmation under subsection (1), the person or company shall immediately file the code or symbols and their meaning, and shall notify the Commission within five days of a change in or addition to the code or symbols or their meaning.

(6) A dealer who has acted as agent in connection with a trade in a security shall promptly disclose to the Commission, upon request by the Commission, the name of the person or company from or to or through whom the security was bought or sold.

Order prohibit-  
ing calls to  
residences

**38.** (1) The Commission may, by order, suspend, cancel, restrict or impose terms and conditions upon the right of a person or company or class of persons or companies named or described in the order to

(a) call at a residence; or

(b) telephone from within the province to a residence within or outside the province

for the purpose of trading in a security or in a class of securities.

(2) The Commission shall not make an order under subsection (1) without giving the person or company or class of persons or companies affected an opportunity to be heard.

(3) In this section, "residence" includes a building or part of a building in which the occupant resides either permanently or temporarily and premises appurtenant to the building or part of the building.

(4) For the purposes of this section, a person or company shall be deemed conclusively to have called or telephoned where an officer, director or salesperson of the person or company calls or telephones on its behalf.

Repre-  
sentations  
prohibited

**39.** (1) A person or company shall not, with the intention of effecting a trade in a security, other than a security that carries an obligation of the issuer to redeem or purchase, or a right of the owner to require redemption or purchase, make a representation, written or oral, that he or she or the company

(a) will resell or repurchase; or

(b) will refund all of the purchase price of,

that security.

(2) A person or company shall not, with the intention of effecting a trade in a security, give an undertaking, written or oral, relating to the future value or price of that security.

(3) A person or company shall not, except with the written permission of the Director, with the intention of effecting a trade in a security, make a representation, written or oral, that the security will be listed on a stock exchange or that application has been or will be made to list the security upon a stock exchange.

(4) This section does not apply to a representation referred to in subsection (1) made to a person or to a company where the representation is contained in an enforceable written agreement and the security has an aggregate acquisition cost of more than \$50,000.

Where dealer  
is principal

**40.** (1) Where a registered dealer, with the intention of effecting a trade in a security with a person or company other than another registered dealer, issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, and proposes to act in the trade as a principal, the registered dealer shall so state in the circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into a contract for the sale or purchase of that security and before accepting payment or receiving a security or other consideration under or in anticipation of the contract.

(2) A statement made in compliance with this section or paragraph (c) of subsection (1) of section 37 that a dealer proposes to act or has acted as principal in connection with a trade in a security does not prevent the dealer from acting as agent in connection with a trade of the security.

(3) This section does not apply to trades referred to in subsection (1) of section 36 or to securities referred to in subsection (2) of section 36.

Disclosure of  
financial inter-  
est of advisers  
and dealers

**41.** Subject to the regulations, a registered adviser shall print in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent out by him or her in which the adviser recommends that a specific security be purchased, sold or held, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of a financial or other interest that he or she or a partner, director, officer or a person or

company that would be an insider of the adviser if the adviser was a reporting issuer may have, either directly or indirectly, in securities referred to in the circular, pamphlet, advertisement, letter, telegram or other publication or in the sale or purchase, including

- (a) an ownership, beneficial or otherwise, that he or she may have in respect of the securities or in securities issued by the same issuer;
- (b) an option that he or she may have in respect of the securities, and the terms of the option;
- (c) a commission or other remuneration that he or she has received or may expect to receive from a person or company in connection with a trade in securities;
- (d) a financial arrangement relating to the securities that he or she may have with a person or company; and
- (e) a financial arrangement that he or she may have with an underwriter or other person or company who has an interest in the securities.

Disclosure of  
underwriting  
liability

**42.** A registered dealer that recommends a purchase, sale, exchange or hold of a security in a circular, pamphlet, advertisement, letter, telegram or other publication issued, published or sent by it and intended for general circulation shall, in type not less legible than that used in the body of the publication, state whether the registered dealer or its officers or directors has during the past twelve months assumed an underwriting liability with respect to the securities or for consideration provided financial advice to the issuer of the securities or whether the registered dealer or its officers or directors will receive a fee as a result of the recommended action.

Publication of  
names

**43.** A registered dealer shall publish the name of a person or company having an interest, either directly or indirectly, to the extent of not less than five percent, in the capital of the dealer, on all letterheads, circulars and stationery that contain an offer or solicitation respecting a trade in securities or in a preliminary prospectus or prospectus upon or in which the name of the registered dealer appears as underwriter but, where the Commission determines that a registered dealer or a class of registered dealers is subject to conditions of registration or to regulations imposed by a self-

regulatory organization that require provision to customers in the same or some other manner of other appropriate information, the Commission may, subject to those terms and conditions that the Commission may impose, exempt the registered dealer or class of registered dealers from the requirements of this section.

Use of name of another registrant

44. A registrant shall not use the name of another registrant on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he or she is a partner, officer or agent of or is authorized to do so in writing by the other registrant.

Registration not to be advertised

45. A person or company shall not hold himself or herself out as being registered by having printed in a circular, pamphlet, advertisement, letter, telegram or other stationery that he or she is registered.

Holding out by unregistered person

46. A person or company who is not registered shall not, either directly or indirectly, hold himself or herself out as being registered.

Advertising approval by Commission

47. A person or company shall not make a representation, written or oral, that the Commission has in any way passed upon the financial standing, fitness or conduct of a registrant or upon the merits of a security or issuer.

Margin contracts

48. (1) Where a person, or a partner or employee of a partnership, or a director, officer or employee of a company, after he or she or the partnership or company has contracted as a registered dealer with a customer to buy and carry upon margin, securities of an issuer either in Canada or elsewhere, and while that contract continues, sells or causes to be sold securities of the same issuer for an account in which

(a) he or she;

(b) his or her firm or a partner; or

(c) the company or a director of the company,

has a direct or indirect interest, if the effect of the sale would, otherwise than unintentionally, be to reduce the amount of the securities in the hands of the dealer or under his or her control in the ordinary course of business below the amount of the securities that the dealer should be carrying for all customers, that contract with the customer is, at the option of the customer, voidable and the customer

may recover from the dealer all money paid with interest on that money or securities deposited in respect of that money.

(2) A customer may exercise an option referred to in subsection (1) by a notice to that effect sent by prepaid mail addressed to the dealer at his or her address for service in the province.

Declaration as to short position

**49.** A person or company who places an order for the sale of a security through an agent acting for him or her that is a registered dealer and who,

- (a) at the time of placing the order, does not own the security; or
- (b) if acting as agent, knows his or her principal does not own the security,

shall, at the time of placing the order to sell, declare to his or her agent that he or she or his or her principal does not own the security.

Shares in name of registrant not to be voted

**50.** (1) Voting securities of an issuer registered in the name of

- (a) a registrant or in the name of his or her nominee; or
- (b) a custodian or in the name of his or her nominee, where the issuer is a mutual fund that is a reporting issuer,

that are not beneficially owned by the registrant or the custodian shall not be voted by the registrant or custodian at a meeting of security holders of the issuer.

(2) Immediately after receipt of a copy of a notice of a meeting of security holders of an issuer, the registrant or custodian shall, where the name and address of the beneficial owner of securities registered in the name of the registrant or custodian are known, send or deliver to each beneficial owner of the security so registered at the record date for notice of meeting a copy of a notice, financial statement, information circular or other material but the registrant or custodian is not required to send or deliver the material unless the issuer or the beneficial owner of the securities has agreed to pay the reasonable costs to be incurred by the registrant or custodian in so doing.

(3) At the request of a registrant or custodian, the person or company sending material referred to in subsection (2) shall immediately furnish to the registrant or custodian, at the expense of the sender, the requisite number of copies of the material.

(4) Notwithstanding subsection (1), a registrant or custodian shall vote or give a proxy requiring a nominee to vote voting securities referred to in subsection (1) in accordance with written instructions received from the beneficial owner.

(5) A registrant or custodian shall, if requested in writing by a beneficial owner, give to the beneficial owner or his or her nominee a proxy enabling the beneficial owner or his or her nominee to vote voting securities referred to in subsection (1).

(6) For the purpose of this section, "custodian" means a custodian of securities issued by a mutual fund held for the benefit of plan holders under a custodial agreement or other arrangement.

Submission of  
advertising

51. (1) The Commission may, after giving the registered dealer an opportunity to be heard, and upon being satisfied that the registered dealer's past conduct with respect to the use of advertising and sales literature affords reasonable grounds for belief that it is necessary for the protection of the public to do so, order that the registered dealer shall deliver to the Commission at least seven days before it is used, copies of all advertising and sales literature which the registered dealer proposes to use in connection with trading in securities.

(2) For the purposes of this section

- (a) "advertising" includes television and radio commercials, newspaper and magazine advertisements and all other sales material generally disseminated through the communications media; and
- (b) "sales literature" includes records, videotapes and similar material, written matter and all other material, except preliminary prospectuses and prospectuses, designed for use in a presentation to a purchaser, whether the material is given or shown to him or her.

(3) Where the Commission has issued an order under subsection (1), the Director may prohibit the use of the advertising and sales literature so delivered or may require that deletions or changes be made prior to its use.

(4) Where an order has been made under subsection (1), the Commission, on application of the registered dealer, may rescind or vary the order where in its opinion it is not contrary to the public interest to do so.

### PART XIII

#### PROSPECTING SYNDICATES

##### Agreements

**52.** (1) Upon the filing of a prospecting syndicate agreement and the issuance of a receipt by the Director, the liability of the members of the syndicate or parties to the agreement is limited to the extent provided by the terms of the agreement where

- (a) the sole purpose of the syndicate is the financing of prospecting expeditions, preliminary mining development, or the acquisition of mining properties, or a combination of them;
- (b) the agreement clearly sets out
  - (i) the purpose of the syndicate,
  - (ii) the particulars of a transaction effected or in contemplation involving the issue of units for a consideration other than cash,
  - (iii) the maximum amount, not exceeding twenty-five percent of the sale price, that may be charged or taken by a person or company as commission upon the sale of units in the syndicate,
  - (iv) the maximum number of units in the syndicate, not exceeding thirty-three and one-third percent of the total number of units of the syndicate, that may be issued in consideration of the transfer to the syndicate of mining properties,

- (v) the location of the principal office of the syndicate and that the principal office shall at all times be maintained in the province and that the Director and the members of the syndicate shall be notified immediately of a change in the location of the principal office,
- (vi) that a person or company holding mining properties for the syndicate shall execute a declaration of trust in favour of the syndicate with respect to the mining properties,
- (vii) that after the sale for cash of issued units of the syndicate no mining properties shall be acquired by the syndicate other than by staking unless the acquisition is approved by members of the syndicate holding at least two-thirds of the issued units of the syndicate that have been sold for cash,
- (viii) that the administrative expenditures of the syndicate, including, in addition to other items, salaries, office expenses, advertising and commissions paid by the syndicate with respect to the sale of units, shall be limited to one-third of the total amount received by the treasury of the syndicate from the sale of its units,
- (ix) that a statement of the receipts and disbursements of the syndicate shall be furnished to the Director and to each member annually,
- (x) that ninety percent of the vendor units of the syndicate shall be escrowed units and may be released upon the consent of the Director and that a release of the units shall not be in excess of one vendor unit for each unit of the syndicate sold for cash, and
- (xi) that no securities, other than those of the syndicate's own issue, and no mining properties owned by the syndicate or held in trust for the syndicate shall be disposed of unless the disposal is approved by members of the syndicate holding at least two-thirds of the issued units of the syndicate other than escrowed units; and

(c) the agreement limits the capital of the syndicate to a sum not exceeding \$250,000.

(2) The Director may issue a receipt for a prospecting syndicate agreement filed under this section and is not required to determine whether it is in conformity with paragraphs (a), (b) and (c) of subsection (1).

(3) A registered dealer shall not trade in a security issued by a prospecting syndicate either as agent for the prospecting syndicate or as principal.

(4) The Director shall not refuse to issue a receipt under subsection (1) without giving the person or company who filed the prospecting syndicate agreement an opportunity to be heard.

#### PART XIV

##### PROSPECTUSES - DISTRIBUTION

"distribution",  
extended mean-  
ing

**53.** To, but not including, the day on which this Act comes into force, for the purposes of sections 55 to 65, "distribution" means only a distribution that is a distribution to the public.

Prospectus re-  
quired

**54.** (1) A person or company shall not trade in a security on his or her own account or on behalf of another person or company

(a) before the day on which this Act comes into force, where the trade would be a distribution to the public of that security, unless a prospectus has been filed and a receipt obtained from the Director; or

(b) on and after the day on which this Act comes into force, where the trade would be a distribution of that security unless a preliminary prospectus and a prospectus have been filed and a receipt obtained from the Director.

(2) A preliminary prospectus and a prospectus may be filed in accordance with this Part to enable the issuer to become a reporting issuer, notwithstanding the fact that no distribution is contemplated.

(3) This section does not apply to a distribution of securities where

- (a) the trade is in a variable insurance contract by a company licensed under *The Insurance Companies Act* if the variable insurance contract is
  - (i) a contract of group insurance,
  - (ii) a whole life insurance contract providing for the payment at maturity of an amount not less than three-quarters of the premiums paid up to age seventy-five for a benefit payable at maturity,
  - (iii) an arrangement for the investment of policy dividends and policy proceeds in a separate and distinct fund to which contributions are made only from policy dividends and policy proceeds, or,
  - (iv) a variable life annuity;
- (b) the trade is made in a security of an issuer and
  - (i) each of the parties to the trade is a person or company who is, as regards the issuer, a person or company referred to in subparagraph (iii) of paragraph (m) of subsection (1) of section 2, or
  - (ii) consists of the purchase, redemption or acquisition by the issuer of a security of the issuer;
- (c) the trade is made by the issuer in securities of its own issue to a promoter of the issuer or is made by a promoter to another promoter of the issuer in the securities;
- (d) the securities involved in the trade were previously disposed of by the issuer under the exemptions in paragraph (p) of subsection (1) of section 73 or paragraph (f) and each of the parties to the trade is one of the not more than twenty-five purchasers referred to in paragraph (p) of subsection (1) of section 73 or each of the parties to the trade is one of the not more than fifty purchasers referred to in paragraph (f) and a vendor who relies upon this paragraph is in compliance with subsection (3) of section 73;

- (e) the trade is made by an issuer of equity securities under a plan made available by that issuer to holders of a class of publicly traded securities of the issuer, which plan permits the holder to direct that dividends or interest paid in respect of securities of the issuer's own issue be applied to the purchase from the issuer of publicly traded equity securities of the issuer's own issue or other securities of the issuer which are redeemable at the option of the holder;
- (f) the trade is made by a promoter of an issuer or by an issuer in a government incentive security of the issuer's own issue, if solicitations are made to not more than seventy-five prospective purchasers resulting in sales to not more than fifty purchasers, where
  - (i) each investor to whom securities are sold in reliance on this exemption has been supplied with an offering memorandum prospectus referred to in paragraph (ee) of subsection (1) of section 2 and information identifying every officer and director of the issuer and every promoter of the issuer and giving the particulars of their professional qualifications and associations during the immediately preceding five years as are relevant to the undertaking being financed and indicating which of the directors will be devoting his or her full time to the affairs of the issuer,
  - (ii) each investor has access to substantially the same information concerning the issuer that a prospectus filed under this Act would provide and is
    - (A) an investor who, by virtue of his or her net worth and investment experience or by virtue of consultation with or advice from a person or company who is not a promoter of the issuer whose securities are being offered and who is a registered adviser or a registered dealer, is able to evaluate the prospective investment on the basis of information respecting the investment presented to him or her by the issuer, or

- (B) a senior officer or director of the issuer or of an affiliate of the issuer or a spouse, parent, brother, sister or child of the director or officer,
  - (iii) the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection therewith, except for professional services or for services performed by a registered dealer,
  - (iv) each investor to whom securities are sold in reliance on this exemption is given a contractual right of action described in the offering memorandum prospectus referred to in paragraph (h) of subsection (1) of section 2, and subsections (11), (22) and (23) of section 73, and
  - (v) the vendor who relies upon this paragraph complies with subsection (3) of section 73; or
  - (g) the trade is made by a financial intermediary, as defined in paragraph (q) of subsection (1) of section 2 as principal or agent in shares or units of mutual funds if the shares or units are sold to a pension plan, deferred profit sharing plan, retirement savings plan or other similar capital accumulation plan maintained by the sponsor of that plan for its employees and the decision to purchase the shares or units is not made by or at the direction of that employee.
- (4) The exemption contained in paragraph (g) of subsection (3) does not apply to a trade with an employee referred to in that paragraph in a security, including an investment contract or an interest in a plan referred to in that paragraph, where the decision to purchase the security is made by or at the direction of the employee.
- (5) This section does not apply to the first trade in securities previously acquired under
- (a) the exemption contained in paragraph (j) of subsection (1) of section 73 if

- (i) when the exemption was relied upon, a securities exchange takeover bid circular in respect of the securities was filed by the offeror under this Act, and
  - (ii) the first trade is not a distribution as defined in subparagraph (iii) of paragraph (m) of subsection (1) of section 2; or
- (b) the exemption contained in paragraph (o) of subsection (1) of section 73 where the purchaser is a promoter of the issuer.

(6) The first trade in securities acquired under the exemption contained in paragraph (c) of subsection (3) is a distribution unless the first trade is made in accordance with subsection (7) of section 73 as if subsection (7) of section 73 were applicable.

(7) The first trade in securities acquired under the exemption contained in paragraph (d) of subsection (3) is a distribution unless the first trade is made in accordance with subsection (4) of section 73 as if subsection (4) of section 73 were applicable.

(8) The first trade in securities by a purchaser who acquired them under the exemption contained in paragraph (b) of subsection (5) is a distribution unless the first trade is made in accordance with subsection (7) of section 73 as if subsection (7) of section 73 were applicable.

(9) The first trade in securities acquired by a purchaser under the exemption contained in paragraph (e) of subsection (3) is a distribution unless the first trade is made in accordance with subsection (5) of section 73 as if subsection (5) of section 73 were applicable.

(10) The first trade in securities acquired by a purchaser under the exemption contained in paragraph (f) of subsection (3) is a distribution unless the first trade is made in accordance with subsection (4) of section 73 as if subsection (4) of section 73 were applicable.

(11) For purposes of paragraph (a) of subsection (3), "contract", "life insurance" and "policy" have the meaning ascribed to them under section 2 of *The Insurance Companies Act*.

(12) "Government incentive security" means a security designed to enable the holder to receive a grant or other monetary benefit, such as a right to a credit against taxes or a deduction in the determination of income for tax purposes, under provisions of a statute or a regulation of Canada or the province, or another province or territory of Canada designated by the Commission for the purposes of paragraph (f) of subsection (3).

(13) "Group insurance" means insurance, other than creditor's group insurance and family insurance, whereby the lives of a number of persons are insured severally under a single contract between an insurer and an employer or other person for the purposes of paragraph (a) of subsection (3).

Preliminary prospectus

**55.** (1) A preliminary prospectus shall substantially comply with the requirements of this Act and the regulations respecting the form and content of a prospectus, except that the report of the auditor or accountant required by the regulations need not be included.

(2) A preliminary prospectus may exclude information with respect to the price to the underwriter and offering price of securities and other matters dependent upon or relating to those prices.

Receipt for preliminary prospectus

**56.** The Director shall issue a receipt for a preliminary prospectus immediately upon the filing of the preliminary prospectus.

Prospectus

**57.** (1) A prospectus shall provide full, true and plain disclosure of all material facts relating to the securities issued or proposed to be distributed and shall comply with the requirements of this Act and the regulations.

(2) The prospectus shall contain or be accompanied by the financial statements, reports or other documents that are required by this Act or the regulations.

Amendment to preliminary prospectus

**58.** (1) Where a material adverse change occurs after a receipt is obtained for a preliminary prospectus filed in accordance with subsection (1) of section 54 and before the receipt for the prospectus is obtained or, where a material change occurs after the receipt for the prospectus is obtained but prior to the completion of the distribution under the prospectus, an amendment to the preliminary prospectus or prospectus shall be filed as soon as practicable and in any event within ten days after the change occurs.

(2) Where an amendment to a prospectus is filed under subsection (1) for the purpose of distributing securities in addition to the securities previously disclosed in the prospectus or an amendment to the prospectus the additional distribution shall not be proceeded with for a period of ten days after the amendment is filed or, in the event the Commission informs the party filing in writing within ten days of the filing that it objects to the further distribution until a receipt for the amended prospectus is obtained from the Director.

(3) An amendment to a preliminary prospectus referred to in subsection (1) shall, immediately after it has been filed, be forwarded to each recipient of the preliminary prospectus according to the record maintained under section 68.

Certificate by  
issuer

**59.** (1) A prospectus filed under subsection (1) of section 54 or subsection (1) of section 63 shall contain a certificate in the following form signed by the chief executive officer, the chief financial officer, and, on behalf of the board of directors, two directors of the issuer, other than the chief executive officer or the chief financial officer, authorized to sign and a person or company that is a promoter of the issuer:

*The foregoing constitutes full, true and plain disclosure of all material facts relating to the securities offered by this prospectus as required by Part XIV of The Securities Act, 1990 and the regulations under The Securities Act, 1990.*

(2) A prospectus filed under subsection (2) of section 54 shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer, and, on behalf of the board of directors, two directors of the issuer, other than the chief executive officer or the chief financial officer, authorized to sign, and a person or company who is a promoter of the issuer:

*The foregoing constitutes full, true and plain disclosure of all material facts relating to the securities previously issued by the issuer as required by Part XIV of The Securities Act, 1990 and the regulations under The Securities Act, 1990.*

(3) Notwithstanding subsections (1) and (2), where an issuer has only three directors, two of whom are the chief executive officer

and the chief financial officer, the certificate shall be signed by all the directors of the issuer.

(4) Notwithstanding subsections (1), (2) and (3), where an issuer has only one or two directors the certificate shall be signed by all the directors of the issuer.

(5) Where an issuer that has only one or two directors has a chief executive officer and a chief financial officer, the certificate shall be signed by all of the directors and the chief executive officer and the chief financial officer.

(6) Where an issuer that has only one or two directors has a chief executive officer or a chief financial officer, the certificate shall be signed by all of the directors and the chief executive officer or the chief financial officer.

(7) Where the Director is satisfied upon evidence or submissions made to him or her that either, or both of, the chief executive officer or chief financial officer of the issuer is for adequate cause not available to sign a certificate in a prospectus, the Director may permit the certificate to be signed by another responsible officer of the issuer in place of either, or both of, the chief executive officer or chief financial officer.

(8) With the consent of the Director, a promoter need not sign the certificate in a prospectus.

(9) The Director may require a person or company who was a promoter of the issuer within the two preceding years to sign the certificate required by subsection (1) or (2) subject to the conditions that the Director may consider proper.

(10) With the consent of the Director, a promoter may sign a certificate in a prospectus by his or her agent authorized in writing.

Certificate of  
underwriter

**60.** (1) Where there is an underwriter, a prospectus shall contain a certificate in the following form signed by the underwriter who, with respect to the securities offered by the prospectus, is in a contractual relationship with the issuer or security holder whose securities are being offered by the prospectus:

*To the best of our knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts relating to the securities offered by this prospectus as required by Part XIV of The Securities Act, 1990 and the regulations under The Securities Act, 1990.*

(2) With the consent of the Director, an underwriter may sign a certificate in a prospectus by his or her agent authorized in writing.

Statement of  
rights

**61.** A prospectus shall contain a statement of the rights given to a purchaser by sections 72 and 130.

Issuance of  
receipt

**62.** (1) The Director shall issue a receipt for a prospectus filed under this Part unless it appears to him or her that it is not in the public interest to do so.

(2) Notwithstanding subsection (1), the Director shall not issue a receipt for a prospectus if it appears to him or her that

- (a) the prospectus or a document required to be filed with the prospectus
  - (i) fails to comply in a substantial respect with the requirements of this Part or the regulations,
  - (ii) contains a statement, promise, estimate or forecast that is misleading, false or deceptive, or
  - (iii) contains a misrepresentation;
- (b) an unconscionable consideration has been paid or given or is intended to be paid or given for promotional purposes or for the acquisition of property;
- (c) the proceeds from the sale of the securities to which the prospectus relates that are to be paid into the treasury of the issuer, together with other resources of the issuer, are insufficient to accomplish the purpose of the issue stated in the prospectus;
- (d) having regard to the financial condition of the issuer or an officer, director, promoter, or a person or company or combination of persons or companies holding sufficient of

the securities of the issuer to affect materially the control of the issuer, the issuer cannot reasonably be expected to be financially responsible in the conduct of its business;

- (e) the past conduct of the issuer or an officer, director, promoter, or a person or company or combination of persons or companies holding sufficient of the securities of the issuer to affect materially the control of the issuer affords reasonable grounds for belief that the business of the issuer will not be conducted with integrity and in the best interests of its security holders;
- (f) the escrow or pooling agreement that the Director considers necessary or advisable with respect to securities has not been entered into;
- (g) the agreement that the Director considers necessary or advisable to accomplish the objects indicated in the prospectus for the holding in trust of the proceeds payable to the issuer from the sale of the securities pending the distribution of the securities has not been entered into;
- (h) in the case of a prospectus filed by a finance company, as defined in the regulations,
  - (i) the plan of distribution of the securities offered is not acceptable,
  - (ii) the securities offered are not secured in the manner, on the terms and by the means that are required by the regulations, or
  - (iii) the finance company does not meet the financial and other requirements and conditions that are specified in the regulations; or
- (l) a person or company who has prepared or certified a part of the prospectus or is named as having prepared or certified a report or valuation used in or in connection with a prospectus is not acceptable to him or her.

(3) The Director shall not refuse to issue a receipt under subsection (1) or (2) without giving the person or company who filed the prospectus an opportunity to be heard.

(4) Where it appears to the Director that a preliminary prospectus, *pro forma* prospectus, or prospectus raises a material question involving the public interest under subsection (1) or a new or novel question of interpretation under subsection (2) that might result in the Director refusing to issue a receipt under subsection (1) or (2), the Director may refer the question to the Commission for determination.

(5) The Director shall state the question in writing setting out the facts upon which the question is based.

(6) The question, together with any additional material, shall be lodged by the Director with the secretary of the Commission, and a copy of the question shall immediately be served by the secretary upon an interested person or company.

(7) The Commission, after giving the parties an opportunity to be heard, shall consider and determine the question and refer the matter back to the Director for final consideration under subsections (1) and (2).

(8) Subject to an order of the Trial Division made under section 10, the decision of the Commission on the question is binding on the Director.

Refiling of  
prospectus

**63.** (1) No distribution of a security to which subsection (1) of section 54 applies shall continue longer than twelve months from the later of either

(a) the date of the issuance of the receipt for the preliminary prospectus relating to the security; or

(b) the date of the last prospectus filed under this section,

which shall be the lapse date, unless a new prospectus that complies with this Part is filed and a receipt for it is obtained from the Director.

(2) A distribution may be continued for a further twelve months if

- (a) a *pro forma* prospectus prepared in accordance with the regulations is filed not less than thirty days prior to the lapse date of the previous prospectus;
- (b) a prospectus is filed not later than ten days following the lapse date of the previous prospectus; and
- (c) a receipt for the prospectus is obtained from the Director within the twenty days following the lapse date of the previous prospectus.

(3) The continued distribution of securities after the lapse date does not contravene subsection (1) unless and until a condition of subsection (2) is not complied with.

(4) Subject to an extension granted under subsection (5), all trades completed in reliance upon subsection (2) after the lapse date may be cancelled at the option of the purchaser within ninety days of the purchaser's first knowledge of the failure to comply with the conditions where a condition with respect to the continuation of a distribution under subsection (2) is not complied with.

(5) The Commission may, upon an application of a reporting issuer, extend, subject to the terms and conditions that it may impose, the times provided by subsection (2) where in its opinion it would not be prejudicial to the public interest to do so.

Short form  
prospectus

**64.** (1) A person or company may, if permitted by the regulations, file a short form of preliminary prospectus and a short form of prospectus in the prescribed form under section 54, or a short form of *pro forma* prospectus and a short form of prospectus in the prescribed form under section 63, and the prospectus that complies with the regulations applicable to it is, for the purposes of section 57, deemed to provide sufficient disclosure of all material facts relating to the securities issued or proposed to be distributed under the prospectus.

(2) A short form prospectus may contain one or more forms of certificate to be signed as alternatives to the forms of certificate set out in subsections (1) and (2) of section 59 and subsection (1) of section 60 and, where a certificate in a short form prospectus is used in accordance with the regulations, it is not necessary to use the

alternative certificate required by subsections (1) and (2) of section 59 and subsection (1) of section 60.

(3) A person or company may, if permitted by the regulations, file a summary statement as a separate document in the prescribed form together with a prospectus filed under section 54 or 63.

(4) Notwithstanding subsection (1) of section 62, where a summary statement is filed with a prospectus, the Director shall not issue a receipt for the prospectus if it appears to him or her that the summary statement does not comply with the regulations applicable to it.

(5) A summary statement filed with a prospectus for which a receipt has been issued may be sent or delivered by a dealer to a purchaser of securities instead of a prospectus as required in section 72, and where a dealer elects, the provisions of sections 72 and 133 with respect to a prospectus apply with the necessary changes to a summary statement.

(6) A summary statement sent or delivered to a purchaser shall contain a statement informing the purchaser that a copy of the prospectus which was filed with the summary statement will be provided to the purchaser on request, and each person or company that signs the certificate contained in the prospectus shall ensure compliance with the request.

(7) Where, during the distribution or distribution to the public of a security under a prospectus, an order is made to cease trading in the security, or the receipt issued by the Director for the prospectus is revoked or the prospectus lapses or the use of a prospectus is otherwise prohibited by this Act, the regulations or by a decision of the Commission or an order of a court, a summary statement filed with the prospectus shall cease to have effect for the purposes of section 72 unless the Director otherwise orders.

(8) Nothing in this section shall be construed to provide relief from liability arising under section 130 where a misrepresentation is contained in a prescribed short form prospectus and, for the purposes of section 130, where a misrepresentation is contained in a summary statement filed with a prospectus, the misrepresentation is deemed to be contained in the prospectus.

Orders to furnish information

**65.** (1) Where a person or company proposing to make a distribution of previously issued securities of an issuer is unable to obtain from the issuer of the securities information or material that is necessary for the purpose of complying with this Part or the regulations, the Director may order the issuer of the securities to furnish to the person or company that proposes to make the distribution the information and material that the Director considers necessary for the purposes of the distribution, upon the terms and subject to the conditions that he or she considers proper, and the information and material may be used by the person or company to whom it is furnished for the purpose of complying with this Part and the regulations.

(2) Where a person or company proposing to make a distribution of previously issued securities of an issuer is unable to obtain signatures to the certificates required by this Act or the regulations, or otherwise to comply with this Part or the regulations, the Director may, upon being satisfied that all reasonable efforts have been made to comply with this Part and the regulations and that a person or company is not likely to be prejudicially affected by the failure to comply, make an order waiving the provisions of this Part or the regulations that he or she considers advisable, upon the terms and subject to the conditions that he or she considers proper.

#### PART XV

##### DISTRIBUTION - GENERALLY

"waiting period" defined

**66.** (1) In this section, "waiting period" means the interval, which shall be at least ten days, between the issuance by the Director of a receipt for a preliminary prospectus relating to the offering of a security and the issuance by him or her of a receipt for the prospectus.

(2) Notwithstanding section 54, but subject to Part XII, it is permissible during the waiting period

- (a) to distribute a notice, circular, advertisement or letter to or otherwise communicate with a person or company identifying the security proposed to be issued, stating the price of the security, if then determined, the name and address of a person or company from whom purchases of the security may be made and containing the further information that may be permitted or required by the regulations,

if every notice, circular, advertisement, letter or other communication states the name and address of a person or company from whom a preliminary prospectus may be obtained;

- (b) to distribute a preliminary prospectus; and
- (c) to solicit expressions of interest from a prospective purchaser if, prior to the solicitation or immediately after the prospective purchaser indicates an interest in purchasing the security, a copy of the preliminary prospectus is forwarded to him or her.

Distribution of preliminary prospectus

**67.** A dealer distributing a security to which section 66 applies shall, in addition to the requirements of paragraph (c) of subsection (2) of section 66, send a copy of the preliminary prospectus to each prospective purchaser who, without solicitation, indicates an interest in purchasing the security and requests a copy of the preliminary prospectus.

Distribution list

**68.** A dealer distributing a security to which section 66 applies shall maintain a record of the names and addresses of all persons and companies to whom the preliminary prospectus has been forwarded.

Defective preliminary prospectus

**69.** Where it appears to the Director that a preliminary prospectus is defective in that it does not substantially comply with the requirements of this Act and the regulations as to form and content, he or she may, without giving notice, order that the trading permitted by subsection (2) of section 66 in the security to which the preliminary prospectus relates shall cease until a revised preliminary prospectus satisfactory to the Director is filed and forwarded to each recipient of the defective preliminary prospectus according to the record maintained under section 68.

Material given on distribution

**70.** From the date of the issuance by the Director of a receipt for a prospectus relating to a security, a person or company trading in the security in a distribution, either on his or her own account or on behalf of another person or company, may distribute the prospectus, a document filed with or referred to in the prospectus and a notice, circular, advertisement or letter of the nature described in paragraph (a) of subsection (2) of section 66 or other printed or written material respecting the security which has been approved by the Director.

Order to cease trading

**71.** (1) Where it appears to the Commission, after the filing of a prospectus under this Part and the issuance of a receipt for it, that the circumstances set out in subsection (2) of section 62 exist, the Commission may order that the distribution of the securities under the prospectus shall cease.

(2) No order shall be made under subsection (1) without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall expire fifteen days from the date of the making of the order unless the hearing is commenced in which case the Commission may extend the order until the hearing is concluded.

(3) A notice of every order made under this section shall be served upon the issuer to whose securities the prospectus relates, and immediately upon the receipt of the notice,

- (a) distribution of the securities under prospectus by the person or company named in the order shall cease; and
- (b) a receipt issued by the Director for the prospectus is revoked.

Obligation to deliver prospectus

**72.** (1) A dealer not acting as agent of the purchaser who receives an order or subscription for a security offered in a distribution to which subsection (1) of section 54 or section 63 is applicable shall, unless he or she has previously done so, send by prepaid mail or deliver to the purchaser the latest prospectus and an amendment to the prospectus filed either before entering into an agreement of purchase and sale resulting from the order or subscription or not later than midnight on the second day, exclusive of Saturdays, Sundays and holidays, after entering into the agreement.

(2) An agreement of purchase and sale referred to in subsection (1) is not binding upon the purchaser, if the dealer from whom the purchaser purchases the security receives written notice evidencing the intention of the purchaser not to be bound by the agreement of purchase and sale not later than midnight on the second day, exclusive of Saturdays, Sundays and holidays, after receipt by the purchaser of the latest prospectus and an amendment to the prospectus.

(3) Subsection (2) does not apply if the purchaser is a registrant or if the purchaser sells or otherwise transfers beneficial ownership of the security referred to in subsection (2), otherwise than to secure indebtedness, before the expiration of the time referred to in subsection (2).

(4) For the purpose of this section, where the latest prospectus and an amendment to the prospectus is sent by prepaid mail, the latest prospectus and an amendment to the prospectus is deemed conclusively to have been received in the ordinary course of mail by the person or company to whom it was addressed.

(5) The receipt of the latest prospectus or an amendment to the prospectus by a dealer who is acting as agent of or who thereafter commences to act as agent of the purchaser with respect to the purchase of a security referred to in subsection (1) shall, for the purpose of this section, be receipt by the purchaser as of the date on which the agent received the latest prospectus and an amendment to the prospectus.

(6) The receipt of the notice referred to in subsection (2) by a dealer who acted as agent of the vendor with respect to the sale of the security referred to in subsection (1) shall, for the purpose of this section, be receipt by the vendor as of the date on which the agent received the notice.

(7) For the purpose of this section, a dealer shall not be considered to be acting as agent of the purchaser unless the dealer is acting solely as agent of the purchaser with respect to the purchase and sale in question and has not received and has no agreement to receive compensation from or on behalf of the vendor with respect to the purchase and sale.

(8) The onus of proving that the time for giving notice under subsection (2) has expired is upon the dealer from whom the purchaser has agreed to purchase the security.

## PART XVI

### EXEMPTIONS FROM PROSPECTUS REQUIREMENTS

Prospectus not  
required

**73.** (1) Subject to the regulations, sections 54 and 63 do not apply to a distribution where

- (a) the purchaser is
- (i) a bank to which the *Bank Act* (Canada) applies or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada),
  - (ii) a loan company or trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974*,
  - (iii) an insurance company licensed under *The Insurance Companies Act*,
  - (iv) the Crown in right of Canada or a province or territory of Canada, or
  - (v) a municipal corporation or public board or commission in Canada,
- who purchases as principal;
- (b) the trade is an isolated trade by or on behalf of an issuer in a specific security of its own issue, for the issuer's account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities;
- (c) the party purchasing as principal is a company or a person, other than an individual, and is recognized by the Commission as an exempt purchaser;
- (d) the purchaser purchases as principal, if the trade is in a security which has an aggregate acquisition cost to the purchaser of not less than an amount that may be prescribed by the regulations;
- (e) the trade is to a lender, pledgee, mortgagee or other encumbrancer from the holdings of a person, company or combination of persons or companies described in subparagraph (iii) of paragraph (m) of subsection (1) of section 2 for the purpose of giving collateral for a *bona fide* debt;

- (f) the trade is made by an issuer
- (i) in a security of its own issue that is distributed by it to holders of its securities as a stock dividend or other distribution out of earnings or surplus,
  - (ii) in a security whether of its own issue or not that is distributed by it to holders of its securities as incidental to a *bona fide* reorganization or winding up of the issuer or distribution of its assets for the purpose of winding up its affairs under the laws of the jurisdiction in which the issuer was incorporated, organized or continued, or
  - (iii) in securities of its own issue transferred or issued through the exercise of a right to purchase, convert or exchange previously granted by the issuer,

provided that no commission or other remuneration is paid or given to others in respect of the distribution except for ministerial or professional services or for services performed by a registered dealer;

- (g) the trade is made by an issuer in a security of a reporting issuer held by it that is distributed by it to holders of its securities as a dividend *in specie*;

- (h) the trade is made by an issuer

- (i) in a right, transferable or otherwise granted by the issuer to holders of its securities to purchase additional securities of its own issue and the issue of securities under the exercise of the right, or
- (ii) in securities of a reporting issuer held by it transferred or issued through the exercise of a right to purchase, convert or exchange previously granted by the issuer,

if the issuer has given the Commission written notice stating the date, amount, nature and conditions of the proposed trade, including the approximate net proceeds to be derived by the issuer on the basis of the additional securities being fully taken up and either

- (iii) the Commission has not informed the issuer in writing within ten days of the giving of the notice that it objects to the proposed trade, or
- (iv) the issuer has delivered to the Commission information relating to the securities that is satisfactory to and accepted by the Commission;
- (i) the trade is made in a security of a company that is exchanged by or for the account of the company with another company or the holders of the securities of the other company in connection with
  - (i) a statutory amalgamation or arrangement, or
  - (ii) a statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge into a new company;
- (j) the trade is made in a security of an issuer that is exchanged by or for the account of the issuer with the security holders of another issuer in connection with a take-over bid as defined in Part XIX;
- (k) the trade is made in a security to a person or company under a take-over bid or issuer bid made by that person or company;
- (l) the trade is made by an issuer in a security of its own issue as consideration for a portion or all of the assets of a person or company, if the fair value of the assets so purchased is not less than an amount that may be prescribed by the regulations;
- (m) the trade is made by an issuer in a security of its own issue in consideration of mining claims where the vendor enters into the escrow or pooling agreement that the Director considers necessary;
- (n) the trade is made by an issuer in the securities of its own issue with its employees or directors or the employees or

directors of an affiliate who are not induced to purchase by expectation of employment or continued employment;

- (o) the trade is made by an issuer in securities of its own issue where the trade is reasonably necessary to facilitate the incorporation or organization of the issuer and the securities are traded for a nominal consideration to not more than five incorporators or organizers unless the Act under which the issuer is incorporated or organized requires the trade to be for a greater consideration or to a larger number of incorporators or organizers, in which case the securities may be traded for that greater consideration or to that larger number of incorporators or organizers;
- (p) the trade is made by an issuer with a view to the sale of securities of its own issue if solicitations are made to not more than fifty prospective purchasers resulting in sales to not more than twenty-five purchasers and
  - (i) each purchaser purchases as principal, and all of the purchases are completed within a period of six months of the first purchase except that subsequent sales to the same purchasers may be carried out if made in compliance with written agreements entered into during that six month period,
  - (ii) each purchaser has access to substantially the same information concerning the issuer that a prospectus filed under this Act would provide and is
    - (A) an investor who, by virtue of his or her net worth and investment experience or by virtue of consultation with or advice from a person or company who is not a promoter of the issuer whose securities are being offered and who is a registered adviser or a registered dealer, is able to evaluate the prospective investment on the basis of information respecting the investment presented to him or her by the issuer,
    - (B) a senior officer or director of the issuer,

- (C) a parent, brother, sister or child of the person mentioned in clause (B), or
  - (D) a person of the opposite sex to whom the person mentioned in clause (B) is married or with whom the issuer is living in a conjugal relationship outside marriage,
- (iii) the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection with the offer and sale, except for professional services or for services performed by a registered dealer, and
  - (iv) no promoter of the issuer, other than a registered dealer, has acted as a promoter of another issuer that has traded in securities of its own issue under the exemption in this paragraph within the previous twelve months,

but an issuer that relies upon this exemption may do so only once in a twelve month period and in that twelve month period the amount paid for the securities of the issuer by all the purchasers under this exemption shall not exceed in total the amount of one million dollars;

- (q) the trade is made from one registered dealer to another registered dealer where the registered dealer making the purchase is acting as principal;
- (r) the trade is made between a person or company and an underwriter acting as purchaser or between or among underwriters; or
- (s) the trade is in a commodity futures option or commodity futures contract where the trade is that of a hedger through a dealer.

(2) For the purpose of subsection (1) a trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974* is deemed to be acting as principal when it trades as trustee or as agent for accounts fully managed by it.

(3) Subject to the regulations, where a trade has been made under paragraph (a), (b), (c), (d), (l), (p) or (q) of subsection (1), the vendor shall within ten days file a report prepared and executed in accordance with the regulations, but no report is required where, by a trade under paragraph (a) of subsection (1), a bank to which the *Bank Act* (Canada) applies or a loan company or trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974* acquires from a customer an evidence of indebtedness of the customer or an equity investment in the customer acquired concurrently with an evidence of indebtedness.

(4) The first trade in securities previously acquired under an exemption contained in paragraph (a), (b), (c), (d), (l), (m), (p) or (q) of subsection (1), other than a further trade exempted by subsection (1), is a distribution, unless

(a) the issuer of the security is a reporting issuer and is not in default of a requirement of this Act or the regulations;

(b) the securities

(i) are listed and posted for trading on a stock exchange recognized for this purpose by the Commission and comply with the requirements of subsections (20) and (21) of section 73 and have been held at least six months from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is the later,

(ii) are bonds, debentures or other evidences of indebtedness issued or guaranteed by an issuer or are preferred shares of an issuer and comply with the requirements of subsections (20) and (21) of section 73 and have been held at least six months from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is the later,

(iii) are listed and posted for trading on a stock exchange recognized for this purpose by the Commission or are bonds, debentures or other evidences of indebtedness issued or guaranteed by the reporting issuer whose securities are so listed, and have been held at least one year from the date of the initial exempt trade or the

date the issuer became a reporting issuer, whichever is later, or

(iv) have been held at least eighteen months from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is later; and

(c) the vendor files a report within ten days prepared and executed in accordance with the regulations,

provided that no unusual effort is made to prepare the market or to create a demand for the securities and no extraordinary commission or consideration is paid in respect of the trade.

(5) The first trade in securities previously acquired under an exemption contained in paragraph (f), (i), (j), (k) or (n) of subsection (1) and the first trade in previously issued securities of a company that has ceased to be a private company, other than a further trade exempted by subsection (1), is a distribution except that where

(a) the issuer of the securities is a reporting issuer and has been a reporting issuer for at least twelve months or, in the case of securities acquired under paragraph (i) of subsection (1), one of the amalgamating or merged corporations or one of the continuing corporations has been a reporting issuer for twelve months and the issuer is not in default of a requirement of this Act or the regulations;

(b) disclosure to the Commission has been made of its exempt trade or in the case of a company that has ceased to be a private company the issuer has filed with the Commission the report with respect to its outstanding securities that may be required by the regulations; and

(c) no unusual effort is made to prepare the market or to create a demand for the securities and no extraordinary commission or consideration is paid in respect of the trade,

then that first trade is a distribution only if it is a distribution as defined in subparagraph (iii) of paragraph (m) of subsection (1) of section 2.

(6) The first trade in securities previously purchased under an exemption contained in paragraph (o) or (r) of subsection (1), other than a further trade exempted by subsection (1), is a distribution.

(7) Sections 54 and 63 do not apply to a distribution within the meaning of subparagraph (iii) of paragraph (m) of subsection (1) of section 2 or by a lender, pledgee, mortgagee or other encumbrancer for the purpose of liquidating a *bona fide* debt by selling or offering for sale a security pledged, mortgaged or otherwise encumbered in good faith as collateral for the debt in accordance with paragraph (e) of subsection (1), if

(a) the distribution is exempted by subsection (1); or

(b) the issuer of the security is a reporting issuer and has been a reporting issuer for at least eighteen months and is not in default of a requirement of this Act or the regulations and the seller, unless exempted by the regulations,

(i) files with the Commission and a stock exchange recognized by the Commission for this purpose on which the securities are listed at least seven days and not more than fourteen days prior to the first trade made to carry out the distribution

(A) a notice of intention to sell in the form prescribed by the regulations disclosing particulars of the control position known to him or her, the number of securities to be sold and the method of distribution, and

(B) a declaration signed by each seller as at a date not more than twenty-four hours prior to its filing and prepared and executed in accordance with the regulations and certified as follows:

*"The seller for whose account the securities to which this certificate relates are to be sold represents that he or she has no knowledge of a material change which has occurred in the affairs of the issuer of the securities which has not been generally disclosed and reported to the Commission, nor has he or she knowledge*

*of other material adverse information in regard to the current and prospective operations of the issuer which has not been generally disclosed",*

and,

- (ii) files within three days after the completion of a trade a report of the trade in the form prescribed under Part XX,

provided that the notice required to be filed under clause (A) of subparagraph (i) and the declaration required to be filed under clause (B) of subparagraph (i) shall be renewed and filed at the end of sixty days after the original date of filing and thereafter at the end of each twenty-eight day period so long as the securities specified under the original notice have not been sold or until notice has been filed that the securities so specified or a part of the securities is no longer for sale; and

- (c) no unusual effort is made to prepare the market or to create a demand for the securities and no extraordinary commission or other consideration is paid in respect of the trade.

(8) For the purpose of determining whether an issuer is a reporting issuer and, if so, whether the reporting issuer is in default of a requirement of this Act or the regulations, the seller is entitled to apply to the Commission for a certificate issued for this purpose in accordance with section 139 and is entitled to rely on the certificate.

(9) Notwithstanding subsection (8), a person or company who knows or ought reasonably to know that a reporting issuer is in default may not rely on the certificate.

(10) For the purposes of this section, an issuer is deemed to have been a reporting issuer from the date that it met the condition of the appropriate subparagraph of paragraph (qq) of subsection (1) of section 2 provided that in each case it is currently in compliance with the requirements of this Act and in the case of qualification under subparagraph (iii) of paragraph (qq) of subsection (1) of

section 2 it is also currently listed and posted for trading on a stock exchange recognized by the Commission.

(11) The exemption in paragraph (d) of subsection (1) is unavailable as to a trade made through an advertisement of the securities in printed media of general and regular paid circulation, radio or television, unless an offering memorandum prospectus is furnished to the investor concurrently with or prior to the completion of the investment, and the investor is given a contractual right of action that is described in the offering memorandum prospectus.

(12) The first trade in securities acquired under an exemption in paragraph (h) of subsection (1) is a distribution, except that where the provisions of paragraphs (a), (b) and (c) of subsection (5) have been fulfilled as though the subsection made reference to paragraph (h) of subsection (1) then the first trade is a distribution only if it is a distribution as defined in subparagraph (iii) of paragraph (m) of subsection (1) of section 2.

(13) The exemption in paragraph (p) of subsection (1) is unavailable where the solicitations referred to in that provision are made, in the aggregate, in all jurisdictions including the province, to more than fifty prospective purchasers resulting in sales to not more than twenty-five purchasers.

(14) The exemption contained in subsection (4) does not apply to a trade that is a distribution as defined in subparagraph (iii) of paragraph (m) of subsection (1) of section 2.

(15) The exemption contained in subsection (5) is available to a seller in respect of a first trade in securities whether or not the issuer is in default of any requirement of this Act if

- (a) the seller is not in a special relationship with the issuer; and
- (b) the first trade otherwise qualifies for the exemption contained in that subsection.

(16) The exemption contained in subsection (5) is available to a seller who is in a special relationship with the issuer in respect of a first trade in securities by the seller if

- (a) the seller has reasonable grounds to believe that the issuer is not in default of a requirement of this Act or the regulations; and
- (b) the first trade otherwise qualifies for the exemption contained in that subsection.

(17) For the purposes of subsections (1) and (2), "special relationship" has the same meaning as in subsection (3) of section 77.

(18) The exemption contained in paragraphs (b) and (c) of subsection (7) does not apply to a trade in securities unless the seller has held the securities for at least six months.

(19) Notwithstanding subsection (1), where a seller has acquired securities of a class under an exemption contained in paragraph (a), (b), (c), (d), (h), (i), (j), (k), (l), (m), (n), (p) or (q) of subsection (1) or paragraph (d), (e), (f) or (g) of subsection (3) of section 54 the seller shall not distribute a security of that class under the exemption contained in paragraphs (b) and (c) of subsection (7) until all securities of the class owned by the seller have been held by the seller for

- (a) a period of at least six months after the date on which the last security of the class was acquired under an exemption referred to in this subsection, if the securities are listed and posted for trading on a stock exchanges recognized for this purpose by the Commission and comply with the requirements of subsection (20);
- (b) a period of at least six months after the date on which the last security of the class was acquired under an exemption referred to in this subsection, if the securities are bonds, debentures or other evidences of indebtedness issued or guaranteed by an issuer or are preferred shares of an issuer, and comply with the requirements of subsection (21);
- (c) a period of at least one year after the date on which the last security of the class was acquired under an exemption referred to in this subsection, if the securities are listed and posted for trading on a stock exchange recognized for this purpose by the Commission or are bonds, debentures or

other evidences of indebtedness issued or guaranteed by the reporting issuer whose securities are so listed; or

- (d) a period of at least eighteen months after the date on which the last security of a class was acquired under an exemption referred to in this subsection.

in (20) An insurer may invest its funds or a portion of its funds

- (a) the preferred shares of a corporation if

- (i) the corporation has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

- (ii) the common shares of the corporation are, at the date of investment, authorized as investments by paragraph (b); or

- (b) the fully paid common shares of a corporation that during a period of five years that ended less than one year before the date of investment has either

- (i) paid a dividend in each year upon its common shares, or

- (ii) had earnings in each year available for the payment of a dividend upon its common shares,

of at least four percent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid or in which the corporation had earnings available for the payment of dividends.

in (21) An insurer may invest its funds or a portion of its funds

- (a) the bonds, debentures or other evidences of indebtedness issued or guaranteed by

- (i) a corporation if, at the date of investment, the preferred shares or the common shares of the corporation are authorized as investments by paragraph (a) or (b) of subsection (20), or
  - (ii) a corporation if its earnings in a period of five years ended less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least one half times the annual interest requirements at the date of investment on all indebtedness of or guaranteed by it, other than indebtedness classified as a current liability in its balance sheet, and, if the corporation at the date of investment owns directly or indirectly more than fifty percent of the common shares of another corporation, the earnings of the corporations during the period of five years may be consolidated with due allowance for minority interests and in that event the interest requirements of the corporation shall be consolidated and the consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the corporation, and, for the purpose of this subparagraph, "earnings" means earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability; or
- (b) the preferred shares of a corporation if
- (i) the corporation has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or
  - (ii) the common shares of the corporation are, at the date of investment, authorized as investments by paragraph (b) of subsection (20).

(22) Where a seller or proposed seller of securities effects a trade to which section 54 or 63 would apply but for an exemption in paragraph (c), (d) or (p) of subsection (1) or paragraph (f) of subsection (3) of section 54 and the seller or proposed seller is

- (a) the issuer or an affiliate of the issuer;
- (b) a person, company or combination of persons or companies having the relationship to the issuer described in subparagraph (iii) of paragraph (m) of subsection (1) of section 2; or
- (c) an underwriter who, acting as underwriter, acquired the securities from a person or company described in paragraph (a) or (b),

and the seller or proposed seller or a person or company acting on behalf of the seller or proposed seller delivers an offering memorandum prospectus to a prospective investor to whom securities are sold in reliance on paragraph (c), (d) or (p) of subsection (1) or paragraph (f) of subsection (3) of section 54 the exemptions in paragraphs (c), (d) and (p) of subsection (1) and paragraph (f) of subsection (3) of section 54 are unavailable as to the trade with that prospective investor unless the prospective investor is given a contractual right of action that is described in the offering memorandum prospectus.

(23) Where the inclusion of a contractual right of action in an offering memorandum prospectus is required by subsection (11) or (22) as a condition to the availability of an exemption, two copies of the offering memorandum prospectus shall be delivered to the Commission concurrently with or before the date upon which a report referred to in subsection (3) is filed with the Commission.

(24) Notwithstanding subsection (5), sections 54 and 63 apply to the first trade in securities by a seller acquired under the exemption contained in subparagraph (iii) of paragraph (f) of subsection (1) through the exercise of a right to purchase, convert or exchange the securities where the right to purchase, convert or exchange the securities was previously acquired in connection with an initial trade exempted under paragraph (a), (b), (c), (d), (l), (m) or (p) of subsection (1) or paragraph (f) or (g) of subsection (3) of section 54 unless

- (a) the first trade is made in accordance with subsection (4);  
or
- (b) the first trade is exempt under subsection (1).

(25) For the purposes of paragraph (b) of subsection (4), "initial exempt trade" means a trade referred to in subparagraph (iii) of paragraph (f) of subsection (1).

Prospectus not  
required

**74.** (1) Sections 54 and 63 do not apply to a distribution of securities

- (a) referred to in subsection (2) of section 36 excepting paragraphs (n) and (o);
- (b) that are listed and posted for trading on a stock exchange recognized for the purpose of this section by the Commission where the securities are distributed through the facilities of the stock exchange under the rules of the stock exchange and the requirements of the Commission, provided that a statement of material facts, which shall comply as to form and content with the regulations, is filed with and is accepted for filing by the stock exchange and the Commission;
- (c) that are options to sell or purchase securities known as puts and calls or a combination of them which provide that the holder may sell to or purchase from the writer of the option a specified amount of securities at a specific price, on or prior to a specified date or the occurrence of a specified event, provided
  - (i) the option has been written by a member of an exchange recognized by the Commission for this purpose or the performance under the option is guaranteed by a member of an exchange recognized by the Commission for this purpose,
  - (ii) the securities that are the subject of the option are listed and posted for trading on an exchange recognized by the Commission for this purpose, and
  - (iii) the option is in the form from time to time prescribed by the regulations; or
- (d) that are exempted by the regulations.

(2) Sections 72 and 130 apply with the necessary changes to a distribution under paragraph (b) of subsection (1) as if sections 54 and 63 were applicable to the distribution and the statement of material facts referred to in paragraph (b) of subsection (1) is deemed conclusively to be a prospectus for the purposes of sections 72 and 130.

Exemption  
order

**75.** (1) The Commission may, upon the application of an interested person or company, rule that a trade, intended trade, security, person or company is not subject to section 26 or 54 where it is satisfied that to do so would not be prejudicial to the public interest, and may impose the terms and conditions that it considers necessary.

(2) Where doubt exists whether a distribution of a security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly.

(3) A decision of the Commission under this section is final and there is no appeal from the decision.

## PART XVII

### CONTINUOUS DISCLOSURE

Publication of  
material change

**76.** (1) Where a material change occurs in the affairs of a reporting issuer, it shall immediately issue and file a press release authorized by a senior officer disclosing the nature and substance of the change.

(2) The reporting issuer shall file a report of the material change in accordance with the regulations as soon as practicable and in any event within ten days of the date on which the change occurs.

(3) Where

(a) in the opinion of the reporting issuer, the disclosure required by subsections (1) and (2) would be unduly detrimental to the interests of the reporting issuer; or

(b) the material change consists of a decision to implement a change made by senior management of the issuer who believe that confirmation of the decision by the board of directors is probable and senior management of the issuer

has no reason to believe that persons with knowledge of the material change have made use of the knowledge in purchasing or selling securities of the issuer,

the reporting issuer may, instead of compliance with subsection (1), immediately file with the Commission the report required under subsection (2) marked "confidential" together with written reasons for non-disclosure.

(4) Where a report has been filed with the Commission under subsection (3), the reporting issuer shall advise the Commission in writing, where it believes the report should continue to remain confidential, within ten days of the date of filing of the initial report and every ten days thereafter until the material change is generally disclosed in the manner referred to in subsection (1) or, if the material change consists of a decision of the type referred to in paragraph (b) of subsection (3), until that decision has been rejected by the board of directors of the issuer.

Trading where  
undisclosed  
change

**77.** (1) No person or company in a special relationship with a reporting issuer shall purchase or sell securities of the reporting issuer with the knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed.

(2) No reporting issuer and no person or company in a special relationship with a reporting issuer shall inform, other than in the necessary course of business, another person or company of a material fact or material change with respect to the reporting issuer before the material fact or material change has been generally disclosed.

(3) No person or company that proposes

- (a) to make a take-over bid, as defined in Part XIX, for the securities of a reporting issuer;
- (b) to become a party to a reorganization, amalgamation, merger, arrangement or similar business combination with a reporting issuer; or
- (c) to acquire a substantial portion of the property of a reporting issuer,

shall inform another person or company of a material fact or material change with respect to the reporting issuer before the material fact or material change has been generally disclosed except where the information is given in the necessary course of business to effect the take-over bid, business combination or acquisition.

(4) A person or company shall not be found to have contravened subsection (1), (2) or (3) if the person or company proves that the person or company reasonably believed that the material fact or material change had been generally disclosed.

(5) For the purposes of this section, "person or company in a special relationship with a reporting issuer" means

- (a) a person or company that is an insider, affiliate or associate of
  - (i) the reporting issuer,
  - (ii) a person or company that is proposing to make a take-over bid, as defined in Part XIX, for the securities of the reporting issuer, or
  - (iii) a person or company that is proposing to become a party to a reorganization, amalgamation, merger or arrangement or similar business combination with the reporting issuer or to acquire a substantial portion of its property;
- (b) a person or company that is engaging in or proposes to engage in a business or professional activity with or on behalf of the reporting issuer or with or on behalf of a person or company described in subparagraph (ii) or (iii) of paragraph (a);
- (c) a person who is a director, officer or employee of the reporting issuer or of a person or company described in subparagraph (ii) or (iii) of paragraph (a) or in paragraph (b);
- (d) a person or company that learned of the material fact or material change with respect to the reporting issuer while

the person or company was a person or company described in paragraph (a), (b) or (c); or

- (e) a person or company that learns of a material fact or material change with respect to the issuer from another person or company described in this subsection, including a person or company described in this paragraph, and knows or ought reasonably to have known that the other person or company is a person or company in that relationship.

(6) For the purpose of subsection (1), a security of the reporting issuer is deemed to include

- (a) a put, call option or other right or obligation to purchase or sell securities of the reporting issuer; or
- (b) a security, the market price of which varies materially with the market price of the securities of the issuer.

Interim financial statements

**78.** (1) A reporting issuer that is not a mutual fund shall file within sixty days of the date to which it is made up an interim financial statement,

- (a) where the reporting issuer has not completed its first financial year, for the periods commencing with the beginning of that year and ending nine, six and three months respectively before the date on which that year ends, but no interim financial statement is required to be filed for a period that is less than three months in length; or
- (b) where the reporting issuer has completed its first financial year, to the end of each of the three-month, six-month and nine-month periods of the current financial year that commenced immediately following the last financial year, including a comparative statement to the end of each of the corresponding periods in the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

(2) A mutual fund in the province shall file within sixty days of the date to which it is made up an interim financial statement,

- (a) where the reporting issuer has not completed its first financial year, for the period commencing with the beginning of that year and ending six months before the date in which that year ends but, if the first financial year is less than six months in length, no interim financial statement is required to be filed; or
- (b) where the reporting issuer has completed its first financial year, for the six-month period of the current financial year that commenced immediately following the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

Comparative  
financial state-  
ments

**79.** (1) A reporting issuer that is not a mutual fund and a mutual fund in the province shall file annually within one hundred forty days from the end of its last financial year comparative financial statements relating separately to

- (a) the period that commenced on the date of incorporation or organization and ended as of the close of the first financial year or, if the reporting issuer or mutual fund has completed a financial year, the last financial year; and
- (b) the period covered by the financial year next preceding the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

(2) A financial statement referred to in subsection (1) shall be accompanied by a report of the auditor of the reporting issuer or mutual fund prepared in accordance with the regulations.

(3) The auditor of a reporting issuer or mutual fund shall make the examinations that will enable him or her to make the report required by subsection (2).

(4) For the purposes of this Part "auditor", where used in relation to the reporting issuer or mutual fund, includes the auditor of the reporting issuer or mutual fund or other independent public accountant.

Delivery of  
financial state-  
ments to  
security holders

**80.** A financial statement required to be filed under section 78 or 79 shall be concurrently sent by the reporting issuer or the mutual fund in the province to each holder of its securities, other than debt instruments, whose latest address as shown on the books of the reporting issuer is in the province, but where the reporting issuer is subject to a corresponding requirement of the laws of the jurisdiction under which the reporting issuer is incorporated, organized or continued then compliance with the corresponding requirement is deemed to be in compliance with this section.

Relief against  
certain require-  
ment

**81.** Upon the application of a reporting issuer or upon the motion of the Commission, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on those terms and conditions that the Commission may impose

- (a) permitting the omission from the financial statements required to be filed under this Part of
  - (i) comparative financial statements for particular periods of time,
  - (ii) sales or gross operating revenue where the Commission is satisfied that the disclosure of the information would be unduly detrimental to the interests of the reporting issuer, or
  - (iii) basic earnings per share or fully diluted earnings per share; or
- (b) exempting, in whole or in part, a reporting issuer or class of reporting issuers from a requirement of this Part or the regulations relating to a requirement of this Part
  - (i) if the requirement conflicts with a requirement of the laws of the jurisdiction under which the reporting issuer or class of reporting issuers is incorporated, organized or continued,
  - (ii) if the reporting issuer or class of reporting issuers ordinarily distributes financial information to holders of its, or their, securities in a form, or at times, different from those required by this Part, or

- (iii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing.

Filing of information circular

**82.** (1) Where the management of a reporting issuer is required to send an information circular under paragraph (a) of subsection (1) of section 87, the reporting issuer shall immediately file a copy of the information circular certified in accordance with the regulations.

(2) Where subsection (1) is not applicable, the reporting issuer shall file annually within one hundred forty days from the end of its last financial year a report prepared and certified in accordance with the regulations.

Filing of documents filed in another jurisdiction

**83.** Where the laws of the jurisdiction in which the reporting issuer was incorporated, organized or continued require the reporting issuer to file substantially the same information in that jurisdiction that is required by this Part, the reporting issuer may comply with the filing requirements of this Part by filing copies of the press release, timely disclosure report, information circular or financial statements and auditor's report required by that jurisdiction, provided the releases, reports, circulars or statements are manually signed or certified in accordance with the regulations.

Order relieving small reporting issuer

**84.** Upon the application of a reporting issuer that has fewer than fifteen security holders whose latest address as shown on the books of the reporting issuer is in the province, the Commission may order, subject to the terms and conditions that it may impose, that the reporting issuer is no longer a reporting issuer where it is satisfied that to do so would not be prejudicial to the public interest.

## PART XVIII

### PROXIES AND PROXY SOLICITATION

Interpretation

**85.** In this Part

- (a) "information circular" means an information circular prepared in accordance with the regulations; and
- (b) "solicit" and "solicitation" include

- (i) a request for a proxy whether or not accompanied by or included in a form of proxy,
- (ii) a request to execute or not to execute a form of proxy or to revoke a proxy,
- (iii) the sending or delivery of a form of proxy or other communication to a security holder under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy, and
- (iv) the sending or delivery of a form of proxy to a security holder under section 86

but do not include

- (v) the sending or delivery of a form of proxy to a security holder in response to an unsolicited request made by him or her or on his or her behalf, or
- (vi) the performance by a person or company of ministerial acts or professional services on behalf of a person or company soliciting a proxy.

Mandatory solicitation of proxies

**86.** Where the management of a reporting issuer gives or intends to give to holders of its voting securities notice of a meeting, the management shall, concurrently with or prior to giving the notice to the security holders whose latest address as shown on the books of the reporting issuer is in the province, send by prepaid mail to each security holder who is entitled to notice of meeting, at his or her latest address as shown on the books of the reporting issuer, a form of proxy for use at the meeting that complies with the regulations.

Information circular

**87. (1)** A person or company shall not solicit proxies from holders of its voting securities whose latest address as shown on the books of the reporting issuer is in the province unless,

- (a) in the case of a solicitation by or on behalf of the management of a reporting issuer, an information circular, either as an appendix to or as a separate document accompanying the notice of the meeting, is sent by prepaid mail to each security holder of the reporting issuer whose proxy is

solicited at his or her latest address as shown on the books of the reporting issuer; or

- (b) in the case of another solicitation, the person or company making the solicitation, concurrently with or prior to it, delivers or sends an information circular to each security holder whose proxy is solicited.

(2) Subsection (1) does not apply to

- (a) a solicitation, otherwise than by or on behalf of the management of a reporting issuer, where the total number of security holders whose proxies are solicited is not more than fifteen, two or more persons or companies who are the joint registered owners of one or more securities being counted as one security holder;
- (b) a solicitation by a person or company made under section 50; or
- (c) a solicitation by a person or company in respect of securities of which he or she is the beneficial owner.

Voting where  
proxies

**88.** The chairperson at a meeting has the right not to conduct a vote by way of ballot on a matter or group of matters in connection with which the form of proxy has provided a means whereby the person or company whose proxy is solicited may specify how that person or company wishes the securities registered in his or her name to be voted unless

- (a) a poll is demanded by a security holder present at the meeting in person or represented there by proxy; or
- (b) proxies requiring that the securities represented by them be voted against what would otherwise be the decision of the meeting in relation to the matters or group of matters total more than five percent of all the voting rights attached to all the securities entitled to be voted and be represented at the meeting.

Compliance  
with laws of  
other jurisdic-  
tion

**89. (1)** Where a reporting issuer is complying with the requirements of the laws of the jurisdiction under which it is incorporated, organized or continued and the requirements are substantially

similar to the requirements of this Part, the requirements of this Part do not apply.

(2) Subject to subsection (1), upon the application of an interested person or company, the Commission may

- (a) if a requirement of this Part conflicts with a requirement of the laws of the jurisdiction under which the reporting issuer is incorporated, organized or continued; or
- (b) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order, on the terms and conditions that the Commission may impose, exempting, in whole or in part, a person or company from the requirements of this Part and of section 82.

## PART XIX

### TAKE-OVER BIDS AND ISSUER BIDS

#### Definitions

**90.** (1) In this part

- (a) "business day" means a day other than a Saturday or a holiday;
- (b) "class of securities" includes a series of a class of securities;
- (c) "equity security" means a security of an issuer that carries a residual right to participate in the earnings of the issuer and, upon the liquidation or winding up of the issuer, in its assets;
- (d) "formal bid" means
  - (i) a take-over bid or an issuer bid to which section 96 applies, or
  - (ii) a take-over bid that is exempted from sections 96 to 101 or an issuer bid that is exempted from sections 96, 97, 98, 99 and 101

- (A) by reason of an exemption under paragraph (a) of subsection (1) of section 94 or paragraph (e) of subsection (3) of section 94, if the offeror is required to deliver to every security holder whose last address as shown on the books of the offeree issuer is in the province a disclosure document of the type contemplated by subsection (10) of section 131, or
  - (B) by reason of an exemption under paragraph (e) of subsection (1) of section 94 or paragraph (h) of subsection (3) of section 94, if the offeror is required to deliver disclosure material relating to the bid to holders of the class of securities subject to the bid;
- (e) "interested person" means, for the purposes of sections 105 and 106,
- (i) an offeree issuer,
  - (ii) a security holder, director or officer of an offeree issuer,
  - (iii) an offeror,
  - (iv) the Director, and
  - (v) a person or company not referred to in subparagraphs (i) to (iv) who in the opinion of the Commission or a judge of the Trial Division is a proper person to make an application under section 105 or 106;
- (f) "issuer bid" means an offer to acquire or redeem securities of an issuer made by the issuer to a person or company who is in the province or to a security holder of the issuer whose last address as shown on the books of the issuer is in the province and includes a purchase, redemption or other acquisition of securities of the issuer by the issuer from that person or company, but does not include an offer to acquire or redeem debt securities that are not convertible into securities other than debt securities;

- (g) "offer to acquire" includes
- (i) an offer to purchase, or a solicitation of an offer to sell securities, and
  - (ii) an acceptance of an offer to sell securities, whether or not the offer to sell has been solicited,
- or a combination of them, and the person or company accepting an offer to sell is deemed to be making an offer to acquire to the person or company that made the offer to sell;
- (h) "offeree issuer" means an issuer whose securities are the subject of a take-over bid, an issuer bid or an offer to acquire;
- (i) "offeror" means a person or company who makes a take-over bid, an issuer bid or an offer to acquire and, for the purposes of section 102, includes a person or company who acquires a security, whether or not by way of take-over bid, issuer bid or offer to acquire;
- (j) "offeror's securities" means securities of an offeree issuer beneficially owned, or over which control or direction is exercised, on the date of an offer to acquire, by an offeror or a person or company acting jointly or in concert with the offeror;
- (k) "published market" means with reference to a class of securities, a market on which the securities are traded if the prices at which they have been traded on that market are regularly published in a *bona fide* newspaper or business or financial publication of general and regular paid circulation; and
- (l) "take-over bid" means an offer to acquire outstanding voting or equity securities of a class made to a person or company that is in the province or to a security holder of the offeree issuer whose last address as shown on the books of the offeree issuer is in the province, where the securities subject to the offer to acquire, together with the offeror's securities, constitute in the aggregate twenty percent or

more of the outstanding securities of that class of securities at the date of the offer to acquire.

(2) For the purposes of this Part

- (a) a period of days shall be computed as commencing on the day next following the event which began the period and terminating at midnight on the last day of the period, except that if the last day of the period does not fall on a business day, the period terminates at midnight on the next business day; and
- (b) a take-over bid or an issuer bid expires at the later of
  - (i) the end of the period, including an extension, during which securities may be deposited under a bid, and
  - (ii) the time at which the offeror becomes obligated by the terms of the bid to take up or reject securities deposited under it.

(3) For the purposes of this Part

- (a) a security is deemed to be convertible into a security of another class if, whether or not on conditions, it is or may be convertible into or exchangeable for, or if it carries the right or obligation to acquire, a security of the other class, whether of the same or another issuer; and
- (b) a security that is convertible into a security of another class is deemed to be convertible into a security or securities of each class into which the second-mentioned security may be converted, either directly or through securities of one or more other classes of securities that are themselves convertible.

Deemed beneficial ownership

**91.** (1) For the purposes of this Part, in determining the beneficial ownership of securities of an offeror or of a person or company acting jointly or in concert with the offeror, at a given date, the offeror, person or company is deemed to have acquired and be the beneficial owner of a security, including an unissued security, if the offeror, person or company is the beneficial owner of a security convertible within sixty days following that date into such a security or has the

right or obligation, whether or not on conditions, to acquire within those sixty days beneficial ownership of the security whether through the exercise of an option, warrant, right or subscription privilege or otherwise.

(2) Where two or more offerors acting jointly or in concert make one or more offers to acquire securities of a class, the securities, subject to that offer or those offers to acquire, are deemed to be securities subject to the offer to acquire of each offeror for the purpose of determining whether that offeror is making a take-over bid.

(3) Where an offeror or a person or company acting jointly or in concert with the offeror is deemed by reason of subsection (1) to be the beneficial owner of unissued securities, the securities are deemed to be outstanding for the purpose of calculating the number of outstanding securities of that class in respect of that offeror's offer to acquire.

Acting jointly  
or in concert

**92.** (1) For the purposes of this Part, it is a question of fact as to whether a person or company is acting jointly or in concert with an offeror and the following shall be presumed to be acting jointly or in concert with an offeror:

- (a) a person or company who, as a result of an agreement, commitment or understanding, whether formal or informal, with the offeror or with another person or company acting jointly or in concert with the offeror, acquires or offers to acquire securities of the issuer of the same class as those subject to the offer to acquire;
- (b) a person or company who, as a result of an agreement, commitment or understanding, whether formal or informal, with the offeror or with another person or company acting jointly or in concert with the offeror, intends to exercise jointly or in concert with the offeror or with another person or company acting jointly or in concert with the offeror voting rights attaching to securities of the offeree issuer; and
- (c) an associate or affiliate of the offeror.

(2) Notwithstanding subsection (1), a registered dealer acting solely in an agency capacity for the offeror in connection with a take-over bid or an issuer bid and not executing principal transactions for its own account in the class of securities subject to the offer to acquire or performing services beyond customary dealer's functions shall not be presumed solely by reason of that agency relationship to be acting jointly or in concert with the offeror in connection with the bid.

Application to  
direct and in-  
direct offers,  
etc.

**93.** For the purposes of this Part, a reference to an offer to acquire or to the acquisition or ownership of securities or to control or direction over securities shall be construed to include a direct or indirect offer to acquire or the direct or indirect acquisition or ownership of securities, or the direct or indirect control or direction over securities.

Exempted take-  
over bids

**94.** (1) Subject to the regulations, a take-over bid is exempt from sections 96 to 101 if

- (a) the bid is made through the facilities of a stock exchange recognized by the Commission for the purposes of this section;
- (b) the bid is for not more than five percent of the outstanding securities of a class of securities of the issuer and
  - (i) the aggregate number of securities acquired by the offeror and a person or company acting jointly or in concert with the offeror within a period of twelve months in reliance upon the exemption provided by this paragraph does not, when aggregated with acquisitions otherwise made by the offeror and a person or company acting jointly or in concert with the offeror within the same twelve month period, constitute in excess of five percent of the outstanding securities of that class of the issuer at the commencement of the twelve month period, and
  - (ii) if there is a published market for the securities acquired, the value of the consideration paid for the securities acquired is not in excess of the market price at the date of acquisition determined in accordance

- with the regulations plus reasonable brokerage fees or commissions actually paid;
- (c) all of the following conditions apply:
- (i) purchases are made from not more than five persons or companies in the aggregate, including persons or companies outside of the province,
  - (ii) the bid is not made generally to security holders of the class of securities that is the subject of the bid, and
  - (iii) the value of the consideration paid for the securities, including brokerage fees or commissions, does not exceed one hundred fifteen percent of the market price of securities of that class at the date of the bid determined in accordance with the regulations;
- (d) the offeree issuer is not a reporting issuer, there is not a published market in respect of the securities that are the subject of the bid, and the number of holders of securities of that class is not more than fifty, exclusive of holders who are in the employment of the offeree issuer or an affiliate of the offeree issuer, and exclusive of holders who were formerly in the employment of the offeree issuer or an affiliate of the offeree issuer and who while in that employment were, and have continued after that employment to be, security holders of the offeree issuer;
- (e) the number of holders, whose last address as shown on the books of the offeree issuer is in the province, of securities of the class subject to the bid is fewer than fifty and the securities held by those holders constitute, in the aggregate, less than two percent of the outstanding securities of that class, the bid is made in compliance with the laws of a jurisdiction that is recognized for the purposes of this section by the Commission, and all material relating to the bid that is sent by the offeror to holders of securities of the class that is subject to the bid is concurrently sent to all holders of the securities whose last address as shown on the books of the offeree issuer is in the province and filed; or
- (f) it is exempted by the regulations.

(2) For the purposes of paragraph (c) of subsection (1), where an offeror makes an offer to acquire securities from a person or company and the offeror knows or ought to know after reasonable inquiry that

- (a) one or more other persons or companies on whose behalf that person or company is acting as a nominee, agent, trustee, executor, administrator or other legal representative has a direct beneficial interest in those securities, then each of those others shall be included in the determination of the number of persons and companies to whom the offer to acquire has been made, but, where an *inter vivos* trust has been established by a single settlor or where an estate has not vested in all persons beneficially entitled, the trust or estate is deemed a single security holder in that determination; or
- (b) the person or company acquired the securities in order that the offeror might make use of the exemption provided by paragraph (c) of subsection (1), then each person or company from whom those securities were acquired shall be included in the determination of the number of persons and companies to whom the offer to acquire has been made.

(3) Subject to the regulations, an issuer bid is exempt from sections 96, 97, 98, 99 and 101 if

- (a) the securities are purchased, redeemed or otherwise acquired in accordance with terms and conditions attaching to them that permit the purchase, redemption or acquisition of the securities by the issuer without the prior agreement of the owners of the securities, or where the securities are acquired to meet sinking fund or purchase fund requirements;
- (b) the purchase, redemption or other acquisition is required by the instrument creating or governing the class of securities or by the statute under which the issuer was incorporated, organized or continued;
- (c) the securities carry with them or are accompanied by a right of the owner of the securities to require the issuer to

redeem or repurchase the securities and the securities are acquired under the exercise of that right;

- (d) the securities are acquired from a current or former employee of the issuer or of an affiliate of the issuer, and if there is a published market in respect of the securities
  - (i) the value of the consideration paid for the securities acquired does not exceed the market price of the securities at the date of the acquisition determined in accordance with the regulations, and
  - (ii) the aggregate number or, in the case of convertible debt securities, the aggregate principal amount of securities acquired by the issuer within a period of twelve months in reliance on the exemption provided by this section does not exceed five percent of the securities of that class issued and outstanding at the commencement of the period;
- (e) the bid is made through the facilities of a stock exchange recognized by the Commission for the purpose of this section;
- (f) following the publication of a notice of intention in the form and manner prescribed by the regulations, the issuer purchases securities in the normal course in the open market, including through the facilities of a stock exchange, if the aggregate number, or, in the case of convertible debt securities, the aggregate principal amount, of securities acquired by the issuer within a period of twelve months in reliance on the exemption provided by this subsection does not exceed five percent of the securities of that class issued and outstanding at the commencement of the period;
- (g) the issuer is not a reporting issuer, there is not a published market in respect of the securities that are the subject of the bid and the number of holders of securities of the issuer is not more than fifty, exclusive of holders who are in the employment of the issuer or an affiliate of the issuer, and exclusive of holders who were formerly in the employment of the issuer or an affiliate of the issuer and who while in

that employment were, and have continued after the employment to be, security holders of the issuer;

(h) the number of holders, whose last address as shown on the books of the issuer is in the province, of securities of the class subject to the bid is fewer than fifty and the securities held by the holders constitute, in the aggregate, less than two percent of the outstanding securities of that class, the bid is made in compliance with the laws of a jurisdiction that is recognized for the purposes of this section by the Commission, and all material relating to the bid that is sent by the offeror to holders of securities of the class that is subject to the bid is concurrently sent to all holders of the securities whose last address as shown on the books of the issuer is in the province and filed; or

(i) it is exempted by the regulations.

(4) A bid that is made in reliance upon an exemption in this section through the facilities of a stock exchange shall be made in accordance with the by-laws, regulations and policies of the exchange.

Definition

**95. (1)** In this section "offeror" means

- (a) an offeror making a formal bid other than a bid referred to in paragraph (e) of subsection (1) of section 94 or paragraph (h) of subsection (3) of section 94;
- (b) a person or company acting jointly or in concert with an offeror referred to in paragraph (a);
- (c) a security holder of an offeror referred to in paragraph (a) who, as regards the offeror, is a person or company or a member of a combination of persons or companies referred to in subparagraph (iii) of paragraph (m) of subsection (1) of section 2 or an associate or affiliate of the security holder.

(2) An offeror shall not offer to acquire or make, or enter into, an agreement, commitment or understanding to acquire beneficial ownership of securities of the class that are subject to a take-over bid

otherwise than under the bid on and from the day of the announcement of the offeror's intention to make the bid until its expiry.

(3) Notwithstanding subsection (2), an offeror making a take-over bid may purchase, through the facilities of a stock exchange recognized by the Commission for the purpose of paragraph (a) of subsection (1) of section 94, securities of the class that are subject to the bid and securities convertible into securities of that class commencing on the third business day following the date of the bid until the expiry of the bid, if

- (a) the intention to make those purchases is stated in the take-over bid circular;
- (b) the aggregate number of securities acquired under this subsection does not constitute in excess of five percent of the outstanding securities of that class at the date of the bid; and
- (c) the offeror issues and files a press release immediately after the close of business of the exchange on each day on which securities have been purchased under this subsection disclosing the information prescribed by the regulations.

(4) An offeror making an issuer bid shall not offer to acquire, or make or enter into an agreement, commitment or understanding to acquire, beneficial ownership of securities of the class that are subject to the bid otherwise than under the bid on and from the day of the announcement of the offeror's intention to make the bid until the bid's expiry, but this subsection does not apply so as to prevent the offeror from purchasing, redeeming or otherwise acquiring securities during the period in reliance on an exemption under paragraph (a), (b) or (c) of subsection (3) of section 94.

(5) Where a take-over bid that is a formal bid is made by an offeror and, within the period of ninety days immediately preceding the bid, the offeror acquired beneficial ownership of securities of the class subject to the bid under a transaction not generally available on identical terms to holders of that class of securities

- (a) the offeror shall offer consideration for securities deposited under the bid at least equal to the highest con-

sideration that was paid on a per security basis under those prior transactions or the offeror shall offer at least the cash equivalent of the consideration; and

- (b) the offeror shall offer to acquire under the bid that percentage of securities of the class subject to the bid that is at least equal to the highest percentage that the number of securities acquired from a seller in that prior transaction was of the total number of securities of that class beneficially owned by that seller at the time of the prior transaction.

(6) An offeror shall not acquire beneficial ownership of securities of the class that was subject to the bid by way of a transaction that is not generally available on identical terms to holders of that class of securities during the period beginning with the expiry of the bid and ending at the end of the twentieth business day after it whether or not the securities are taken up under the bid.

(7) Subsections (5) and (6) do not apply to trades effected in the normal course on a published market, so long as

- (a) a broker acting for the purchaser or seller does not perform services beyond the customary broker's function and does not receive more than reasonable fees or commissions;
- (b) the purchaser or a person or company acting for the purchaser does not solicit or arrange for the solicitation of offers to sell securities of the class subject to the bid; and
- (c) the seller or a person or company acting for the seller does not solicit or arrange for the solicitation of offers to buy securities of the class subject to the bid.

(8) An offeror shall not, except under the bid, sell or make or enter into an agreement, commitment or understanding to sell securities of the class subject to the bid on and from the day of the announcement of the offeror's intention to make the bid until its expiry.

(9) Notwithstanding subsection (8), an offeror, before the expiry of a bid, may make or enter into an arrangement, commitment

or understanding to sell securities that may be taken up by the offeror under a bid, after the expiry of the bid, if the intention to sell is disclosed in the take-over bid circular or issuer bid circular.

General  
provisions

**96.** Subject to the regulations, the following rules apply to every take-over and issuer bid:

- (a) the bid shall be made to all holders of securities of the class that is subject to the bid who are in the province and delivered by the offeror to all holders, whose last address as shown on the books of the offeree issuer is in the province, of securities of that class and of securities that, before the expiry of the bid, are convertible into securities of that class;
- (b) the offeror shall allow at least twenty-one days from the date of the bid during which securities may be deposited under the bid;
- (c) no securities deposited under the bid shall be taken up by the offeror until the expiration of twenty-one days from the date of the bid;
- (d) securities deposited under the bid may be withdrawn by or on behalf of a depositing security holder
  - (i) before the expiration of twenty-one days from the date of the bid,
  - (ii) before the expiration of ten days from the date of a notice of change or variation under section 99, and
  - (iii) where the securities have not been taken up and paid for by the offeror, after forty-five days from the date of the bid;
- (e) the right of withdrawal conferred by subparagraph (ii) of paragraph (d) does not apply
  - (i) where the securities have been taken up by the offeror at the date of the notice,

- (ii) where a variation in the terms of a bid consists solely of an increase in the consideration offered for the securities subject to the bid and the time for deposit is not extended for a period greater than that required by subsection (5) of section 99, or
- (iii) in the circumstances described in subsection (6) of section 99;
- (f) notice of withdrawal of securities under paragraph (d) shall be made by or on behalf of the depositing security holder by a method that provides the depositary designated under the bid with a written or printed copy and, to be effective, the notice must be actually received by the depositary and, where notice is given in accordance with that paragraph, the offeror shall return the securities to the depositing security holder;
- (g) where the bid is made for less than all of the class of securities subject to the bid and where a greater number of securities is deposited under it than the offeror is bound or willing to acquire under the bid, the securities shall be taken up and paid for by the offeror, as nearly as may be *pro rata*, disregarding fractions, according to the number of securities deposited by each depositing security holder;
- (h) where an offeror purchases securities as permitted by subsection (3) of section 95, the securities so purchased shall be counted in the determination of whether a condition as to the minimum number of securities to be deposited in the bid has been fulfilled, but shall not reduce the number of securities the offeror is bound under the bid to take up;
- (l) subject to paragraphs (j) and (k), the offeror shall take up and pay for securities deposited under the bid, where all the terms and conditions of the bid have been complied with or waived, not later than ten days after the expiry of the bid;
- (j) securities that are taken up by the offeror under the bid shall be paid for by the offeror as soon as possible, and in any event not more than three days, after the taking up of the securities;

- (k) securities deposited under the bid subsequent to the date on which the offeror first takes up securities deposited under the bid shall be taken up and paid for by the offeror within ten days of the deposit of the securities;
- (l) a bid may not be extended by the offeror, where all the terms and conditions of it have been complied with except those waived by the offeror, unless the offeror first takes up and pays for all securities deposited under it and not withdrawn; and
- (m) where all the terms and conditions of the bid have been complied with or waived, the offeror shall immediately issue a notice by press release to that effect, and the press release shall disclose the approximate number of securities deposited and the approximate number that will be taken up.

Financing of  
bid

**97.** Where a take-over bid or issuer bid provides that the consideration for the securities deposited under the bid is to be paid in cash or partly in cash, the offeror shall make adequate arrangements prior to the bid to ensure that the required funds are available to effect payment in full for all securities that the offeror has offered to acquire.

Identical con-  
sideration

**98.** (1) Subject to the regulations, where a take-over bid or issuer bid is made, all holders of the same class of securities shall be offered identical consideration.

(2) Where an offeror makes or intends to make a take-over bid or issuer bid, neither the offeror nor a person or company acting jointly or in concert with the offeror shall enter into a collateral agreement, commitment or understanding with a holder or beneficial owner of securities of the offeree issuer that has the effect of providing to the holder or owner a consideration of greater value than that offered to the other holders of the same class of securities.

(3) Where a variation in the terms of the take-over bid or issuer bid before the expiry of the bid increases the value of the consideration offered for the securities subject to the bid, the offeror shall pay the increased consideration to each person or company whose securities are taken up under the bid, whether or not those securities were taken up by the offeror before the variation.

Offeror's circular

**99.** (1) An offeror shall deliver, with or as part of a take-over bid or issuer bid a take-over bid circular or issuer bid circular.

(2) Where, before the expiry of a take-over bid or issuer bid or after the expiry of the bid but before the expiry of all rights to withdraw the relevant securities, a change has occurred in the information contained in a take-over bid circular or issuer bid circular or in a notice of change or notice of variation that would reasonably be expected to affect the decision of the holders of the securities of the offeree issuer to accept or reject the bid, a notice of the change shall be delivered to every person or company to whom the circular was required to be delivered and whose securities were not taken up at the date of the occurrence of the change.

(3) Subsection (2) does not apply to a change that is not within the control of the offeror or of an affiliate of the offeror unless it is a change in a material fact relating to the securities being offered in exchange for securities of the offeree issuer.

(4) Where there is a variation in the terms of a take-over bid or issuer bid, including an extension of the period during which securities may be deposited and whether or not the variation results from the exercise of a right contained in the bid, a notice of the variation shall be delivered to every person or company to whom the take-over bid circular or issuer bid circular was required to be delivered and whose securities were not taken up at the date of the variation.

(5) Where there is a variation in the terms of a take-over bid or issuer bid, the period during which securities may be deposited under the bid shall not expire before ten days after the notice of variation has been delivered.

(6) Subsection (5) does not apply to a variation in the terms of a bid consisting solely of the waiver of a condition in the bid where the consideration offered for the securities that are subject to the bid consists solely of cash.

(7) A take-over bid circular, issuer bid circular, notice of change and notice of variation shall be in the form and shall contain the information required by this Part and the regulations.

Directors' circular

**100.** (1) Where a take-over bid has been made, a directors' circular shall be prepared and delivered by the board of directors of an offeree issuer to every person and company to whom a take-over bid must be delivered under paragraph (a) of section 96, not later than ten days after the date of the bid.

(2) The board of directors shall include in a directors' circular either a recommendation to accept or to reject a take-over bid and the reasons for their recommendation, or a statement that they are unable to make or are not making a recommendation and if no recommendation is made, the reasons for not making a recommendation.

(3) An individual director or officer may recommend acceptance or rejection of a take-over bid if the director or officer delivers with the recommendation a circular prepared in accordance with the regulations.

(4) Where a board of directors is considering recommending acceptance or rejection of a take-over bid, it shall, at the time of sending or delivering a director's circular, advise the security holders of this fact and may advise them not to tender their securities until further communication is received from the directors.

(5) Where subsection (4) applies, the board of directors shall deliver the recommendation or the decision not to make a recommendation at least seven days before the scheduled expiry of the period during which securities may be deposited under the bid.

(6) Where, before the expiry of a take-over bid or after the expiry of the bid but before the expiry of all rights to withdraw the securities that have been deposited under the bid,

(a) a change has occurred in the information contained in a directors' circular or in a notice of change to a directors' circular that would reasonably be expected to affect the decision of the holders of the securities to accept or reject the bid, the board of directors of the offeree issuer shall immediately deliver a notice of the change to every person or company to whom the circular was required to be sent disclosing the nature and substance of the change; or

(b) a change has occurred in the information contained in an individual director's or officer's circular or a notice of change that would reasonably be expected to affect the decision of the holders of the securities to accept or reject the bid, other than a change that is not within the control of the individual director or officer, the individual director or officer shall immediately deliver a notice of change in relation to the board of directors.

(7) Where an individual director or officer submits a circular under subsection (3) or a notice of change under paragraph (b) of subsection (6) to the board of directors, the board, at the offeree issuer's expense, shall deliver a copy of the circular or notice to the persons and companies referred to in subsection (1).

(8) A directors' circular, director's or officer's circular and a notice of change shall be in the form and contain the information required by this Part and the regulations.

Delivery of of-  
feree issuer

**101.** (1) A take-over bid and a notice of change or variation shall be filed and shall be delivered to the offeree issuer at its principal office and an issuer bid and a notice of change or variation shall be filed on the day the bid or notice is delivered to holders of securities of the offeree issuer, or as soon as practicable after.

(2) A directors' circular and an individual director's or officer's circular or a notice of change in relation to a circular that is delivered to security holders of an offeree issuer shall be filed and shall be delivered to the offeror at its principal office on the day the directors' circular or individual director's or officer's circular or the notice of change is delivered to the holders of securities of the offeree issuer, or as soon as practicable after.

(3) A take-over bid or issuer bid, a take-over bid circular, an issuer bid circular, a directors' circular, an individual director's or officer's circular and every notice of change or variation in that bid or circular shall be mailed by prepaid first class mail or delivered by personal delivery or in another manner that the Director may approve to the intended recipient and a bid, circular or notice so mailed or delivered is deemed to have been delivered and the bid, circular or notice is deemed conclusively for the purposes of sections 96, 99 and 100 and this section to have been dated as of the date on which

it was so mailed or delivered to all or substantially all of the persons and companies entitled to receive it.

Securities,  
reports of ac-  
quisitions

**102.** (1) An offeror that acquires beneficial ownership of, or the power to exercise control or direction over, or securities convertible into, voting or equity securities of a class of a reporting issuer that, together with the offeror's securities of that class, would constitute ten percent or more of the outstanding securities of that class,

- (a) shall issue and file immediately a press release containing the information prescribed by the regulations; and
- (b) within two business days, shall file a report containing the same information as is contained in the press release issued under paragraph (a).

(2) Where an offeror is required to file a report under subsection (1) or a further report under this subsection and the offeror or a person acting jointly or in concert with the offeror acquires beneficial ownership of, or the power to exercise control or direction over, or securities convertible into, an additional two percent or more of the outstanding securities of the class or there is a change in another material fact in a report, the offeror

- (a) shall issue and file immediately a press release containing the information prescribed by the regulations; and
- (b) within two business days, shall file a report containing the same information as is contained in the press release issued under paragraph (a).

(3) During the period commencing on the occurrence of an event in respect of which a report or further report is required to be filed under this section and terminating on the expiry of one business day from the date that the report or further report is filed, neither the offeror nor a person or company acting jointly or in concert with the offeror shall acquire or offer to acquire beneficial ownership of securities of the class in respect of which the report or further report is required to be filed or securities convertible into securities of that class.

(4) Subsection (3) does not apply to an offeror that is the beneficial owner of, or has the power to exercise control or direction

over, securities that, together with the offeror's securities of that class, constitute twenty percent or more of the outstanding securities of that class.

Press release  
re: acquisitions  
by person other  
than offeror

**103.** (1) Where, after a formal bid has been made for voting or equity securities of an offeree issuer that is a reporting issuer and before the expiry of the bid, an offeror, other than the person or company making the bid, acquires beneficial ownership of, or the power to exercise control or direction over, securities of the class subject to the bid which, when added to the offeror's securities of that class, constitute five percent or more of the outstanding securities of that class, the offeror shall, not later than the opening of trading on the next business day, issue a press release containing the information prescribed by the regulations and, immediately, the offeror shall file a copy of the press release.

(2) Where an offeror that has filed a press release under subsection (1) or a further press release under this subsection or a person or company acting jointly or in concert with the offeror acquires beneficial ownership of, or control or direction over, securities of the class subject to the bid which, when added to the securities of that class acquired after the filing of the press release by the offeror and a person or company acting jointly or in concert with the offeror, aggregates an additional two percent or more of the class of outstanding securities, the offeror shall, not later than the opening of trading on the next business day, issue a further press release containing the information prescribed by the regulations and, immediately, the offeror shall file a copy of the press release.

No duplication  
of reports

**104.** Where the facts required to be reported or in respect of which a press release is required to be filed under sections 102 and 103 are identical, a report or press release is required only under the provision requiring the earlier report or press release.

Applications to  
the Commission

**105.** (1) Where, on the application of an interested person, it appears to the Commission that a person or company has not complied or is not complying with this Part or the regulations related to this Part, it may issue, subject to the terms and conditions that it may impose, an order

- (a) restraining the distribution of a document used or issued in connection with a take-over bid or issuer bid;

- (b) requiring an amendment to or variation of a document used or issued in connection with a take-over bid or issuer bid and requiring the distribution of an amended, varied or corrected document; and
- (c) directing a person or company to comply with this Part or the regulations related to this Part or restraining a person or company from contravening this Part or the regulations related to this Part and directing the directors and senior officers of the person or company to cause the person or company to comply with or to cease contravening this Part or the regulations related to this Part.

(2) Upon an application by an interested person, the Commission may, subject to the terms and conditions that it may impose,

- (a) decide for the purposes of subsection (2) of section 98 that an agreement, commitment or understanding with a selling security holder is made for reasons other than to increase the value of the consideration paid to the selling security holder for the securities of the selling security holder and that the agreement, commitment or understanding may be entered into notwithstanding that subsection;
- (b) vary a time period set out in this Part and the regulations related to this Part; and
- (c) exempt a person or company from the requirements of this Part or the regulations related to this Part where the Commission is satisfied that to do so would not be prejudicial to the public interest.

Applications to  
a judge of the  
Trial Division

**106.** (1) An interested person may apply to a judge of the Trial Division for an order under this section.

(2) Where, on an application under subsection (1), the judge hearing the application is satisfied that a person or company has not complied with this Part or the regulations relating to this Part, the judge may make an interim or final order that the judge thinks appropriate, including

- (a) an order compensating an interested person who is a party to the application for damages suffered as a result of a contravention of this Part or the regulations related to this Part;
- (b) an order rescinding a transaction with an interested person, including the issue of a security or a purchase and sale of a security;
- (c) an order requiring a person or company to dispose of securities acquired under or in connection with a take-over bid or an issuer bid;
- (d) an order prohibiting a person or company from exercising all of the voting rights attaching to securities; and
- (e) an order requiring the trial of an issue.

## PART XX

### INSIDER TRADING AND SELF-DEALING

#### Interpretation

#### 107. (1) In this Part

- (a) "mutual fund" means, except in section 112, a mutual fund that is a reporting issuer;
  - (b) "related mutual funds" includes more than one mutual fund under common management; and
  - (c) "related person or company" in relation to a mutual fund means a person in whom, or a company in which, the mutual fund, its management company and its distribution company are prohibited by the provisions of this Part from making an investment.
- (2) For the purpose of this Part
- (a) an issuer in which a mutual fund holds in excess of ten percent of the voting securities or in which the mutual fund and related mutual funds hold in excess of twenty percent of the voting securities is deemed to be a related person or

company of that mutual fund or of each of those mutual funds;

- (b) the acquisition or disposition by an insider of a put, call or other transferable option with respect to a security is deemed a change in the beneficial ownership of the security to which that put, call or other transferable option relates; and
- (c) for the purpose of reporting under section 108 or 109, ownership is deemed to pass at the time that an offer to sell is accepted by the purchaser or his or her agent or an offer to buy is accepted by the vendor or his or her agent.

Report

**108.** (1) A person or company who becomes an insider of a reporting issuer, other than a mutual fund, shall, within ten days after the end of the month in which he or she becomes an insider, file a report as of the day on which he or she became an insider disclosing a direct or indirect beneficial ownership of or control or direction over securities of the reporting issuer that may be required by the regulations.

(2) A person or company that has filed or is required to file a report under this section and whose direct or indirect beneficial ownership of or control or direction over securities of the reporting issuer changes from that shown or required to be shown in the report or in the latest report filed by him or her under this section shall, within ten days following the end of the month in which the change takes place, if he or she was an insider of the reporting issuer during the month, file a report of his or her direct beneficial ownership of or his or her control or direction over securities of the reporting issuer at the end of the month and the changes that occurred during the month giving those details of each transaction that may be required by the regulations.

(3) A person or company that becomes an insider of a reporting issuer by reason of subsection (8) or (9) of section 2 shall file the reports required by subsections (1) and (2) of this section for the previous six months or the shorter period that he or she was a director or officer of the reporting issuer within ten days after the end of the month that the issuer became an insider of a reporting issuer or the reporting issuer became an insider of another reporting issuer.

- Report of transfer by insider      **109.** No insider of a reporting issuer shall transfer or cause to be transferred securities of the reporting issuer into the name of an agent, nominee or custodian without delivering to the Commission a report of that transfer in accordance with the regulations except for a transfer for the purpose of giving collateral for a *bona fide* debt.
- Report of transfer by insider      **110.** Where voting securities are registered in the name of a person or company other than the beneficial owner and the person or company knows that they are beneficially owned by an insider and that the insider has failed to file a report of the ownership with the Commission as required by this Part, the person or company shall file a report in accordance with the regulations except where the transfer was for the purpose of giving collateral for a *bona fide* debt.
- Interpretation      **111.** For the purposes of sections 112, 113, 114, 115 and 116
- (a) "investment" means a purchase of a security of a class of securities of an issuer including bonds, debentures, notes, or other evidences of indebtedness, and a loan to persons or companies but does not include an advance or loan, whether secured or unsecured, that is made by a mutual fund, its management company or its distribution company that is merely ancillary to the main business of the mutual fund, its management company or its distribution company;
  - (b) a person or company or a group of persons or companies has a significant interest in an issuer, if
    - (i) in the case of a person or company, he, she or it owns beneficially, either directly or indirectly, more than ten percent, or
    - (ii) in the case of a group of persons or companies, they own beneficially, either individually or together and either directly or indirectly, more than fifty percent
 of the outstanding shares or units of the issuer;
  - (c) a person or company or a group of persons or companies is a substantial security holder of an issuer if that person or company or group of persons or companies owns beneficially, either individually or together or directly or in-

directly, voting securities to which are attached more than twenty percent of the voting rights attached to all the voting securities of the issuer for the time being outstanding, but in computing the percentage of voting rights attached to voting securities owned by an underwriter, there shall be excluded voting securities acquired by him or her as an underwriter in a distribution of the securities but the exclusion ceases to have effect on completion or cessation of the distribution by him or her; and

- (d) where a person or company or group of persons or companies owns beneficially, directly or indirectly, or under this section is deemed to own beneficially, voting securities of an issuer, that person or company or group of persons or companies is deemed to own beneficially a proportion of voting securities of another issuer that are owned beneficially, directly or indirectly, by the first mentioned issuer, which proportion shall equal the proportion of the voting securities of the first mentioned issuer that are owned beneficially, directly or indirectly, or that under this section are deemed to be owned beneficially, by that person or company or group of persons or companies.

Loans of  
mutual funds  
in the province

**112. (1)** A mutual fund in the province shall not knowingly make an investment by way of loan to

- (a) an officer or director of the mutual fund, its management company or distribution company or an associate of them; or
- (b) an individual, where the individual or an associate of the individual is a substantial security holder of the mutual fund, its management company or distribution company.

(2) No mutual fund in the province shall knowingly make an investment

- (a) in a person or company that is a substantial security holder of the mutual fund, its management company or distribution company;

(b) in a person or company in which the mutual fund, alone or together with one or more related mutual funds, is a substantial security holder; or

(c) in an issuer in which

(i) an officer or director of the mutual fund, its management company or distribution company or an associate, or

(ii) a person or company that is a substantial security holder of the mutual fund, its management company or its distribution company,

has a significant interest.

(3) A mutual fund in the province or its management company or its distribution company shall not knowingly hold an investment made after the coming into force of this Act that is an investment described in this section.

Indirect investment

**113.** A mutual fund or its management company or its distribution company shall not knowingly enter into a contract or other arrangement that results in its being directly or indirectly liable or contingently liable in respect of an investment by way of loan to, or other investment in, a person or company to whom it is by section 112 prohibited from making a loan or in which it is prohibited from making another investment, and for the purpose of section 112 a contract or other arrangement is deemed to be a loan or an investment.

Relieving orders

**114.** Upon an application of an interested person or company, the Commission may, where it is satisfied

(a) that a class of investment or a particular investment represents the business judgment of responsible persons uninfluenced by considerations other than the best interests of a mutual fund; or

(b) that a particular investment is in fact in the best interests of a mutual fund,

order, subject to the terms and conditions that it may impose, that section 112 or 113 does not apply to the class of investment, particular investment, contract or other arrangement.

Exception to  
s.111(d)

**115.** Notwithstanding paragraph (d) of section 111, a mutual fund is not prohibited from making an investment in an issuer only because a person or company or group of persons or companies that own beneficially, directly or indirectly, or are deemed to own beneficially, voting securities of the mutual fund or its management company or its distribution company are for that reason deemed to own beneficially voting securities of the issuer.

Fees on invest-  
ment

**116.** (1) No mutual fund shall make an investment in consequence of which a related person or company of the mutual fund will receive a fee or other compensation except fees paid under a contract which is disclosed in a preliminary prospectus or prospectus, or an amendment to either of them, that is filed by the mutual fund and is accepted by the Director.

(2) The Commission may, upon the application of a mutual fund and where it is satisfied that it would not be prejudicial to the public interest to do so, order, subject to the terms and conditions that it may impose, that subsection (1) does not apply to the mutual fund.

Standard of  
care for  
management of  
mutual fund

**117.** (1) Every person or company responsible for the management of a mutual fund shall exercise the powers and discharge the duties of its office honestly, in good faith and in the best interests of the mutual fund, and in connection with its management shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in the circumstances.

(2) For the purposes of subsection (1), a person or company is responsible for the management of a mutual fund if he or she has legal power or right to control the mutual fund or if in fact he or she is able to do so.

Filing by  
management  
companies

**118.** (1) A management company shall file a report prepared in accordance with the regulations of

(a) every transaction of purchase or sale of securities between the mutual fund and a related person or company;

- (b) every loan received by the mutual fund from, or made by the mutual fund to, its related persons or companies;
- (c) every purchase or sale effected by the mutual fund through a related person or company with respect to which the related person or company received a fee either from the mutual fund or from the other party to the transaction or from both; and
- (d) a transaction in which, by arrangement other than an arrangement relating to insider trading in portfolio securities, the mutual fund is a joint participant with one or more of its related persons or companies,

in respect of each mutual fund to which it provides services or advice, within thirty days after the end of the month in which it occurs.

(2) The Commission may, upon the application of the management company of a mutual fund and where it is of the opinion that it would not be prejudicial to the public interest to do so, order, subject to the terms and conditions that it may impose, that subsection (1) does not apply to a transaction or class of transactions.

"responsible person" defined

**119.** (1) In this section, "responsible person" means a portfolio manager and an individual who is a partner, director or officer of a portfolio manager together with every affiliate of a portfolio manager and an individual who is a director, officer or employee of the affiliate or who is an employee of the portfolio manager, if the affiliate or the individual participates in the formulation of, or has access prior to implementation of investment decisions made on behalf of or the advice given to the client of the portfolio manager.

(2) A portfolio manager shall not knowingly cause an investment portfolio managed by it to

- (a) invest in an issuer in which a responsible person or an associate of a responsible person is an officer or director unless the specific fact is disclosed to the client and the written consent of the client to the investment is obtained before the purchase;

- (b) purchase or sell the securities of an issuer from or to the account of a responsible person, an associate of a responsible person or the portfolio manager; or
- (c) make a loan to a responsible person or an associate of a responsible person or the portfolio manager.

(3) Where the Commission determines that a portfolio manager or a class of portfolio managers is subject to regulations, imposed by a self-regulatory organization, to substantially the same effect as the requirements set out in subsection (2), the Commission may, subject to the terms and conditions that the Commission may impose, exempt the portfolio manager or class of portfolio managers from the requirements of subsection (2).

Trades by  
mutual fund in-  
siders

**120.** A person or company that has access to information concerning the investment program of a mutual fund or the investment portfolio managed for a client by a portfolio manager shall not purchase or sell securities of an issuer for his, her or its account where the portfolio securities of the mutual fund or the investment portfolio managed for a client by a portfolio manager includes securities of that issuer and where the information is used by the person or company for his, her or its direct benefit or advantage.

Filing in other  
jurisdiction

**121.** (1) Notwithstanding subsection (2), where the laws of the jurisdiction in which the reporting issuer is incorporated, organized or continued require substantially the same reports in that jurisdiction as are required by this Part, the filing requirements of this Part may be complied with by filing the reports required by the laws of that jurisdiction manually signed or certified in accordance with the regulations.

(2) The Commission may

- (a) upon the application of an interested person or company
  - (i) if a requirement of this Part conflicts with a requirement of the laws of the jurisdiction under which the reporting issuer is incorporated, organized or continued, or

- (ii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing; or

- (b) of its own motion,

make an order on the terms and conditions as seem to the Commission just and expedient, exempting in whole or in part, a person or company, class of persons or companies or class of transactions from the requirements of this Part.

## PART XXI

### ENFORCEMENT

Offences,  
general

**122.** (1) A person or company who

- (a) makes a statement in material, evidence or information submitted or given under this Act or the regulations to the Commission, its representative, the Director or a person appointed to make an investigation or audit under this Act that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;
- (b) makes a statement in an application, release, report, preliminary prospectus, prospectus, return, financial statement, information circular, take-over bid circular, issuer bid circular or other document required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;
- (c) contravenes this Act or the regulations; or
- (d) fails to observe or to comply with a direction, decision, ruling, order or other requirement made under this Act or the regulations,

is guilty of an offence and on conviction is liable to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than two years, or to both a fine and imprisonment.

(2) A person or company is not guilty of an offence under paragraph (a) or (b) of subsection (1) if he, she or it did not know and in the exercise of reasonable diligence could not have known that the statement was a misrepresentation.

(3) Where a company or a person other than an individual is guilty of an offence under subsection (1), every director or officer of the company or person who authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than two years, or to both a fine and imprisonment.

(4) Where a person or company has contravened subsection (1), (2) or (3) of section 77 and the person or company has made a profit by reason of the contravention, the fine to which the person or company is liable on conviction shall be not less than the profit made by the person or company by reason of the contravention and not more than the greater of

(a) \$1,000,000; or

(b) an amount equal to triple the profit made by the person or company by reason of the contravention,

and subsection (1) does not apply in the circumstances.

(5) For the purposes of subsection (4), "profit" means

(a) if the accused purchased securities in contravention of subsection (1) of section 77, the average market price of the security in the twenty trading days following general disclosure of the material fact or material change less the amount that the accused paid for the security;

(b) if the accused sold securities in contravention of subsection (2) of section 77, the amount that the accused received for the security less the average market price of the security in the twenty trading days following general disclosure of the material fact or material change; and

(c) if the accused informed another person or company of a material fact or material change in contravention of subsection (2) or (3) of section 77 and received a direct or

indirect consideration for providing the information, the value of the consideration received.

Consent of Minister	<b>123.</b> No proceedings under section 122 shall be instituted except with the consent or under the direction of the Minister.
Information containing more than one offence	<b>124.</b> An information in respect of a contravention of this Act may be for one or more offences, and no information, summons, warrant, conviction or other proceeding in a prosecution is objectionable, or insufficient by reason of the fact that it relates to two or more offences.
Execution of warrant issued in another province	<p><b>125.</b> (1) Where a provincial judge, magistrate or justice of another province or territory of Canada issues a warrant for the arrest of a person on a charge of contravening a provision of an Act of that province or territory similar to this Act, a provincial court judge of this province may, upon satisfactory proof of the handwriting of the provincial judge, magistrate or a justice who issued the warrant, make an endorsement on it in the form prescribed by the regulations, and a warrant so endorsed is sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all peace officers to execute it and to take the person arrested under it either out of or anywhere in the province and to rearrest the person anywhere in the province.</p> <p>(2) A peace officer of the province or of another province or territory of Canada who is passing through this province having in his or her custody a person arrested in another province or territory under a warrant endorsed under subsection (1) is entitled to hold, take and rearrest the accused anywhere in the province under the warrant without proof of the warrant or the endorsement.</p>
Order for compliance	<p><b>126.</b> Where it appears to the Commission that a person or company has failed to comply with or is violating a decision or a provision of this Act or the regulations, the Commission may, notwithstanding the imposition of a penalty in respect of the non-compliance or violation and in addition to other rights it may have, apply to a judge of the Trial Division for an order</p> <p>(a) directing the person or company to comply with the decision or provision or restraining the person or company from violating the decision or provision; and</p>

- (b) directing the directors and senior officers of the person or company to cause the person or company to comply with or to cease violating the decision or provision,

and upon the application the judge may make the order, or other order that he or she thinks fit.

Order to cease trading

**127.** (1) The Commission may, where in its opinion that action is in the public interest, order, subject to the terms and conditions that it may impose, that trading shall cease in respect of securities for the period specified in the order.

(2) The Commission may issue a cease trading order under subsection (1) notwithstanding the delivery of a report to it under subsection (3) of section 76.

(3) No order shall be made under subsection (1) or (2) without a hearing unless in the opinion of the Commission the length or time required for a hearing could be prejudicial to the public interest, in which event the Commission may make a temporary order, which shall not be for longer than fifteen days from the date of the making of the temporary order, but the order may be extended for the period that the Commission considers necessary where satisfactory information is not provided to the Commission within the fifteen day period.

Commission's discretion to remove exemptions

**128.** (1) The Commission may, where in its opinion the action is in the public interest, order, subject to the terms and conditions that it may impose, that any or all of the exemptions contained in sections 36, 73, 74 and 90 do not apply to the person or company named in the order.

(2) An order shall not be made under subsection (1) without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall not be for longer than fifteen days from the date of the making of the temporary order unless the hearing is commenced in which case the Commission may extend the order until the hearing is concluded.

(3) Notice of a temporary order made under subsection (2) shall be given immediately together with the notice of the hearing under subsection (2) to every person or company that in the opinion of the Commission is directly affected by it.

Limitation  
period

**129.** (1) No proceedings under this Part shall be commenced in a court more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission.

(2) No proceedings under this Act shall be commenced before the Commission more than two years after the facts upon which the proceedings are based first came to the knowledge of the Commission.

## PART XXII

### CIVIL LIABILITY

Liability for  
misrepresenta-  
tion in prospec-  
tus

**130.** (1) Where a prospectus together with an amendment to the prospectus contains a misrepresentation, a purchaser who purchases a security offered by it during the period of distribution or distribution to the public is deemed to have relied on the misrepresentation if it was a misrepresentation at the time of the purchase and has a right of action for damages against

- (a) the issuer or a selling security holder on whose behalf the distribution is made;
- (b) each underwriter of the securities who is required to sign the certificate required by section 60;
- (c) a director of the issuer at the time the prospectus or the amendment to the prospectus was filed;
- (d) a person or company whose consent has been filed under a requirement of the regulations but only with respect to reports, opinions or statements that have been made by them; and
- (e) a person or company who signed the prospectus or the amendment to the prospectus other than the persons or companies included in paragraphs (a) to (d),

or, where the purchaser purchased the security from a person or company referred to in paragraph (a) or (b) or from another underwriter of the securities, he or she may elect to exercise a right of rescission against the person, company or underwriter, in which case

he or she shall have no right of action for damages against the person, company or underwriter.

(2) A person or company is not liable under subsection (1) if he or she proves that the purchaser purchased the securities with knowledge of the misrepresentation.

(3) A person or company, other than the issuer or selling security holder, is not liable under subsection (1) if he or she proves

- (a) that the prospectus or the amendment to the prospectus was filed without his or her knowledge or consent, and that, on becoming aware of its filing, he or she immediately gave reasonable general notice that it was so filed;
- (b) that, after the issue of a receipt for the prospectus and before the purchase of the securities by the purchaser, on becoming aware of a misrepresentation in the prospectus or an amendment to the prospectus he or she withdrew his or her consent and gave reasonable general notice of the withdrawal and the reason for it;
- (c) that, with respect to a part of the prospectus or the amendment to the prospectus purporting to be made on the authority of an expert or purporting to be a copy of or an extract from a report, opinion or statement of an expert, he or she had no reasonable grounds to believe and did not believe that there had been a misrepresentation or that part of the prospectus or the amendment to the prospectus did not fairly represent the report, opinion or statement of the expert or was not a fair copy of or extract from the report, opinion or statement of the expert;
- (d) that, with respect to a part of the prospectus or the amendment to the prospectus purporting to be made on his or her authority as an expert or purporting to be a copy of or an extract from his or her report, opinion or statement as an expert but that contains a misrepresentation attributable to failure to represent fairly his or her report, opinion or statement as an expert,
  - (i) he or she had, after reasonable investigation, reasonable grounds to believe and did believe that the

part of the prospectus or the amendment to the prospectus fairly represented his or her report, opinion or statement, or

(ii) on becoming aware that that part of the prospectus or the amendment to the prospectus did not fairly represent his or her report, opinion or statement as an expert, he or she immediately advised the Commission and gave reasonable general notice that that use had been made and that he or she would not be responsible for that part of the prospectus or the amendment to the prospectus; or

(e) that, with respect to a false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement or copy of or extract from the document, and he or she had reasonable grounds to believe and did believe that the statement was true.

(4) A person or company, other than the issuer or selling security holder, is not liable under subsection (1) with respect to a part of the prospectus or the amendment to the prospectus purporting to be made on his or her authority as an expert or purporting to be a copy of or an extract from his or her report, opinion or statement as an expert unless he or she

(a) failed to conduct a reasonable investigation in order to provide reasonable grounds for a belief that there had been no misrepresentation; or

(b) believed there had been a misrepresentation.

(5) A person or company, other than the issuer or selling security holder, is not liable under subsection (1) with respect to a part of the prospectus or the amendment to the prospectus not purporting to be made on the authority of an expert and not purporting to be a copy of or an extract from a report, opinion or statement of an expert unless he or she

(a) failed to conduct the reasonable investigation necessary to provide reasonable grounds for a belief that there had been no misrepresentation; or

(b) believed there had been a misrepresentation.

(6) An underwriter is not liable for more than the total public offering price represented by the portion of the distribution underwritten by him or her.

(7) In an action for damages under subsection (1), the defendant is not liable for all or a portion of the damages that he or she proves do not represent the depreciation in value of the security as a result of the misrepresentation relied upon.

(8) All or one or more of the persons or companies specified in subsection (1) are jointly and severally liable, and every person or company who becomes liable to make a payment under this section may recover a contribution from a person or company who, if sued separately, would have been liable to make the same payment provided that the court may deny the right to recover the contribution where, in all the circumstances of the case, it is satisfied that to permit recovery of the contribution would not be just and equitable.

(9) In no case shall the amount recoverable under this section exceed the price at which the securities were offered to the public.

(10) The right of action for rescission or damages conferred by this section is in addition to and without derogation from another right the purchaser may have at law.

Liability for  
misrepresenta-  
tion in circular

**131.** (1) Where a take-over bid circular sent to the security holders of an offeree issuer as required by Part XIX or a notice of change or variation in respect of it contains a misrepresentation, a security holder is deemed to have relied on the misrepresentation and may elect to exercise a right of action for rescission or damages against the offeror or a right of action for damages against

(a) a person who at the time the circular or notice was signed was a director of the offeror;

(b) a person or company whose consent in respect of the circular or notice has been filed under a requirement of

the regulations but only with respect to reports, opinions or statements that have been made by the person or company; and

(c) each person who signed a certificate in the circular or notice other than the persons included in paragraph (a).

(2) Where a directors' circular or a director's or officer's circular delivered to the security holders of an offeree issuer as required by Part XIX or a notice of change or variation in respect of it contains a misrepresentation, a security holder is deemed to have relied on the misrepresentation and has a right of action for damages against a director or officer who signed the circular or notice that contained the misrepresentation.

(3) Subsection (1) applies with the necessary changes where an issuer bid circular or a notice of change or variation in respect of it contains a misrepresentation.

(4) A person or company is not liable under subsection (1), (2) or (3) if the person or company proves that the security holder had knowledge of the misrepresentation.

(5) A person or company, other than the offeror, is not liable under subsection (1), (2) or (3) if he or she proves

(a) that the take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular was sent without his or her knowledge or consent and that, on becoming aware of it, he or she immediately gave reasonable general notice that it was so sent;

(b) that, after the sending of the take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular on becoming aware of a misrepresentation in the take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular, he or she withdrew his or her consent to it and gave reasonable general notice of the withdrawal and the reason for it;

(c) that, with respect to a part of the circular purporting to be made on the authority of an expert or purporting to be a copy of or an extract from a report, opinion or statement

of an expert, he or she had no reasonable grounds to believe and did not believe that there had been a misrepresentation or that a part of the circular did not fairly represent the report, opinion or statement of the expert or was not a fair copy of or extract from the report, opinion or statement of the expert;

(d) that, with respect to a part of the circular purporting to be made on his or her own authority as an expert or purporting to be a copy of or an extract from his or her own report, opinion or statement as an expert, but that contains a misrepresentation attributable to failure to represent fairly his or her report, opinion or statement as an expert

(i) he or she had, after reasonable investigation, reasonable grounds to believe and did believe that the part of the circular fairly represented his or her report, opinion or statement as an expert, or

(ii) on becoming aware that that part of the circular did not fairly represent his or her report, opinion or statement as an expert, he or she immediately advised the Commission and gave reasonable general notice that that use had been made and that he or she would not be responsible for that part of the circular; or

(e) that, with respect to a false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement or copy of or extract from the document and he or she had reasonable grounds to believe and did believe that the statement was true.

(6) A person or company, other than the offeror, is not liable under subsection (1), (2) or (3) with respect to a part of the circular purporting to be made on his or her own authority as an expert or purporting to be a copy of or an extract from his or her own report, opinion or statement as an expert unless he or she

(a) failed to conduct the reasonable investigation necessary to provide reasonable grounds for a belief that there had been no misrepresentation; or

(b) believed there had been a misrepresentation.

(7) A person or company, other than the offeror, is not liable under subsection (1), (2) or (3) with respect to a part of the circular not purporting to be made on the authority of an expert and not purporting to be a copy of or an extract from a report, opinion or statement of an expert unless he or she

(a) failed to conduct the reasonable investigation necessary to provide reasonable grounds for a belief that there had been no misrepresentation; or

(b) believed there had been a misrepresentation.

(8) All or one or more of the persons or companies specified in subsection (1), (2) or (3) are jointly and severally liable, and a person or company that becomes liable to make a payment under this section may recover a contribution from a person or company who, if sued separately, would have been liable to make the same payment provided that the court may deny the right to recover the contribution where, in all the circumstances of the case, it is satisfied that to permit recovery of the contribution would not be just and equitable.

(9) In an action for damages under subsection (1), (2) or (3) based on a misrepresentation affecting a security offered by the offeror company in exchange for securities of the offeree company, the defendant is not liable for all or a portion of the damages that he or she proves do not represent the depreciation in value of the security as a result of the misrepresentation.

(10) Where the offeror

(a) in a take-over bid exempted from the provisions of Part XIX by paragraph (a) of subsection (1) of section 94; or

(b) in an issuer bid exempted from the provisions of Part XIX by paragraph (e) of subsection (3) of section 94,

is required, by the by-laws, regulations or policies of the stock exchange through the facilities of which the take-over bid or issuer bid is made, to file with it or to deliver to security holders of the offeree issuer a disclosure document, the disclosure document is deemed, for

the purposes of this section, to be a take-over bid circular or issuer bid circular delivered to the security holders as required by Part XIX.

(11) The right of action for rescission or damages conferred by this section is in addition to and without derogation from another right the security holders of the offeree issuer may have at law.

Standard of  
reasonableness

**132.** In determining what constitutes reasonable investigation or reasonable grounds for belief for the purposes of sections 130 and 131, the standard of reasonableness shall be that required of a prudent person in the circumstances of the particular case.

Liability of  
dealer or of-  
feror

**133.** A purchaser of a security to whom a prospectus was required to be sent or delivered but was not sent or delivered in compliance with subsection (1) of section 72 or a security holder to whom a take-over bid and take-over bid circular or an issuer bid and an issuer bid circular, or a notice of change or variation to a bid or circular, as required to be delivered but as not delivered in compliance with section 96 or 99 has a right of action for rescission or damages against the dealer or offeror who failed to comply with the applicable requirement.

Liability where  
material fact or  
change un-  
disclosed

**134.** (1) A person or company in a special relationship with a reporting issuer who purchases or sells securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed is liable to compensate the seller or purchaser of the securities for damages as a result of the trade unless

- (a) the person or company in the special relationship with the reporting issuer proves that the person or company reasonably believed that the material fact or material change had been generally disclosed; or
- (b) the material fact or material change was known or ought reasonably to have been known to the seller or purchaser.

(2) A

- (a) reporting issuer;

- (b) person or company in a special relationship with a reporting issuer; and
- (c) person or company that proposes
  - (i) to make a take-over bid, as defined in Part XIX, for the securities of a reporting issuer,
  - (ii) to become a party to a reorganization, amalgamation, merger, arrangement or similar business combination with a reporting issuer, or
  - (iii) to acquire a substantial portion of the property of a reporting issuer,

and who informs another person or company of a material fact or material change with respect to the reporting issuer that has not been generally disclosed is liable to compensate for damages a person or company that thereafter sells securities of the reporting issuer to or purchases securities of the reporting issuer from the person or company that received the information unless

- (d) the person or company who informed the other person or company proves that the informing person or company reasonably believed the material fact or material change had been generally disclosed;
  - (e) the material fact or material change was known or ought reasonably to have been known to the seller or purchaser;
  - (f) in the case of an action against a reporting issuer or a person in a special relationship with the reporting issuer, the information was given in the necessary course of business; or
  - (g) in the case of an action against a person or company described in subparagraph (i), (ii) or (iii) of paragraph (c), the information was given in the necessary course of business to effect the take-over bid, business combination or acquisition.
- (3) A person or company that has access to information concerning the investment program of a mutual fund in the province or

the investment portfolio managed for a client by a portfolio manager or by a registered dealer acting as a portfolio manager and uses that information for his, her or its direct benefit or advantage to purchase or sell securities of an issuer for his, her or its account where the portfolio securities of the mutual fund or the investment portfolio managed for the client by the portfolio manager or registered dealer include securities of that issuer is accountable to the mutual fund or the client of the portfolio manager or registered dealer for a benefit or advantage received or receivable as a result of the purchase or sale.

(4) A person or company that is an insider, affiliate or associate of a reporting issuer that

- (a) sells or purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed; or
- (b) communicates to another person, other than in the necessary course of business, knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed,

is accountable to the reporting issuer for a benefit or advantage received or receivable by the person or company as a result of the purchase, sale or communication unless the person or company proves that the person or company reasonably believed that the material fact or material change had been generally disclosed.

(5) Where more than one person or company in a special relationship with a reporting issuer is liable under subsection (1) or (2) as to the same transaction or series of transactions, their liability is joint and several.

(6) In assessing damages under subsection (1) or (2), the court shall consider

- (a) if the plaintiff is a purchaser, the price that he or she paid for the security less the average market price of the security in the twenty trading days following general disclosure of the material fact or material change; or

- (b) if the plaintiff is a vendor, the average market price of the security in the twenty trading days following general disclosure of the material fact or material change less the price that he or she received for the security,

but the court may instead consider those other measures of damages that may be relevant in the circumstances.

(7) For the purposes of this section, "a person or company in a special relationship with a reporting issuer" has the same meaning as in subsection (5) of section 77.

(8) For the purposes of subsections (1) and (2), a security of the reporting issuer includes

- (a) a put, call, option or other right or obligation to purchase or sell securities of the reporting issuer; or
- (b) a security, the market price of which varies materially with the market price of the securities of the issuer.

Action by Commission on behalf of issuer

**135.** (1) Upon application by the Commission or by a person or company who was at the time of a transaction referred to in subsection (1) or (2) of section 134 or is at the time of the application a security holder of the reporting issuer, a judge of the Trial Division may, if satisfied that

- (a) the Commission or the person or company has reasonable grounds for believing that the reporting issuer has a cause of action under subsection (4) of section 134; and
- (b) either
  - (i) the reporting issuer has refused or failed to commence an action under section 134 within sixty days after receipt of a written request from the Commission or a person or company to do so, or
  - (ii) the reporting issuer has failed to prosecute diligently an action commenced by it under section 134,

make an order, upon the terms as to security for costs and otherwise that the judge seems fit, requiring the Commission or authorizing the

person or company or the Commission to commence or continue an action in the name of and on behalf of the reporting issuer to enforce the liability created by subsection (4) of section 134.

(2) Upon the application by the Commission or a person or company who was at the time of a transaction referred to in subsection (3) of section 134 or is at the time of the application a security holder of the mutual fund, a judge of the Trial Division may, if satisfied that

- (a) the Commission or the person or company has reasonable grounds for believing that the mutual fund has a cause of action under subsection (3) of section 134; and
- (b) the mutual fund has either
  - (i) refused or failed to commence an action under subsection (3) of section 134 within sixty days after receipt of a written request from the Commission or the person or company to do so, or
  - (ii) failed to prosecute diligently an action commenced by it under subsection (3) of section 134,

make an order, upon terms as to security for costs or otherwise that the judge considers proper, requiring the Commission or authorizing the person or company or the Commission to commence and prosecute or to continue an action in the name of and on behalf of the mutual fund to enforce the liability created by subsection (3) of section 134.

(3) Where an action under subsection (3) or (4) of section 134 is

- (a) commenced,
- (b) commenced and prosecuted, or
- (c) continued

by a board of directors of a reporting issuer, the trial judge may order that the costs properly incurred by the board of directors in commencing, commencing and prosecuting or continuing the action shall

be paid by the reporting issuer, if he or she is satisfied that the action was *prima facie* in the best interests of the reporting issuer and the security holders.

(4) Where an action under subsection (3) or (4) of section 134 is

- (a) commenced,
- (b) commenced and prosecuted, or
- (c) continued

by a person or company who is a security holder of the reporting issuer, the trial judge may order that the costs properly incurred by the person or company in commencing and prosecuting or continuing the action shall be paid by the reporting issuer, if he or she is satisfied that

- (d) the reporting issuer failed to commence the action or had commenced it but had failed to prosecute it diligently; and
- (e) the continuance of the action is *prima facie* in the best interests of the reporting issuer and the security holders.

(5) Where an action under subsection (3) or (4) of section 134 is

- (a) commenced,
- (b) commenced and prosecuted, or
- (c) continued

by the Commission, the trial judge shall order the reporting issuer to pay all costs properly incurred by the Commission in commencing, commencing and prosecuting or continuing the action.

(6) In determining whether an action or its continuance is *prima facie* in the best interests of a reporting issuer and the security holders, the judge shall consider the relationship between the potential benefit to be derived from the action by the reporting issuer and

- (b) in the case of an action, other than an action for rescission, the earlier of
  - (i) one hundred eighty days after the plaintiff first had knowledge of the facts giving rise to the cause of action, or
  - (ii) three years after the date of the transaction that gave rise to the cause of action.

### PART XXIII

#### GENERAL PROVISIONS

Admissibility  
of certified  
statements

**139.** A statement as to

- (a) the registration or non-registration of a person or company;
- (b) the filing or non-filing of a document or material required or permitted to be filed;
- (c) another matter pertaining to the registration, non-registration, filing or non-filing, or to a person, company, document or material; or
- (d) the date the facts upon which proceedings are to be based first came to the knowledge of the Commission,

purporting to be certified by the Commission or a member of the Commission or by the Director is, without proof of the office or signature of the person certifying, admissible in evidence, so far as relevant, for all purposes in an action, proceeding or prosecution.

Filing and in-  
spection of  
material

**140.** (1) Where this Act or the regulations require that material be filed, the filing shall be effected by depositing the material with the Commission and all material so filed shall be made available by the Commission for public inspection during the normal business hours of the Commission.

(2) Notwithstanding subsection (1), the Commission may hold material or a class of material required to be filed by this Act in

confidence so long as the Commission is of the opinion that the material so held discloses intimate financial, personal or other information and that the desirability of avoiding disclosure of it in the interests of a person or company affected outweighs the desirability of adhering to the principle that material filed with the Commission be available to the public for inspection.

Immunity of  
Commission  
and officers

**141.** (1) No action or other proceeding for damages shall be instituted against the Commission or a member of the Commission, or an officer, servant or agent of the Commission for an act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act or a regulation, or for a neglect or default in the performance or exercise in good faith of that duty or power.

(2) No person or company has rights or remedies and no proceedings lie or shall be brought against a person or company for an act or omission of the last-mentioned person or company done or omitted in compliance with this Act, the regulations or a direction, decision, order, ruling or other requirement made or given under this Act or the regulations.

(3) Subsection (1) does not, by reason of *The Proceedings Against the Crown Act, 1973*, relieve the Crown of liability in respect of a tort committed by the Commission or a person referred to in subsection (1) to which the Crown would otherwise be subject and the Crown is liable under that Act for a tort in a like manner as if subsection (1) had not been enacted.

Application to  
the Crown

**142.** (1) This Act applies to

(a) the Crown in right of Canada;

(b) the Crown in right of the province; and

(c) the Crown in right of another province or territory of Canada,

and agents and servants of the Crown.

(2) Notwithstanding subsection (1), subsections (4) and (6) of section 12 and sections 17, 18, 61, 122, 130, 131, 134 and 138 do not apply to

- (a) the Crown in right of Canada;
- (b) the Crown in right of the province;
- (c) the Crown in right of another province or territory of Canada; or
- (d) an agent or servant of the Crown, as referred to in paragraph (a), (b) or (c), where the matter arises from the performance of a duty or the exercise of a power as an agent or servant of the Crown or from a neglect or default in the performance or exercise of that duty or power.

Regulations

**143.** (1) The Lieutenant Governor in Council may make regulations

- (a) prescribing categories for persons and companies and the manner of allocating persons and companies to categories, including permitting the Director to make the allocations, and prescribing the form and content of and governing the use of prospectuses, preliminary prospectuses, *pro forma* prospectuses, summary statements and statements of material facts to be filed by, and financial conditions applicable to, persons and companies in accordance with their categories;
- (b) designating mutual funds or a class of mutual funds as private mutual funds;
- (c) designating banking transactions for the purposes of subparagraph (iv) of paragraph (v) of subsection (1) of section 2;
- (d) prescribing the form and content of financial statements and interim financial statements required to be filed under this Act;

- (e) prescribing requirements respecting applications for registration and renewal of registration, and providing for the expiration of registrations;
- (f) classifying registrants into categories and prescribing the terms and conditions of registration of registrants in each category but no registrant shall be included in a category designated as
  - (i) investment dealer, unless he or she is a member of a body recognized under section 20,
  - (ii) broker unless he or she is a member of a stock exchange recognized by the Commission, or
  - (iii) broker-dealer, unless he or she is a member of a Broker-Dealers' Association recognized by the Commission;
- (g) regulating the listing and trading of securities and records relating to them;
- (h) governing the furnishing of information to the public or to the Commission by a registrant in connection with securities or trades;
- (i) governing the furnishing of information by a registrant or class of registrants to a person or company recognized by the Commission and governing the payment of fees with respect to the information;
- (j) regulating the trading of securities other than on a stock exchange recognized by the Commission;
- (k) governing the keeping of accounts and records, the preparation and filing of financial statements of the affairs of the security issuers and the audit requirements with respect to them;
- (l) respecting fees payable by an issuer to a management company as consideration for investment advice, alone or together with administrative or management services, provided by the management company to the mutual fund;

- (m) respecting sales charges imposed by a distribution company or contractual plan service company under a contractual plan on purchasers of shares or units of a mutual fund, and commissions to be paid to salespersons, of shares or units of a mutual fund;
- (n) designating a person or company or a class of persons or companies who shall not be required to obtain registration as an adviser;
- (o) prescribing the fees payable to the Commission including fees for filing, fees upon applications for registration, fees in respect of audits made by the Commission and other fees in connection with the administration of this Act and the regulations;
- (p) prescribing the documents, certificates, reports, releases, statements, agreements and other information and the form, content and other particulars that are required to be filed, furnished or delivered under this Act and the regulations;
- (q) prescribing the practice and procedure of investigations under sections 12 and 14;
- (r) prescribing the forms for use under this Act and the regulations;
- (s) prescribing terms and conditions upon which a person or company may be designated as a recognized clearing agency;
- (t) prescribing trades or securities in addition to the trades and securities referred to in section 36 in respect of which registration shall not be required and prescribing conditions under which registration may not be required;
- (u) prescribing trades or securities referred to in section 36, in respect of which there shall cease to be exemption from registration;
- (v) prescribing trades or securities in addition to the trades and securities referred to in sections 73 and 74, in respect

- of which section 54 does not apply and prescribing conditions under which registration may not be required;
- (w) prescribing trades or securities in respect of which sections 54 and 63 shall be applicable notwithstanding sections 73 and 74;
  - (x) exempting a seller or class of sellers from the requirements of subparagraphs (i) and (ii) of paragraph (b) of subsection (7) of section 73;
  - (y) prescribing terms and conditions that shall be contained in an escrow or pooling agreement with respect to securities issued for a consideration other than cash;
  - (z) prescribing the practice and procedure by which the Commission recognizes exempt purchasers under paragraph (d) of subsection (1) of section 36;
  - (aa) exempting a category of registered advisers from the provisions of section 41 or varying the provisions of section 41 as they apply to a category of registered advisers;
  - (bb) prescribing the information required or permitted to be distributed under subsection (2) of section 66;
  - (cc) respecting the matters referred to in paragraph (h) of subsection (2) of section 62, and including matters pertaining to requirements as to paid-up capital and surplus, liquidity of assets, ratios of debt to paid-up capital and surplus, audit procedures, the furnishing of interim financial statements and the provisions of trust indentures and the qualifications, rights, duties and obligations of trustees;
  - (dd) respecting a matter necessary or advisable to carry out effectively the intent and purpose of sections 77 and 134, including exempting a class of persons and companies, trades or securities from the requirements of section 77 and from liability under section 134 and prescribing standards for determining when a material fact or material change has been generally disclosed;

- (ee) requiring an issuer or class of issuers to comply with Part XVII;
  - (ff) respecting the content and distribution of written, printed or visual material and advertising that may be distributed or used by a person or company with respect to a security whether in the course of distribution or otherwise;
  - (gg) prescribing the form and content of the reports to be filed under Part XX;
  - (hh) respecting another matter necessary or advisable to carry out effectively the intent and purpose of Parts XIX and XX, including providing for exemptions in addition to those set out in subsections (1) and (3) of section 94 providing for exemptions from section 95, restricting an exemption set out in subsection (1) or (3) of section 94 or section 95, prescribing rules in addition to those set out in section 96 and varying a rule set out in that section and prescribing the form and content of a circular, report or other document required to be delivered or filed;
  - (ii) prescribing a penalty for the early redemption of shares or units of a mutual fund;
  - (jj) prescribing the form and content of proxies, information circulars and reports required by Part XVII or XVIII;
  - (kk) permitting the Commission or the Director to exempt a person or company from the provisions of the regulations or vary the provisions as they apply to a person or company;
  - (ll) generally, respecting investment contracts;
  - (mm) generally, respecting the Commission's performance of its duties; and
  - (nn) generally to give effect to the provisions of this Act.
- (2) The Minister may by regulation establish advisory committees to advise him or her respecting the operation of this Act.

Commission's  
direction

**144.** (1) The Commission may, where in its opinion to do so would not be prejudicial to the public interest, make an order on the terms and conditions that it may impose revoking or varying decisions made by it under this Act or the regulations.

(2) The Commission may, where in its opinion to do so would not be prejudicial to the public interest,

(a) order that exemption orders, prospectus or other receipts, registrations or other formal actions (collectively referred to in this subsection as "specified actions") made, issued, promulgated or taken by another securities commission or equivalent authority in Canada specified in the order of the Commission shall be valid and effective as if made, issued, promulgated or taken by the Commission under this Act where

(i) the specified action is within the class or classes or satisfies the criteria set out in the order of the Commission, and

(ii) a copy of the document evidencing the specified action of the other securities commission or equivalent authority is filed with the Commission; and

(b) order that the Commission will accept documents filed and orders made in other jurisdictions in satisfaction of the requirements of this Act and the regulations as to a matter or class of matters specified in the order.

(3) Nothing in an order made under subsection (2) precludes the Commission from determining that there must, as to a particular matter, be compliance with this Act without regard to orders, receipts, regulations or other formal actions that may have been made, issued, promulgated or taken in other jurisdictions, but

(a) such a determination may be made only after the parties directly affected and known to the Commission have been given notice and an opportunity to be heard, unless the Commission decides that the delay necessary to provide prior notice and an opportunity to be heard would be prejudicial to the public interest, in which event the Commission may make the determination without prior notice

but shall give notice of having done so immediately afterward; and

- (b) no such determination shall have the effect of retroactively rendering unlawful actions taken in the province in good faith prior to the determination, if those actions would have been lawful but for the determination.

**PART XXIV  
TRANSITIONAL, CONSEQUENTIAL  
AND REPEAL**

Continuation of registration	<b>145.</b> Every registration made and receipt for a prospectus issued under <i>The Securities Act</i> , and in effect immediately before the day that this Act comes into force continues in the same manner as if made or issued under this Act.
Director substituted for Commission	<b>146.</b> (1) Until the members of the Commission are appointed under section 3, the Director may exercise the powers and shall perform the duties of the Commission under this Act except those contained in sections 9 and 62.  (2) An appeal from a decision of the Director acting under subsection (1) may be made to a judge of the Trial Division.
RSN 1970 c.184 amdt.	<b>147.</b> Section 28 of <i>The Investment Contracts Act</i> is repealed.
RSN 1970 c.349 Rep.	<b>148.</b> <i>The Securities Act</i> is repealed.
Commence- ment	<b>149.</b> This Act comes into force on April 1, 1991.



## CHAPTER 49

### AN ACT TO AMEND THE DANGEROUS GOODS TRANSPORTATION ACT AND THE SUMMARY PROCEEDINGS ACT

(Assented to December 7, 1990)

#### Analysis

Section:	Section:
THE DANGEROUS GOODS TRANSPORTATION ACT	4. S.21(1) Amdt. Regulations
1. S.6 Amdt. Penalty	THE SUMMARY PROCEEDINGS ACT
2. S.13 Amdt. Powers of inspectors	5. S.14(1) Amdt. Traffic ticket
3. S.13.1 Amdt. Power to seize samples	

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

#### THE DANGEROUS GOODS TRANSPORTATION ACT

1982 c.45  
as amended

1. Section 6 of *The Dangerous Goods Transportation Act* is amended by adding immediately after subsection (2) the following:

"(2.1) The Lieutenant-Governor in Council may by regulation designate an offence under this Act as an offence for which a ticket may be issued under section 14 of *The Summary Proceedings Act*."

2. Section 13 of the Act is amended by adding immediately after subsection (2) the following:

"(3) A person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than six hundred dollars or thirty days imprisonment for a first offence and not more than one thousand dollars or imprisonment for a term not exceeding one year for a subsequent offence."

3. Section 13.1 of the Act is amended by adding immediately after subsection (3) the following:

"(3.1) A person who fails to comply with a reasonable request of an inspector is guilty of an offence and liable on summary conviction to a fine of not more than six hundred dollars or thirty days imprisonment for a first offence and not more than one thousand dollars or imprisonment for a term not exceeding one year for a subsequent offence."

4. Subsection (1) of section 21 of the Act is amended by

- (a) deleting the word "and" at the end of paragraph (n);
- (b) deleting the period at the end of paragraph (o) and by substituting a semicolon and the word "and"; and
- (c) adding immediately after paragraph (o) the following:
  - "(p) designating a violation of a Federal regulation which has been adopted by the province as an offence for which a ticket may be issued under *The Summary Proceedings Act*."

#### THE SUMMARY PROCEEDINGS ACT

1979 c.35  
as amended

5. Subsection (1) of section 14 of *The Summary Proceedings Act* is amended by deleting the word "or" at the end of paragraph (c.1) and by adding immediately after paragraph (c.1) the following:

"(c.2) of *The Dangerous Goods Transportation Act*; or".



## CHAPTER 50

### AN ACT TO AMEND THE YOUNG PERSONS OFFENCES ACT

*(Assented to December 7, 1990)*

#### *Analysis*

Section:

1. S.22 Amdt.  
Disclosure of records

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1984 c.2  
as amended

1. Section 22 of *The Young Persons Offences Act* is amended by

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

(b) adding immediately after subsection (1) the following:

"(2) Subsection (1) does not apply to a record concerning a conviction for an offence by a young person contrary to *The Highway Traffic Act, 1988*."



## CHAPTER 51

### AN ACT TO AMEND THE MEMBERS OF THE HOUSE OF ASSEMBLY (RETIRING ALLOWANCES) ACT, THE PUBLIC SERVICE (PENSIONS) ACT AND THE UNIFORMED SERVICES PENSIONS ACT

*(Assented to December 7, 1990)*

#### Analysis

Section:

MEMBERS OF THE HOUSE OF ASSEMBLY (RETIRING ALLOWANCES) ACT  
1. S.2 Amdt.  
Definitions

Section:

PUBLIC SERVICE (PENSIONS) ACT  
2. S.2 Amdt.  
Definitions  
UNIFORMED SERVICES PENSIONS ACT  
3. S.2 Amdt.  
Definitions  
4. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

#### THE MEMBERS OF THE HOUSE OF ASSEMBLY (RETIRING ALLOWANCES) ACT

1975-76 No.15  
as amended

1. Section 2 of *The Members of the House of Assembly (Retiring Allowances) Act* is amended by adding immediately after paragraph (g) the following:

"(g.1) "spouse" means a person of the opposite sex

(i) to whom the member is married at the time of that member's death, or

- (ii) who establishes to the satisfaction of the Minister of Finance that the person has cohabited with the member for at least twelve consecutive months immediately prior to that member's death provided that the person and the member held themselves out to the public as spouses of each other and there was no impediment to marriage between that person and the member;"

#### THE PUBLIC SERVICE (PENSIONS) ACT

RSN 1970 c.319  
as amended

**2.** Section 2 of *The Public Service (Pensions) Act* is amended by adding immediately after paragraph (r) the following:

"(r.1) "surviving spouse" means a person of the opposite sex

- (i) to whom the employee is married at the time of that employee's death, or
- (ii) who establishes to the satisfaction of the Minister that the person has cohabited with the employee for at least twelve consecutive months immediately prior to that employee's death provided that the person and the employee held themselves out to the public as spouses of each other and there was no impediment to marriage between that person and the employee;"

#### THE UNIFORMED SERVICES PENSIONS ACT

1982 c.49  
as amended

**3.** Section 2 of *The Uniformed Services Pensions Act* is amended by striking out the word "and" at the end of paragraph (n) and by adding immediately after paragraph (n) the following:

"(n.1) "spouse" means a person of the opposite sex

- (i) to whom the employee is married at the time of the employee's death, or
- (ii) who establishes to the satisfaction of the Minister that the person has cohabited with the employee for

at least twelve consecutive months immediately prior to that employee's death provided that the person and the employee held themselves out to the public as spouses of each other and there was no impediment to marriage between that person and the employee; and".

**Commencement**

Commence-  
ment

4. This Act is deemed to have come into force on January 1, 1989.



## CHAPTER 52

### AN ACT TO AMEND THE CORPORATIONS ACT

(Assented to December 7, 1990)

#### Analysis

Section:

1. S.170 Amdt.  
Residency requirement

Section:

2. S.327 Amdt.  
Revival application

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1986 c.12  
as amended

1. Subsection (3) of section 170 of *The Corporations Act* is repealed and the following substituted:

"(3) A body corporate incorporated under *The Companies Act* and continued under this Act shall be exempted from the provisions of subsections (1) and (2) where the body corporate maintains the same proportion of non-resident directors after January 1, 1987 as that body corporate had before January 1, 1987.

(4) Subsections (1) and (2) do not apply to a body corporate that earns no income in Canada."

2. Subsection (1) of section 327 of the Act is repealed and the following substituted:

"(1) Where a body corporate is dissolved under this Part, section 414 or 459 or *The Companies Act*, an interested person may apply to the Registrar to have the body corporate revived."



## CHAPTER 53

### AN ACT TO AMEND THE WESTERN MEMORIAL HOSPITAL CORPORATION ACT, 1947

(Assented to December 7, 1990)

#### Analysis

Section:

1. S.2 Amdt.  
Corporation created
2. S.4(a) Amdt.  
Minister to appoint members

Section:

3. S.5 Amdt.  
Term of office of members
4. S.9 Amdt.  
Majority to govern

*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

1947 No.3  
as amended

1. Section 2 of the *Western Memorial Hospital Corporation Act, 1947* is amended by striking out the word "nine" and by substituting the word "eleven".

2. Paragraph (a) of section 4 of the Act is amended by striking out the word "four" and by substituting the word "six".

3. Subsections (2) and (3) of section 5 of the Act are repealed and the following substituted:

"(2) The members of the Corporation shall be appointed for a period of two years and at the end of that period and at the end of each succeeding two year period thereafter five of their number shall retire and the six members not retired at the end of that two year period shall continue in office for a further period of two years.

(3) The five members of the Corporation to retire in accordance with subsection (2) shall be two of the Government members, the Company member, the Council member and one of the public members, and the retiring Government members shall be selected by the Minister and the retiring public member shall be chosen by lot at the public meetings held in accordance with paragraph (d) of section 4."

4. Section 9 of the Act is amended by striking out the word "five" where it twice occurs and by substituting the word "seven".



## CHAPTER 54

### AN ACT TO AMEND THE PRINCIPAL AGREEMENT RATIFIED BY THE AVALON TELEPHONE COMPANY ACT, 1938

*(Assented to December 7, 1990)*

#### *Analysis*

Section:

1. Sch. A cl.19  
Rep.

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1938 No.6  
as amended

1. Clause 19 of the principal Agreement set out in Schedule A  
to the *Avalon Telephone Company Act, 1938* is repealed.



## CHAPTER 55

### AN ACT TO AMEND THE BUILDINGS ACCESSIBILITY ACT, 1981

(Assented to December 7, 1990)

#### Analysis

Section:	Section:
1. S.2 Amdt. Definitions	20.2 Chairperson
2. S.3 R&S Purpose of Act	20.3 Appeal
3. S.6 Amdt. Prohibition	20.4 Powers
4. S.7 R&S Reconstructed buildings	20.5 Right to counsel
5. S.10(4) Added Powers of director	20.6 Appeal to Trial Division
6. Ss.20 & 21 R&S 20. Appeal tribunal	20.7 Protection from liability
20.1 Remuneration and expenses	20.8 Conflict of interest
	21. Effect of appeal
	7. S.22 Amdt. General regulations
	8. S.24 Amdt. Adoption of codes and standards
	9. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1981 c.90  
as amended

1. (1) Paragraph (c) of section 2 of *The Buildings Accessibility Act, 1981* is repealed and the following substituted:

"(c) "building" means

- (i) a public building,
- (ii) an apartment-type building,
- (iii) a hotel, and

(iv) a building link;

(c.1) "building link" means a structure which connects a building to another building;"

(2) Section 2 of the Act is further amended by adding immediately after paragraph (f) the following:

"(f.1) "hotel" means a building or facility in which lodging, with or without food or beverage, is provided to guests for a fee and includes a cabin, cottage, housekeeping unit, inn, lodge and motel;"

(3) Paragraph (j) of section 2 is amended by striking out the words "confined to" and substituting the word "use".

(4) Paragraph (k) of section 2 of the Act is amended by striking out the word "and".

(5) Section 2 of the Act is further amended by repealing paragraph (l) and substituting the following:

"(l) "public building" means a building and includes the parking, walkway or other facilities of that building to which the public and employees employed in the building are admitted but does not include those buildings in a group prescribed by regulation; and

(m) "tribunal" means the appeal tribunal established under section 20."

2. Section 3 of the Act is repealed and the following substituted:

Purpose of Act

"3. The purpose of this Act is to require

(a) in the case of public buildings, the entrances, parking, walkway and other facilities available to and accessible by members of the public for lawful purposes and employees employed in the building to be available to and accessible by physically disabled persons;

(b) in the case of apartment-type buildings, the entrances, parking, walkway and other facilities, not including

those in relation to individual residential units, available to and accessible by residents in the apartment-type building for lawful purposes, to be available to and accessible by residents who are physically disabled persons;

(c) in the case of hotels, the entrances, parking, walkway and other facilities available to and accessible by employees and members of the public for fee or otherwise to be available to and accessible by physically disabled persons; and

(d) in the case of building links, that access to or from a building on or over a building link to be available to and accessible by physically disabled persons."

**3.** (1) Subsection (1) of section 6 of the Act is amended by adding immediately after the word "construct" a comma and the word, "occupy".

(2) Subsection (2) of section 6 is amended by adding immediately after the word "construction" the words "or occupancy".

**4.** Section 7 of the Act is repealed and the following substituted:

Reconstructed  
buildings

"7. (1) No person shall reconstruct, add to or change the use of a building unless provision is made to have the building comply afterward with the requirements of this Act and the regulations.

(2) No person shall issue a permit, licence or other authorization to reconstruct, add to or change the use of a building unless the design of that reconstruction, addition or building which has changed its use is registered with the Department."

**5.** Section 10 of the Act is amended by adding immediately after subsection (3) the following:

"(4) Notwithstanding section 14, the director may determine for the purpose of the occupancy of a building or part of a building that the submissions and inspections required by this Act have been completed if the director is satisfied that the

equipment, device, work or fixture to be installed or completed is fully installed or completed within a prescribed period."

6. Sections 20 and 21 of the Act are repealed and the following substituted:

Appeal tribunal

"20. (1) The Lieutenant-Governor in Council shall appoint an appeal tribunal consisting of a chairperson, a vice-chairperson and three persons, one of whom shall be a representative of the physically disabled.

(2) No member of the tribunal shall be a public servant of the province.

(3) A member may be reappointed to the tribunal when his or her term of office has expired.

(4) Where a member of the tribunal resigns or his or her term of office expires, in relation to a matter before the tribunal in which that member was involved before that resignation or expiry, that member may continue to exercise his or her powers and perform his or her duties with regard to that matter as if he or she had not resigned or the term had not expired.

Remuneration and expenses

20.1 (1) The Lieutenant-Governor in Council

(a) shall determine the terms of office, remuneration and allowable expenses of members of the tribunal; and

(b) may by regulation determine the rules of procedure respecting the proceedings of the tribunal.

(2) All expenses incurred in the administration of the tribunal shall be paid out of the Consolidated Revenue Fund.

Chairperson

20.2 (1) The chairperson of the tribunal shall preside at all appeals attended by the chairperson.

(2) Where the chairperson cannot attend or act the vice-chairperson shall act for the chairperson and shall have all the powers of the chairperson.

Appeal	<p>20.3 (1) A notice, decision, direction or order confirmed or varied by the director under section 17 may be appealed to the tribunal by written notice of appeal within thirty days of that notice, decision, direction or order.</p> <p>(2) Upon receipt of a notice under subsection (1) the tribunal shall hear the appeal not later than thirty days after receipt of that notice.</p> <p>(3) A notice or other document required to be served on the tribunal may be served on the chairperson or on the vice-chairperson of the tribunal.</p>
Powers	<p>20.4 (1) For the purpose of an appeal under section 20.3, the tribunal has all the powers that are conferred on a Commissioner by <i>The Public Enquiries Act</i>.</p> <p>(2) The tribunal shall, after it has heard an appeal, confirm, revoke or vary the action taken by the director under section 17.</p>
Right to counsel	<p>20.5 The director and the person who has given notice of the appeal may appear and may be represented by counsel at an appeal before the tribunal.</p>
Appeal to Trial Division	<p>20.6 (1) An appeal lies to the Trial Division from an order, ruling or decision of the tribunal.</p> <p>(2) An appeal under subsection (1) shall be made within thirty days from the date of the order, ruling or decision appealed from.</p>
Protection from liability	<p>20.7 No action lies against an inspector, the director or a member of the tribunal for anything done in good faith under this Act or the regulations.</p>
Conflict of interest	<p>20.8 No member of the tribunal may participate in the hearing of an appeal in which that member has a direct or personal interest or in which the chairperson determines there is a conflict of interest.</p>
Effect of appeal	<p>21. An appeal under section 17, 20.3 or 20.6 shall not affect the notice, decision, direction or order appealed against and that notice, decision, direction or order shall remain in force pending the outcome of the appeal."</p>

7. (1) Section 22 of the Act is amended by adding immediately after paragraph (a) the following:

"(a.1) regarding equipment, devices, works or fixtures to be installed or completed under subsection (4) of section 10;"

(2) Section 22 of the Act is further amended by adding immediately after paragraph (b) the following:

"(b.1) prescribing requirements for the location, type, placement and manner of installation of accessible entrances, elevators, vertical or other lifts;"

8. Subsection (2) of section 24 of the Act is amended by adding immediately after the word "director" the words "or as are prescribed".

Commence-  
ment

9. This Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.



## CHAPTER 56

### AN ACT TO AMEND THE OCCUPATIONAL HEALTH AND SAFETY ACT

(Assented to December 7, 1990)

#### Analysis

##### Section:

1. S.21.2 Added  
Agreements with other  
governments

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1978 c.23  
as amended

1. *The Occupational Health and Safety Act* is amended by adding immediately after section 21.1 the following:

Agreements  
with other  
governments

"21.2 (1) The Minister may, with the approval of the Lieutenant-Governor in Council, enter into an agreement with the Government of Canada or of a province or an agency or body of the Government of Canada or of the Government of a province or a national or provincial body or organization specifying the terms and conditions under which persons employed by the Government of Canada or of a province, an agency or body of the Government of Canada or of a province or a national or provincial body or organization may act as officers for the purposes of this Act.

(2) The Minister may designate the officers referred to in subsection (1) as inspectors for the purposes of this or another Act that is administered by the Division."



## CHAPTER 57

### AN ACT TO AMEND THE SUMMARY PROCEEDINGS ACT

(Assented to December 7, 1990)

#### Analysis

##### Section:

1. S.16(5) Added  
Parking ticket

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1979 c.35  
as amended

1. Section 16 of *The Summary Proceedings Act* is amended by adding immediately after subsection (4) the following:

"(5) For an offence referred to in subsection (1), the Attorney General may by order

- (a) authorize a person other than a peace officer to lay a complaint and issue a summons by means of a traffic ticket; and
- (b) indicate the terms and conditions of an authorization made under paragraph (a)."



## CHAPTER 58

### AN ACT TO REVISE THE LAW RESPECTING THE MANAGEMENT, HARVESTING AND PROTECTION OF THE FORESTS OF THE PROVINCE

(Assented to December 7, 1990)

#### Analysis

##### Section:

1. Short title
2. Definitions
3. Duty of Minister
- PART I
- FOREST SERVICE
4. Forest Service
5. Chief forester
6. Timber resource analysis
- PART II
- FOREST MANAGEMENT
7. Forest management district
8. Timber production forest
9. Annual allowable cut
10. Reversion to previous status
11. Roads part of forest
12. Exchange of cutting rights
13. Rights unaffected
14. Right to cut Crown timber
15. Crown timber licence
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*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

- |             |   |
|-------------|---|
| Short title | 1. This Act may be cited as <i>The Forestry Act</i> .   |
| Definitions | 2. In this Act <ul style="list-style-type: none"> <li>(a) "annual operating plan" means a document setting out in detail the areas proposed for harvesting and silvicultural treatment and the roads to be constructed during the operating year immediately succeeding the year in which the annual operating plan is submitted;</li> <li>(b) "Crown" means Her Majesty in right of the province;</li> <li>(c) "Crown lands" means <ul style="list-style-type: none"> <li>(i) all lands within the province, except <ul style="list-style-type: none"> <li>(A) lands that may be in the use or occupation of a Department of the Government of the province or of an officer or servant of the Department as a servant,</li> <li>(B) those lands that may, before the enactment of this Act, have been lawfully set apart or appropriated for a public purpose, and</li> </ul> </li> </ul> </li> </ul> |

- (C) lands lawfully alienated from the Crown,
- (ii) lands deemed to be Crown lands under section 133.2 of *The Crown Lands Act*, and
- (iii) lands declared to be abandoned lands under *The Abandoned Lands Act*;
- (d) "Crown timber" means timber that has not been alienated from the Crown and includes timber in respect of which the Crown may demand and receive a royalty;
- (e) "cutting permit" means a permit issued under the authority of the Minister to cut or uproot and remove timber from Crown lands or public lands;
- (f) "Department" means the Department of Forestry and Agriculture;
- (g) "five year operating plan" means a document setting out the areas to be harvested, the location and types of silvicultural treatments to be applied and the location of primary forest access roads to be constructed during the period covered by the plan;
- (h) "forest land" means land upon which are growing or standing trees or shrubs and includes dry marsh, bogland and land commonly known as "barrens";
- (i) "forest management plan" means a plan designed to organize timber harvesting, renewal and protection activities so as to provide for an optimum continuous supply of timber in a manner consistent with other resource management objectives, sound environmental practices and the principle of sustainable development and containing the following three documents: a twenty year management plan report, a five year operating plan and an annual operating plan;
- (j) "forest management district" means an area of Crown lands, public land or land owned by one or more persons, to which Part III applies or in relation to which one or more persons have rights to the timber, organized for efficient

administration and control and operated according to one forest management plan;

- (k) "forest operator" means a holder of a right of any kind to an area of land or to trees growing on the land for the purpose of cutting timber on the land or otherwise producing timber from the land commercially and whether received or held under grant, lease, licence, permit, contract or assignment or by some other means;
- (l) "forestry official" means an official of the Forest Service authorized by the Minister to carry out the provisions of this Act and the regulations;
- (m) "management plan report" means a document describing the parcel of forest land to which the plan applies and setting out the nature and extent of the forest resources contained within the parcel, the problems associated with the attainment of a regulated forest and the general policies and practices to be employed in the long term for the attainment of a regulated, sustained yield, forest;
- (n) "Minister" means the Minister of Forestry and Agriculture;
- (o) "person" includes an association of persons and a partnership;
- (p) "productive forest" means an area of forest land producing or capable of producing, at rotation age and under natural conditions, a forest stand containing a minimum merchantable timber volume of 30 m<sup>3</sup> (solid) per hectare;
- (q) "public land" means land owned or otherwise held by a department or agency of the Government of the province but does not include Crown lands, land constituted as a provincial park under *The Provincial Parks Act* or land set aside as a wilderness reserve or an ecological reserve under *The Wilderness and Ecological Reserves Act*;
- (r) "silvicultural treatments" means treatments designed to control the establishment, composition, structure, and growth of forests;

- (s) "sustainable development" means, in relation to forest resources, the development of those resources in a manner that meets the needs of the present without compromising the ability of future generations to meet their own needs;
- (t) "sustained yield forest management" means a policy, method or plan of management to provide for an optimum continuous supply of timber in a manner consistent with other resource management objectives, sound environmental practices and the principle of sustainable development;
- (u) "timber" means standing trees, felled trees, parts of standing or felled trees, shrubs, round logs, wood chips or logs that have been slabbed on one or more sides; and
- (v) "timber production forest" means an area of productive forest land managed primarily for timber production.

Duty of Minister

**3.** (1) The Minister shall consult with and advise all departments of Government respecting the planning, development and use of the forest resources of the province.

(2) The Minister shall, in a manner which he or she considers appropriate in the circumstances, consult with residents of the province who may be directly affected by

- (a) the preparation of a forest management plan under subsection (3) of section 7;
- (b) the designation of a timber production forest under subsection (1) of section 8; and
- (c) the issuing of a Crown timber licence or a timber sale agreement under subsection (1) of section 14.

#### PART I

#### FOREST SERVICE

Forest Service

**4.** (1) To ensure the management, protection and utilization of the forest resources of the province there is established within the

Department a branch to be known as the Forest Service of Newfoundland.

(2) The Forest Service shall supervise, control and direct all matters relating to

- (a) constructing and maintaining forest access roads;
- (b) protecting the forests of the province from fire, insect and disease;
- (c) carrying out programs of afforestation, reforestation, forest improvement and tree improvement;
- (d) cutting, classifying, measuring, manufacturing, marking and inspection of trees and timber;
- (e) preparing timber management plans for areas of productive forest land; and
- (f) developing and maintaining an up-to-date inventory of the timber resources of the province.

Chief forester

5. The Assistant Deputy Minister (Forestry) shall be the chief forester for the province and shall manage and direct the Forest Service.

Timber  
resource  
analysis

6. (1) Not later than March 31, 1990, and March 31 of every fifth year afterward the Minister shall prepare a timber resource analysis and a forest management strategy for the province.

(2) A timber resource analysis and the provincial forest management strategy prepared under subsection (1) shall be submitted to the Lieutenant-Governor in Council for approval.

## PART II

## FOREST MANAGEMENT

## Forest Management Districts

Forest manage-  
ment district

**7.** (1) With the approval of the Lieutenant-Governor in Council, the Minister may proclaim an area of forest lands as a forest management district.

(2) A proclamation made under subsection (1) shall contain a description of the boundaries of the forest management district and shall be published in the *Gazette*.

(3) Where the Minister proclaims a forest management district under subsection (1), he or she shall prepare a forest management plan in the manner prescribed by the regulations.

Timber produc-  
tion forest

**8.** (1) Within a forest management district, the Minister, with approval of the Lieutenant-Governor in Council, shall designate areas of forest land as a timber production forest.

(2) Areas of forest land designated as a timber production forest shall be managed in accordance with the principles of sustained yield forest management and shall not be withdrawn for disposition, sale, settlement or occupancy except as provided for in the regulations.

Annual allow-  
able cut

**9.** The Minister shall determine an annual allowable cut for each forest management district taking into consideration

- (a) the rate of timber production that may be sustained, for a specified time period, in the district, taking into account
  - (i) the species composition and age class distribution of the forest and its expected rate of growth,
  - (ii) the expected time that it will take the forest to become re-established following disturbance by insects, fire, disease, harvesting or other causes,
  - (iii) silvicultural treatments to be applied,

- (iv) the standards of timber utilization and the allowance for decay, waste and breakage expected to be applied with respect to timber harvesting,
  - (v) the constraints on the amount of timber that reasonably can be expected due to use of the area for purposes other than timber production, and
  - (vi) other information that, in the opinion of the Minister, relates to the capability of the area to produce timber;
- (b) the short and long term implications to the province of alternative rates of timber harvesting from the district;
  - (c) the nature, production capabilities and timber requirements of established and proposed timber processing facilities;
  - (d) the economic and social objectives of the forest management district, the region and the province;
  - (e) damage to timber due to insects, disease, wind or fire and salvage programs; and
  - (f) those other matters that the Minister considers appropriate.

Reversion to  
previous status

**10.** Where forest land that was withdrawn from a timber production forest ceases to be used for the purpose for which it was withdrawn it shall immediately revert, without a further order from the Minister or Lieutenant-Governor in Council being necessary, to its former designation as timber production forest.

Roads part  
of forest

**11.** All statutory road allowances, surveyed roads, streets, lanes and public lands that have been reserved for the purpose of constructing roads between or within parcels of land located in a timber production forest shall for the purposes of forest administration be considered to be part of the production forest, subject to *The Department of Works, Services and Transportation Act* respecting public highways and subject to the exercise of the powers conferred upon a municipality by *The Municipalities Act*, with respect to the construction, repair and maintenance of roads, lanes, bridges and culverts.

Exchange of  
cutting rights

**12.** (1) For the purpose of facilitating a voluntary exchange or transfer of timber cutting rights, the Lieutenant-Governor in Council may by order authorize the Minister to acquire for the Crown all or a part of

- (a) the right to manage and cut timber within a timber production forest located on land held by a person;
- (b) the right to hold possession of the land on which the timber referred to in paragraph (a) is located for the purpose of exercising the right to cut that timber;
- (c) the title to all improvements on the land referred to in paragraph (b) reasonably necessary for the exercise of the right to cut timber referred to in paragraph (a); and
- (d) the right to build and maintain roads, erect and maintain buildings, structures and other works and do all other things on the land referred to in paragraph (b) reasonably necessary for the exercise of the right to manage and cut timber referred to in paragraph (a),

whether the land or any of the rights or improvements are held under a grant, lease, licence or other title, or a claim, whether possessory or otherwise.

(2) When an order is made under subsection (1), the area of land covered by the order shall be described in the order.

(3) The acquisition of rights as a result of an order made under subsection (1) may be made by an agreement in which the right to cut all or designated species and types of timber on Crown lands anywhere in the province and to the extent approved by the Lieutenant-Governor in Council may be exchanged for the right to cut so acquired, or the acquisition may be made for the other consideration that the Lieutenant-Governor in Council approves.

(4) An agreement made under subsection (3) shall contain those additional terms and conditions that may be ordered by the Lieutenant-Governor in Council.

(5) An acquisition of cutting rights under this section shall have effect notwithstanding that the holder of the cutting rights with

whom the Minister makes an exchange is prohibited by the terms of his or her grant, lease, licence or other title from alienating any of his or her rights.

(6) The Minister may issue a permit to cut timber or otherwise dispose of timber acquired under this section as if the timber were Crown timber located on Crown lands.

(7) In this section "cutting rights" means the rights referred to in subsection (1).

#### Disposition of Crown Timber

Rights  
unaffected

**13.** Notwithstanding sections 14 to 28, timber licences or other rights to cut timber issued or conferred prior to the coming into force of this Act remain in force.

Right to cut  
Crown timber

**14.** (1) Crown timber shall not be cut and removed except under

- (a) a Crown timber licence;
- (b) a timber sale agreement; or
- (c) a cutting permit.

(2) Crown timber harvested under subsection (1) from a timber production forest shall be harvested in accordance with the annual allowable cut calculated under section 9.

Crown timber  
licence

**15.** The Minister, with the approval of the Lieutenant-Governor in Council, may issue a Crown timber licence to a person who

- (a) owns or operates a timber processing facility in the province or who undertakes by agreement with the Minister to construct and operate a timber processing facility in the province; and
- (b) has entered into a forest management agreement with the Minister that has been approved by the Lieutenant-Governor in Council.

Lands to be  
described

**16.** A Crown timber licence and a timber sale agreement shall describe the area of Crown lands covered by the agreement and shall

set out the respective powers and duties of the Minister and the agreement holder for the management and use of those Crown lands.

Forest manage-  
ment agree-  
ment

**17.** (1) A forest management agreement shall be for a twenty year period.

(2) At the end of each five year period of a forest management agreement, the Minister shall review the performance of the other party to the agreement.

(3) Where the Minister is satisfied with the performance of the other party to a forest management agreement, the Minister, with the approval of the Lieutenant-Governor in Council, may extend the term of the agreement by five years beyond the then existing term of the agreement.

(4) Where, in the opinion of the Minister, a party to a forest management agreement is in default of a provision of the agreement the Minister may

- (a) impose a financial penalty against that party as provided for in the agreement or by the regulations;
- (b) if the default is capable of being made good, order the agreement holder to rectify the default within a specified period of time; or
- (c) with the approval of the Lieutenant-Governor in Council, cancel the forest management agreement.

Terms of an  
agreement

**18.** (1) A party to a forest management agreement shall manage the area of Crown lands covered by the agreement in accordance with the principles of sustained yield forest management and to this end shall submit to the Minister for approval a forest management plan prepared in accordance with the regulations.

(2) A forest management plan and revisions to the plan approved by the Minister shall constitute part of the forest management agreement to which they belong.

(3) Except as may be provided in subsection (4) or a cost-sharing arrangement which may be agreed to by the Minister with the prior approval of the Lieutenant-Governor in Council, the holder of

a forest management agreement shall be responsible for all expenses associated with the implementation of a forest management plan and the implementation of the other measures that may be specified in the agreement.

(4) The Minister may, subject to the approval of the Lieutenant-Governor in Council, permit a party to a forest management agreement to retain a portion of the royalties payable under section 29.

(5) Royalties retained by a party to an agreement under subsection (4) shall be used in the manner directed by the Minister.

Assignment  
etc. of licence  
etc.

**19.** (1) The holder of a Crown timber licence or a party to a timber sale agreement shall not

(a) pledge, charge, assign or otherwise use the licence or agreement as security for a debt; or

(b) otherwise assign or transfer the licence or agreement

except with the prior written approval of the Minister and a pledge, charge, assignment or other use of a licence or agreement, and a transfer of a licence or agreement, without that approval is void.

(2) Where, with the approval of the Minister, the holder of a Crown timber licence or a party to a timber sale agreement pledges, charges or assigns the licence or timber sale agreement or otherwise uses it as security for a debt, the holder shall continue to be responsible for all obligations imposed under the licence or agreement.

(3) The Minister shall not approve the transfer of a Crown timber licence or timber sale agreement from one person to another until all royalties, dues or other charges payable to the Crown have been paid by the holder and all the conditions of the licence or agreement have been complied with.

(4) Every pledge, charge or assignment of a Crown timber licence or a timber sale agreement shall be registered in the Registry of Deeds and a certified copy furnished to the Minister.

Rectification of  
default

**20.** (1) Immediately upon becoming aware that a Crown timber licence holder or a party to a timber sale agreement is not complying

with a provision of this Act, the regulations or the licence or agreement the Minister shall give written notice to the licence holder or party to the agreement stating the nature of the noncompliance.

(2) The Minister may require a licence holder or a party to an agreement to comply with the licence or agreement or a provision of the Act or the regulations within ten days of receipt of a notice under subsection (1).

(3) Where a licence holder or party to an agreement fails to comply within the required ten days, the Minister, or a forestry official, shall give a further written notice requiring the licence holder or the party to the agreement to cease all activities in the locality mentioned in this further notice until the terms of the first notice have been carried out, and for every day or part of a day that those activities are continued after the delivery of the second notice or while the terms of the first notice are not complied with the licence holder or party to the agreement shall be subject to the penalty that may be provided for in the regulations.

(4) Where, within thirty days after receipt of the second notice referred to in subsection (3), a licence holder or party to an agreement has not complied with the terms of the first notice, the Minister, or a forestry official, may undertake to rectify the default complained of and the cost of doing so shall be a charge against the licence holder or party to an agreement and may be recovered in a court as a debt due the Crown.

(5) Where the default complained of cannot be rectified, the Minister may require the licence holder or party to an agreement to immediately cease all activities in the locality mentioned in the notice and for every day or part of a day that those activities are continued, the licence holder or party to an agreement shall be subject to the penalty that may be provided for in the regulations.

Timber excluded from agreement

21. (1) Where, with respect to a forest management agreement,

- (a) the right to cut and remove certain species, classes or stands of timber within an area covered by the agreement has not been conveyed to an agreement holder;

- (b) an agreement holder refuses or neglects to comply with an order from the Minister to salvage dead or damaged timber;
- (c) a short term timber surplus exists within an area covered by the agreement; or
- (d) a long term timber surplus, not due to silvicultural treatments that have been paid for out of royalties retained under subsection (4) of section 18 exists within an area covered by the agreement

the Minister, or his or her designate, may, after consultation with the agreement holder,

- (e) in the case of paragraph (a), (b) or (c), take the action that is necessary to have the timber harvested; and
- (f) in the case of paragraph (d), redefine the boundaries of the area of Crown lands or public land within the area covered by the agreement so as to exclude an area having the capacity to produce an annual timber crop equal to the long term timber surplus.

(2) A party to a forest management agreement shall

- (a) not claim any property, lien, charge or other encumbrance in or to timber or an area that is withdrawn from an area covered by the agreement under subsection (1);
- (b) where requested by the Minister, undertake silvicultural treatments within those areas covered by the forest management agreement harvested by a person other than a party to the agreement; and
- (c) permit unrestricted entry onto and exit from an agreement area, and abutting land held by the party to the agreement, to permit the Minister to exercise his or her rights under paragraph (e) of subsection (1).

**Timber Sale Agreements**

- Timber sale agreement**      **22.** The Minister may enter into a timber sale agreement with a person who operates, or who proposes to establish and operate a timber processing facility, other than a pulp and paper mill, or who conducts or who proposes to establish and conduct a logging operation in the province.
- Public tender**      **23.** A timber sale agreement shall be entered into
- (a) under a tender
    - (i) either to the public generally, or
    - (ii) to a particular class or group of persons determined by the Minister; or
  - (b) with the approval of the Lieutenant-Governor in Council, by a negotiated agreement with a person.
- Notice of sale**      **24.** (1) Where tenders are called for under section 23, the Minister, or a forestry official, shall publish an advertisement of the proposed sale for a period of not less than fourteen days by not less than weekly insertions in at least one newspaper published in and circulating throughout the province.
- (2) An advertisement of sale referred to in subsection (1) shall contain a general description of the timber tract being proposed for sale and the quantity and type of timber contained on the tract, the location of the timber tract and the minimum price.
- Terms of agreement**      **25.** (1) A timber sale agreement entered into as a result of a tender under section 23 shall be valid for a period not exceeding five years.
- (2) Where the volume of timber authorized for harvesting by a timber sale agreement has not been harvested at the expiration of the agreement, the Minister may renew the agreement for a further term of one year, provided that
- (a) the agreement holder has harvested a minimum of seventy-five per cent of the timber volume authorized by the agreement; and

(b) the agreement holder has complied with the terms of the agreement, this Act and the regulations.

(3) It shall be a condition of every timber sale agreement entered into that

(a) a harvesting schedule acceptable to the Minister shall be negotiated; and

(b) the bid price shall be paid on the basis of the payment schedule set down in the agreement.

(4) The Minister may cancel a timber sale agreement where a party to the agreement fails to comply with paragraph (a) of subsection (3).

Preparation for  
sale

**26.** (1) Where the Minister, or a forestry official considers it advisable to allocate available timber supplies under a timber sale agreement, the Minister or the official shall

(a) cause the tract of timber to be laid off on a map; and

(b) cause the tract of timber to be cruised for the purpose of making as exact an estimate as possible of the quantity of timber on the tract, ascertaining its general condition, its accessibility, and those other matters that may be necessary to determine the value of the timber.

(2) Upon receipt of the cruise information obtained under subsection (1), together with the further information that may be required by the Minister, or a forestry official, the Minister shall fix a minimum price at which the tract of timber shall be disposed of and no tract shall be sold at less than the price so fixed.

#### **Cutting Permits**

Cutting permit

**27.** (1) The Minister, or a forestry official may issue a cutting permit to a person to cut timber on Crown lands or public lands.

(2) Where a person applying for a permit to cut timber for his or her personal consumption is a member of a household to which there belongs a person who has been issued a permit, the person

applying for the permit is not eligible to receive one unless otherwise provided by regulation.

(3) A cutting permit shall not be assignable or transferable to another person, but a person to whom a permit is issued to cut timber for his or her personal consumption may obtain the assistance of another person, whose name shall appear on the permit, to assist him or her in cutting the quantity of timber that the permit allows.

(4) A cutting permit shall be valid for the period set out in it.

(5) A cutting permit shall not be issued to a person who is in default of the terms and conditions of a timber cutting permit previously issued in that person's name.

(6) A cutting permit to harvest timber for commercial purposes shall not be issued to a person who has derived a benefit, other than a wage benefit, from a previously issued permit to harvest timber for commercial purposes, whether issued in that person's name or not.

Provisions of  
permit

**28.** A cutting permit issued under section 27 may contain provisions respecting

- (a) the species, class and volume of timber which may be cut and removed;
- (b) the location where the timber shall be cut;
- (c) the location where timber shall be piled for scaling and inspection;
- (d) the safeguarding and protection of the environment in the immediate area where the trees are to be cut under the permit;
- (e) the payment of timber royalties; and
- (f) those other provisions that the Minister or the forestry official issuing the permit considers appropriate.

**Royalties**

Royalty payable

**29.** (1) Unless otherwise provided for in the regulations a royalty, payable to the Crown, shall be charged on all timber and classes of timber harvested on Crown lands or public land except on timber harvested under a timber sale agreement.

(2) The royalty payable with respect to timber harvested under a Crown timber licence or a cutting permit shall, unless otherwise provided for in regulations, be paid by the holder of the Crown timber licence or the cutting permit.

(3) The royalty for each class of timber shall be prescribed by the regulations.

(4) Except where the Minister has entered into an agreement setting a longer period over which a royalty may be paid, the royalty for each class of timber shall be paid over a twelve month period beginning April 1 of each year.

Unpaid royalties

**30.** All money due and payable to the Crown under this Act, the regulations or an agreement entered into under this Act and the regulations that is not paid at the time it becomes due and payable shall, until paid, bear interest at a rate to be prescribed by regulation and this money with interest is recoverable in a court as a debt due to the Crown.

Lien on timber

**31.** (1) There exists in favour of the Crown a lien on all timber cut on Crown lands or public land and products manufactured from that timber until all royalties and interest in respect of the timber have been paid.

(2) A lien under this section has preference and priority over all other claims, liens, charges, privileges or encumbrances in respect of the timber or products manufactured from the timber.

(3) The lien created by this section and its priority shall not be lost or impaired by the neglect, omission or error of the Minister or an agent or officer of the Minister, or by the taking of, or failure to take, proceedings to recover money and interest or by the tender or acceptance of a partial payment of money and interest.

Seizure of timber

**32.** (1) Where royalties and interest due and payable under this Act, the regulations, or an agreement entered into under this Act or the regulations are not paid, the Minister or a forestry official may

(a) seize the timber that is subject to a lien under section 31; or

(b) seize timber or products manufactured from timber in the hands of the agreement holder or permittee, whether or not the timber or the timber from which the manufactured product was made was harvested from Crown lands or public land, sufficient to secure the payment of the royalties and interest charges and to recover the expenses of seizure and sale.

(2) Where, within thirty days, the outstanding money and interest charges on timber, or products manufactured from the timber, seized under subsection (1) have not been paid, the Minister may sell by public tender the timber or the products manufactured from timber that have been seized.

(3) The money realized as a result of a sale referred to in subsection (2), after deducting outstanding royalties and interest charges and the expenses of seizure and sale, shall be paid to the owner of the timber or products manufactured from the timber.

Garnishment

**33.** (1) Where the holder of a Crown timber licence or a cutting permit has disposed of timber or a product manufactured from the timber on which there were outstanding royalty and interest charges, the Minister may, by letter delivered personally or sent by registered mail to a person who is indebted, or is about to become indebted, to the holder of the licence or the cutting permit who is liable for that royalty and interest charges demand that that person pay to the Minister the whole or part of the money payable by that person to the holder of the licence or the cutting permit.

(2) The receipt of the Minister for money paid under subsection (1) constitutes a good and sufficient discharge of the liability of the person indebted to the holder of a licence or a cutting permit to the extent of the amount stated in the receipt.

(3) A person who, after receiving a demand from the Minister under subsection (1), discharges his or her liability by payment to the

holder of a licence or a cutting permit referred to in that subsection, is personally liable to the Crown to the extent of the liability so discharged as between him or her and the holder of a licence or a cutting permit to the extent of the liability of the holder of a licence or a cutting permit for royalty and interest charges, whichever is the lesser amount.

Acquisition of  
timber  
prohibited

**34.** (1) No person may purchase or otherwise acquire timber cut on Crown lands or public land for subsequent sale or barter or for processing into a product which is intended to be sold or bartered except under a licence issued in accordance with this Act and the regulations.

(2) The holder of a licence under subsection (1) may, with the consent of a party to a timber sale agreement or cutting permit holder, remit to the Crown timber royalties which are due and payable by the party to the agreement or the permit holder.

(3) Where the holder of a licence under subsection (1) fails to remit to the Crown timber royalties which were collected under subsection (2) the licence is void and no further licence shall be issued until all outstanding royalties, interest and penalties have been paid.

Regulations  
re: royalties

**35.** (1) The Lieutenant-Governor in Council may make regulations

- (a) specifying classes of timber and the royalty rate applicable to them;
- (b) providing for the exemption of a class of timber or class of persons from the payment of royalty;
- (c) prescribing the rate of interest to be charged on all royalties due and payable under this Act and the regulations which are unpaid;
- (d) prescribing the form of a notice of seizure and the manner in which the notice is to be served; and
- (e) prescribing the period of time over which royalties may be paid.

(2) Regulations made under subsection (1) respecting stumpage rates or other royalties or charges may be made with retroactive effect to the first day of April of the fiscal year in which the stumpage rates or other royalties or charges are payable.

#### Miscellaneous

- |                                  |  |
|----------------------------------|--|
| Timber harvest-<br>ing standards | <b>36.</b> Timber harvesting operations carried out on Crown lands or public land shall be conducted in accordance with utilization standards prescribed by the regulations.   |
| Export of tim-<br>ber            | <b>37.</b> Except as may be provided for in this Act and the regulations no person shall export from the province unmanufactured products of timber from trees cut or taken on or from Crown lands, public land or freehold lands or lands which are now or may be demised from the Crown or lands held by virtue of a lease, licence or agreement issued under this Act or a former Act.  |
| Regulations                      | <p><b>38.</b> The Lieutenant-Governor in Council may make regulations</p> <ul style="list-style-type: none"> <li>(a) prescribing the procedure for obtaining a Crown timber licence or a cutting permit;</li> <li>(b) prescribing different classes of cutting permits;</li> <li>(c) prescribing conditions under which a cutting permit may be issued, including who may receive one and respecting the circumstances under which the Minister may issue more than one permit to a household;</li> <li>(d) prescribing the form of Crown timber licences and cutting permits and the fees to be paid for them;</li> <li>(e) prescribing the form, manner and time of the returns to be made by the holder of a Crown timber licence or a cutting permit;</li> <li>(f) respecting the form of a timber sale agreement and providing for different types of agreements;</li> <li>(g) prescribing the terms and conditions under which a timber sale agreement may be entered into;</li> </ul> |

- (h) prescribing conditions under which land may be withdrawn from a timber production forest;
- (i) defining timber utilization standards and the penalty to be imposed for contravening these standards;
- (j) prescribing the form of a timber export permit;
- (k) prescribing the terms and conditions under which a timber export permit may be issued and prescribing penalties for breach of those terms and conditions;
- (l) prescribing the fee for issuing a timber export permit;
- (m) prescribing the form of a timber purchase licence, the fee to be paid for the licence and the conditions to be applied;
- (n) prescribing the penalties to be imposed for cutting and removing trees from Crown lands or public land contrary to the provisions of this Act; and
- (o) prescribing the form and content of forest management plans.

### PART III

#### FOREST MANAGEMENT TAXATION

##### Definitions

##### 39. In this Part

- (a) "assessor" means the assessor appointed under section 49 and includes a person authorized to carry out the duties of the assessor under this Part;
- (b) "Board" means the Forest Land Tax Appeal Board constituted under section 58;
- (c) "managed land" means a parcel of land that is certified by the Minister as managed land under this Part and includes land considered to be managed land by virtue of an order made under subsection (2) of section 43;

- (d) "parcel" means a block, lot or area of land or some combination of blocks, lots or areas of land, however acquired, of one hundred and twenty hectares or more in extent to which the right to cut and remove trees is vested in the same person or from which that person derives a continuing benefit from having the trees cut and removed on his or her behalf and which is wholly contained within one forest management district;
- (e) "roll" means the assessment roll prepared under section 52, and includes a supplementary assessment roll;
- (f) "tax" means the tax imposed by this Part and includes all penalties, costs and interest that may be added to the taxes under or by virtue of this Part;
- (g) "taxpayer" means a person liable to pay money by way of tax under this Part; and
- (h) "water body" means a lake, pond, river or other body of water that is greater than two hectares in extent as determined by the Minister.

Application for  
certificate

**40.** (1) Except as may be provided for in section 41 a person who has the right to cut and remove trees from a parcel of land or who is vested with a continuing benefit from having the trees cut and removed on his or her behalf shall submit to the Minister an application for a certificate of managed land.

(2) Where a person fails to make an application under subsection (1) the Minister may by notice in writing require that person to submit an application for a certificate of managed land.

(3) The failure of a person to make an application under subsection (1) or subsection (2) does not relieve that person of his or her obligation to manage the land in accordance with the provisions of this Part or relieve that person of an obligation to pay those taxes that may be calculated under this Part.

Provisions not  
applicable

**41.** The provisions of section 40 do not apply to land

- (a) that is situated within a City incorporated under an Act of the Legislature;
- (b) in respect of which the sole and exclusive right to cut and remove trees is vested in the Crown in right of the province or in right of Canada;
- (c) in respect of which the sole and exclusive right to cut and remove trees has been conveyed by or on behalf of the Crown
  - (i) for a term of one year or less, or
  - (ii) for a term of more than one year in consideration of the payment of a royalty, rental, stumpage fee, or charge that is capable of being varied within each year of that term at the sole discretion of the Government of the province or a department or agency of the Government; or
- (d) that is specifically excluded from the application of this Part by the regulations.

Contents of application

**42.** An application for a certificate of managed land shall be made in writing in the form prescribed by the regulations and shall contain

- (a) an accurate description of the boundaries of the parcel that is the subject of the application and its area in hectares;
- (b) a statement respecting how the land in question was acquired and, if registered in the Registry of Deeds, stating the volume and folio numbers of each document registered; and
- (c) a map, in form and size satisfactory to the Minister, showing the location of the land.

(2) The Minister may require the applicant for a certificate of managed land

- (a) to cause a survey and inventory of the parcel which is the subject of the application to be made at the expense of the applicant by a person approved by the Minister; and

- (b) to submit additional facts and information respecting the application that the Minister may require.

Order re:  
managed land

43. (1) Upon receiving an application for a certificate of managed land the Minister may recommend to the Lieutenant-Governor in Council that an order under subsection (2) be made with respect to the parcel that is the subject of the application.

(2) The Lieutenant-Governor in Council, following receipt of the recommendation of the Minister under subsection (1), may make an order certifying the parcel to be managed land from a date, either before or after the making of the order, specified in the order and upon making the order, which shall contain a description of the boundaries of the land affected and the area of the land, the land shall be considered to be managed land for the purposes of this Part.

(3) An order made under subsection (2)

(a) shall be made subject to the condition that the applicant must submit to the Minister a forest management plan or specified parts of a plan acceptable to the Minister, prepared in accordance with the province's manual of management plan requirements, for each parcel noted in the order of consolidation and to those other terms and conditions that may be specified in the order; and

(b) shall be valid for a period not exceeding one year from the date specified in the order, but no order under that subsection shall be made more than twice with respect to the same parcel of land or a part of that parcel.

(4) The Lieutenant-Governor in Council may, upon being satisfied that a term or condition of an order made under subsection (2) has not been satisfied or complied with, cancel the order, which shall, upon the issuance of the cancellation, be deemed never to have been made.

(5) The Minister of Finance shall send a copy of an order made under subsection (2) and a cancellation of an order made under subsection (4) to the assessor and the assessor shall enter the relevant information in the roll or supplementary roll as may be required.

Consolidation  
order

**44.** Where the Minister is satisfied that

- (a) the right to cut and remove the trees from more than one lot, block or area, or parts of them, is vested in the same person and the combined area of those lots, blocks or areas, or parts of them, is one hundred and twenty hectares or more;
- (b) the right to cut and remove the trees from one or more parcels within the meaning of paragraph (e) of section 39, or from one or more of those parcels and other areas, or parts, is vested in the same person;
- (c) the same persons are vested with a continuing benefit from having the trees from more than one lot, block or other area, or parts of them, cut and removed on his or her behalf and the combined area of those other areas or parts, is one hundred and twenty hectares or more; or
- (d) the same persons are vested with a continuing benefit from having the trees from one or more parcels, within the meaning of paragraph (e) of section 39, or from one or more of those parcels and other areas, or parts, cut and removed on his or her behalf,

the Minister may order that a specified group of those parcels, lots, blocks or other areas or parts of them be consolidated into one parcel.

Contents of  
consolidation  
order

**45. (1)** An order of consolidation made under section 44 shall

- (a) describe each block, lot or area of land, or part, situated within the area being consolidated;
- (b) state the name of the person having the right to cut and remove the trees from all the blocks, lots or areas of land, or parts of them, or vested with a continuing benefit from having the trees cut and removed on that person's behalf; and
- (c) immediately be served on

(i) the person referred to in paragraph (b) by registered mail, and

(ii) the assessor.

(2) The Minister may rescind, revoke, amend or vary an order made under section 44.

Certificate of  
managed land

**46.** (1) Where the Minister approves a forest management plan, or those parts of a forest management plan that may be specified in paragraph (a) of subsection (3) of section 43, the Minister shall report to the Lieutenant-Governor in Council and, upon receiving the approval of the Lieutenant-Governor in Council, the Minister shall issue a certificate of managed land to the applicant, and upon the issuance of the certificate, which shall contain a description of the boundaries of the parcel duly certified, and the area of the parcel, the parcel so described is managed land for the purpose of this Part, as long as the certificate remains in force.

(2) A certificate issued under subsection (1)

(a) may be issued subject to those terms and conditions; and

(b) is valid for the period

that may be stated in the regulations, but it shall be a condition of the granting of every certificate issued under this section that the person in whose favour it is made does not violate a provision of this Part with respect to a parcel of land, or part, to which this Part applies, whether or not the parcel or part comprises the land specified in the certificate.

(3) The assessor shall be furnished with a copy of the certificate of managed land immediately after it is issued.

Annual report

**47.** (1) A person to whom a certificate of managed land is issued shall make a report to the Minister once in each year at a time determined by the Minister, or at more frequent intervals covering specified periods as the Minister may require, showing, in addition to the matters prescribed by the regulations, the progress being made by that person towards the implementation of and compliance with the management plan.

(2) The Minister may during the currency of a certificate of managed land amend the terms and conditions upon which it is granted or make additions to or deletions from the management plan.

(3) Where, during the currency of a certificate of managed land, the Minister is of the opinion that the holder is not managing the land to which the certificate relates in accordance with the management plan, or is in default of a term or condition of the certificate, the Minister may, with the approval of the Lieutenant-Governor in Council, cancel the certificate from the date specified in the cancellation, and that date may be earlier than the date of issuance of the cancellation.

(4) Where, within two years after the end of the period of a certificate of managed land, the Minister forms the opinion that the person who held the certificate did not manage the land to which that certificate related in accordance with the management plan or that the person who held the certificate was in default of a term or condition of that certificate, the Minister may, with the approval of the Lieutenant-Governor in Council, revoke the certificate retroactively to the date of the commencement of the period of that certificate or to some other date within the period of the certificate, with like effect, as if the certificate had been cancelled during its term on that date.

(5) A cancellation or amendment of, addition to, or deletion from a certificate or a management plan, as the case may be, shall be communicated in writing immediately by the Minister to

- (a) the holder of the certificate by registered mail; and
- (b) the assessor.

Appeal to  
Board

**48.** (1) A person (in this section referred to as the "appellant") aggrieved by

- (a) the refusal of the Minister to issue a certificate of managed land;
- (b) a term or condition on which a certificate of managed land is issued;
- (c) the period of validity of a certificate of managed land;

- (d) an amendment to a term or condition on which a certificate of managed land is issued;
- (e) an addition to or deletion from a management plan;
- (f) the cancellation of a certificate of managed land; or
- (g) anything contained in an order of consolidation

may, within twenty-eight days from the date of notification of the refusal, or the issuance or cancellation of the certificate, or of the amendment to the term or condition of the certificate, or of the addition to or deletion from the management plan appeal to the Board established under section 58.

(2) A person appealing to the Board shall serve written notice of the appeal on the Minister.

(3) The notice served under subsection (2) shall set out the grounds of complaint of the appellant with the facts upon which the complaint is based.

(4) The Board shall

- (a) hear the appeal on a day appointed by it for the purpose, which day shall not be later than thirty days from the date the appeal is filed with the Board;
- (b) decide the matter of the appeal within forty-five days from the date of hearing the appeal by making whatever orders for or against the Minister that it considers proper; and
- (c) immediately afterward record the decision and orders in writing, disclosing in the record whether the decision is unanimous or by majority, and transmit copies of the decision to the appellant and to the Minister.

(5) The Minister shall produce before the Board prior to the hearing of the appeal all papers and documents which are in the possession of the Crown and which may affect the outcome of the appeal.

(6) The Board may award costs of an appeal under this section for or against the Crown and fix their amount.

(7) Notwithstanding anything contained in this Part, the Minister shall give effect to an order made upon him or her by the Board respecting the subject matter of the appeal referred to in subsection (1).

Assessor

**49.** (1) The Minister of Finance shall appoint an assessor to carry out the functions and duties conferred upon the assessor under this Part.

(2) There may be appointed in the manner authorized by law officers, clerks and other employees to assist the assessor, or that may be necessary for the proper administration of this Part.

Annual return

**50.** (1) A person who has the right to cut and remove trees on or from a parcel or is invested with a continuing benefit derived from having the trees cut and removed on the person's behalf shall, without a notice of demand, once in each year, on or before the prescribed date, complete and deliver to the assessor a return for the parcel in a form approved by the Minister of Finance containing

- (a) the name and address of the person making the return;
- (b) if the person making the return has no address or place of business within the province, the address of a trustee or agent within the province to which assessment notices and other documents required under this Part may be mailed or served;
- (c) a description of the boundaries of the parcel in which the right or benefit exists together with
  - (i) the area in hectares of the parcel, and
  - (ii) the area in hectares of the parcel after deducting from the area the total area of each water body; and
- (d) the additional information and facts that may be prescribed.

(2) The return referred to in subsection (1) shall be signed by the person required to complete and deliver it, or by the agent, trustee or representative of that person, and in the case of a corporation, association or a partnership, the return shall be signed by an officer or member of the corporation, association or partnership having personal knowledge of the facts and disclosures made in it.

(3) For the purpose of assisting in the preparation of the roll, the assessor may by notice in writing require a person who has submitted a return to supply further details, or to produce documentary evidence to support facts and disclosures made in the return, and upon receipt of the notice, the person to whom it is directed shall comply with the requirements contained in the notice within fourteen days after being sent by registered or prepaid mail by the assessor.

(4) A person who fails to submit a return containing the particulars required by this Part, or who fails to comply with the requirements contained in a notice given under subsection (3) or who furnishes false or misleading information either on the return, or to the assessor is guilty of an offence.

Secrecy

51. Subject to an Act respecting the compilation of data and completion of statistics, or an agreement with the Government of Canada or of a province of Canada respecting exchange of confidential information, information given on returns or to the assessor under this Part is available only to persons authorized by the Minister of Finance and that authorization shall be given solely for the purposes of this Part or an Act of the province which provides for the imposition of a tax.

Annual  
assessment roll

52. (1) The assessor shall, once in each year, not later than a date during the year to be prescribed by the regulations, prepare and enter upon an assessment roll

- (a) the name and address of the person having the right to cut and remove trees on and from a parcel or vested with a continuing benefit derived from having those trees cut and removed on that person's behalf;
- (b) if the person referred to in paragraph (a) has no address or place of business within the province, the name and address of the trustee or agent of the person within the province;

- (c) a brief description of the parcel showing the area in hectares of the parcel and the net area in hectares of the parcel after deducting from the area the total area of each water body; and
- (d) the other information that may be prescribed by the regulations.

(2) For the purposes of preparing the roll, or for inclusion of the matters required to be included in the roll, the assessor, or another officer who may be authorized by the assessor, has the right to resort to all sources of relevant and available information, and in particular has

- (a) the right of free and uninterrupted access to and egress from all parcels, or parts of them, for the purposes of computing the area of those parcels, and the fair market value applicable to them;
- (b) the power to examine persons under oath upon all matters pertaining to the duties imposed on the assessor; and
- (c) access to all pertinent documents, records, accounts, books and vouchers, with the right to take extracts from or make copies of them.

(3) A person who deliberately misleads, interferes with or impedes the assessor in carrying out his or her duties under this Part, or who fails to provide assistance to the assessor when rightfully requested, is guilty of an offence.

Supplementary  
roll

**53.** (1) Where, at any time up to six years subsequent to the time in a year required by this Part, or the regulations, for the preparation of the roll,

- (a) land to which this Part applies is not included, or is incorrectly included, in the roll for that year;
- (b) a certificate of managed land has been issued, cancelled or revoked, as the case may be, with respect to a parcel and not recorded in the roll for that year;

- (c) the assessable area of a parcel of land is incorrectly recorded in the assessment roll for that year; or
- (d) a material error, which has resulted in a substantial overpayment or underpayment of the tax for that year, appeared in the roll for that year,

the assessor shall prepare a supplementary assessment roll for the appropriate year, and the provisions of this Part respecting the roll including the publication for examination and the examination of the roll, the preparation and mailing of assessment notices and the consequences of those notices, the rights and powers of the assessor, and the provisions respecting appeal against assessment shall apply with the necessary changes to the supplementary roll as they apply to the roll.

(2) Where a land holder is subject to retroactivity, the Minister may deem lands to be managed or unmanaged for a period not exceeding six years.

Persons having  
mutual rights

**54.** Where a person has a right to cut and remove trees from a parcel, or a part of a parcel, or is vested with a continuing benefit derived from having the trees cut and removed on his or her behalf, jointly or in common with another person, that person is deemed to have sole and exclusive right to cut and remove the trees or be vested with the continuing benefit derived from having the trees cut and removed on his or her behalf for the purposes of liability for payment of the tax, and an assessment, levied or taken under this Part with respect to that parcel may be made, levied or taken against that person without reference to another person enjoying those rights or benefits.

Certificate of  
assessor

**55.** (1) Upon completion of the roll, the assessor shall

- (a) sign the roll;
- (b) endorse on the roll or attach to it a certificate setting out the date upon which the roll was completed; and
- (c) deliver it to the Minister of Finance and provide the Minister with a copy signed and endorsed.

(2) The Minister of Finance shall within twenty-one days after the roll has been delivered to him or her publish a notice in the *Gazette* that a copy of the roll, together with the certificate referred to in subsection (1) is open for examination within the offices of the Department of Finance for the period set out in the notice, which shall not in any event be less than fourteen days.

Assessment  
notice

**56.** (1) The assessor shall within one month after the publication of the notice required under subsection (2) of section 55 prepare and send by registered mail to each person whose name appears on the roll

(a) an assessment notice for each parcel or part of a parcel in respect of which that person is disclosed as having the right or benefit referred to in paragraph (a) of subsection (1) of section 52; and

(b) a copy of the provisions of this Part respecting an appeal against an entry made in the roll or liability for the tax.

(2) Every assessment notice shall state the particulars appearing on the roll with respect to

(a) the area within the parcel, or part of the parcel, assessed;

(b) the applicable tax rate;

(c) the amount of tax payable; and

(d) the last date on which an appeal may be lodged with the Board, which date shall be not less than forty days after the date of the mailing of the assessment notice.

(3) A certificate of acknowledgment issued by the postal authorities of the mailing of the assessment notice by registered mail is *prima facie* proof of the mailing of the assessment notice on the date of the certificate without further proof.

Error in form

**57.** No entry on the roll is invalid because of an error, omission or misdescription in an assessment notice, or because a person to whom the assessment notice was addressed did not receive it.

Appeal Board

**58.** (1) The Minister shall, with the approval of the Lieutenant-Governor in Council, appoint a Board to be known as the Forest Land Tax Appeal Board consisting of three persons, one of whom is a member of the Law Society of Newfoundland, who shall be the chairperson, and two of whom are experienced in forestry.

(2) The members of the Board shall

- (a) hold office for a period of three years from the date of their appointment, and shall be eligible for reappointment;
- (b) carry out the functions and duties required of the Board by this Part and the regulations; and
- (c) be entitled to the payment for remuneration, travel expenses and other outlays incurred by them in the performance of their duties that is fixed by the Lieutenant-Governor in Council or by the regulations.

(3) Where a member of the Board ceases to be a member, or refuses or is unable by reason of illness or disqualification or other cause to act as a member, the Minister shall, with the approval of the Lieutenant-Governor in Council, remove the member who refuses or is unable so to act, and shall immediately fill the vacancy created by the cessation or removal.

(4) The Minister may, if a member of the Board is unable by reason of temporary indisposition to act as a member for a period not exceeding six months, with the approval of the Lieutenant-Governor in Council, appoint a member to act in the indisposed member's place for the period, not exceeding six months, as may be specified in the appointment.

(5) For the purposes of the hearing of an appeal under this Part, the Board is vested with all the powers that are conferred on commissioners by or under *The Public Enquiries Act* and, if the regulations confer upon the Board the power of an investigating body within the meaning of *The Evidence (Public Investigations) Act*, it is vested with all the rights of a body under that Act.

Appeal to Board

**59.** (1) A person (in this section referred to as the "appellant") aggrieved by an entry made with respect to the appellant in the roll or to the amount of tax payable by the appellant as set out in the

assessment notice, or who considers that he or she is not liable to taxation under this Part may appeal to the Board.

(2) A notice of appeal under this section or section 48 shall be filed with the chairperson of the Board with copies of the notice being served upon the Minister of Finance and the Minister.

(3) A notice of appeal under this section or section 48 shall set out the grounds of the appeal and the facts upon which it is based.

(4) An appeal under this section shall be made within six months of the date on which the appellant receives the assessment notice.

(5) The Board comprising of all its members shall

(a) hear the appeal on a day appointed by it for the purpose, which day shall not be later than thirty days from the date of receipt by the chairman of the Board of a notice of appeal;

(b) decide the matter of the appeal within forty-five days of the date of hearing the appeal; and

(c) immediately after the appeal record its decision in writing, disclosing in that record whether the decision is unanimous or by majority, and transmit copies of the decision to the appellant and to the Minister of Finance and the Minister.

(6) The Board may, prior to deciding the matter of an appeal, refer a question of law raised at the hearing of the appeal for the opinion of the Trial Division.

(7) The Minister of Finance and the Minister shall produce before the Board on the hearing of the appeal, and to the Trial Division upon a reference made under subsection (6) all papers and documents which are in the possession of the Crown and which may affect the outcome of the appeal.

(8) The Board may award costs in an appeal under this section for or against the Crown and fix their amount.

- 60.** (1) An appeal lies from the decision of the Board under section 48 or 59 to the Trial Division upon a point of law raised upon the hearing of the appeal before the Board.
- (2) The Trial Division may award costs in an appeal under subsection (1) for or against the Crown and may fix their amount .
- 61.** The Minister of Finance and the Minister shall give effect to an order made upon them by the Board, or the Trial Division, following an appeal under section 59 or 60.
- 62.** (1) Neither the giving of a notice of appeal by a person, nor a delay in the hearing of the appeal, affects the due date, interest or penalties, or a liability for payment provided by this Part in respect of the tax that is the subject matter of the appeal, or delays the collection of the tax.
- (2) Where the tax is set aside or is reduced on appeal, the Minister of Finance shall refund to the person who paid it the amount of the tax or excess which has been paid, together with additional interest or a penalty which was imposed upon and paid on the tax, with interest, as prescribed by the regulations, from the date of payment of the tax until the date of refund.
- 63.** (1) Every person who has the right to cut and remove trees from a parcel or part of a parcel appearing on the roll, or who is vested with a continuing benefit derived from having those trees cut and removed on his or her behalf, is liable for and shall pay to the Minister of Finance within three months of the mailing of the assessment notice by the assessor
- (a) if the parcel or part of a parcel is managed land, an annual managed land tax, at a rate to be fixed each year by the Lieutenant-Governor in Council, for each hectare within the parcel other than the area of water bodies contained in the parcel or part of a parcel; and
- (b) if the parcel or part of a parcel is not managed land, an annual, unmanaged land tax at a rate to be fixed each year by the Lieutenant-Governor in Council and the rate of tax shall be increased for every year the land remains unmanaged land.

(2) The rate of tax referred to in paragraph (b) of subsection (1) shall increase for each year the land remains unmanaged land for two or more consecutive years.

(3) Notwithstanding subsection (1), instead of paying the tax provided for in subsection (1) a person receiving an assessment notice may choose to surrender a right to cut and remove trees, or a continuing benefit from having those trees cut to the Crown provided that the surrender occurs within three months of the mailing of the assessment notice by the assessor.

(4) Where the tax is paid in respect of land to which this Part does not apply, the Minister of Finance may refund the tax in accordance with the regulations to the person who originally paid it.

Assessment  
directed by  
Minister

**64.** (1) Where a person who has the right to cut and remove trees or who is vested with a continuing benefit from having those trees cut and removed on his or her behalf fails or refuses to make a return as required by this Part, or no return is made for a parcel or part of a parcel in respect of which a tax is payable under this Part, the Minister of Finance may direct the assessor to make an assessment of the tax payable by that person, or in respect of that parcel.

(2) An assessment under subsection (1) is final and conclusive against all persons, and the provisions of this Part respecting appeals against assessments do not apply to an assessment so made.

(3) Where the name and address of a taxpayer remains unknown to the Minister of Finance after reasonable inquiry, notice of assessment made under subsection (1) shall be published in the *Gazette* and in a newspaper circulating within the district where the parcel or part of the parcel is located.

(4) The publication of a notice of assessment under subsection (3) shall describe the parcel or part of the parcel and shall be considered to be full and proper service of notice of assessment upon all persons for the purpose of this Part.

Recovery of  
taxes by action

**65.** The Minister of Finance may recover the amount of tax that is due and payable under this part by action in a court of competent jurisdiction as a debt to the Crown, and the court may award costs in the action for or against the Crown.

Issue of tax  
certificate

**66.** (1) Where a taxpayer fails to pay the tax, or a part of the tax, that is due and payable under this Part, the Minister of Finance may issue a certificate stating the amount of the tax due and remaining unpaid, and the name of the person by whom it is payable.

(2) The Minister of Finance may file the certificate issued under subsection (1) with the Registrar of the Supreme Court and when it has been so filed the certificate is of the same force and effect and all proceedings, including appeal, may be taken on it as if it were a judgment of the Trial Division for the recovery of a debt of the amount specified in the certificate against the person named in it.

(3) The Minister of Finance may recover all reasonable costs and charges attendant upon the filing of a certificate under subsection (2) in like manner as the amount stated in the certificate.

Demand on  
third party

**67.** (1) The Minister of Finance may by letter, delivered personally or sent by registered mail to a person who is indebted, or is about to become indebted, to a taxpayer who is liable to pay tax under this Part, demand that the person pay to the Minister of Finance on account of that taxpayer's liability under this Part the whole or part of the money payable by that person to the taxpayer.

(2) The receipt of the Minister of Finance for money paid under subsection (1) constitutes a good and sufficient discharge of the liability of the person indebted to the taxpayer to the extent of the amount stated in the receipt.

(3) A person who, after receiving a demand from the Minister of Finance under subsection (1) discharges a liability by payment to the taxpayer referred to in that subsection, is personally liable to the Minister of Finance to the extent of the liability so discharged as between the person and the taxpayer or to the extent of the liability of the taxpayer for taxes, whichever is the lesser amount.

Power to  
recover taxes

**68.** The powers conferred by this Part for the recovery of taxes by action in court by filing a certificate, or by demand under section 67 may be exercised separately or concurrently or cumulatively, and the liability of a taxpayer for the payment of the tax is not affected by the fact that a fine, penalty or forfeiture has been imposed, paid or incurred by the taxpayer under this Part.

Taxes a lien  
on trees

**69.** (1) The taxes payable under this Part constitute a lien or charge in favour of the Crown upon the trees standing on the parcel in respect of which the tax is payable and that lien or charge has priority over all other claims, liens, charges, privileges or encumbrances of every person, except those which have been registered under a statute providing for their registration prior to the date the assessment notice is sent under subsection (1) of section 55.

(2) The lien or charge created by this section and its priority shall not be lost or impaired by a neglect, omission or error of the Minister of Finance, or an agent or officer of the Minister of Finance, or by the taking of, or failure to take, proceedings to recover the taxes, interest or penalties due, or by the tender or acceptance of a partial payment of the taxes, interest or penalty payable under this Part.

Forfeiture of  
trees

**70.** (1) Where in respect of a parcel the tax on the parcel or a part of the tax on it remains unpaid on the first day of April in the year following the year in which the tax became due and payable, the Minister of Finance shall, as soon as possible after that date

- (a) send by registered mail to the taxpayer and to other person who, to the knowledge of the Minister of Finance, appears to have an interest in the trees on the parcel or part of it, in respect of which the tax, or part of the tax, is unpaid; or
- (b) if no taxpayer or person having an interest in the parcel that is subject to the tax is known to the Minister of Finance, publish in the *Gazette* and in a news paper circulating in the area in which the parcel is located

a notice (referred to in this section to as a "notice of forfeiture") that the tax or part of the tax is unpaid.

(2) A notice of forfeiture shall state that unless the tax is paid on or before a date specified in the notice, which date shall be not less than three months after the date of the mailing of the notice, the rights vested in a taxpayer, and in another person, to the trees standing on the parcel, or part of the parcel, including the right to cut and remove the trees, the privileges enjoyed by a taxpayer and another person of access to the parcel and egress from the parcel, the right to plant, cultivate, cut and remove new trees on and from the parcel, or part of the parcel, and those other rights that may be

prescribed shall be forfeited to and become the property of the Crown.

(3) A notice or forfeiture shall, in addition to the matters specified in subsection (1), contain a description of the parcel in respect of which the tax, or part of the tax, is unpaid and a statement of the amount of the tax remaining unpaid.

(4) Where the tax, or part of the tax, in respect of which a notice of forfeiture is sent, remains unpaid on the date specified in that notice, all rights vested in the taxpayer, and other persons, to the trees growing on the parcel including the right to cut and remove the trees, the privileges enjoyed by the taxpayer and other persons of access to the parcel and egress from the parcel, the right to plant, cultivate, cut and remove new trees on and from the parcel, or part, and those other rights that may be contained in the notice of forfeiture are on and from that date forfeited to and become the property of the Crown and all right, title and interest of the taxpayer, and of other persons, to those trees is extinguished.

(5) No compensation is payable to a person in respect of the operation of subsection (4).

(6) A copy of a notice of forfeiture in respect of which there is attached an affidavit or a certificate on oath by a person having knowledge that the notice of forfeiture was sent or published as required under subsection (1) and that the amount stated in the notice of forfeiture, or a part of the amount remains unpaid, shall be deemed to be included among the deeds and other documents to which reference is made in section 6 of *The Registration of Deeds Act*.

(7) The copy of the notice of forfeiture with the affidavit or attached certificate shall, notwithstanding anything in *The Registration of Deeds Act* to the contrary, be registered in accordance with that Act without proof for registration and without payment of fees.

(8) The provisions of *The Registration of Deeds Act* shall apply with the necessary changes to the copy of the notice of forfeiture, with the affidavit or certificate attached, as if the Minister of Finance were a purchaser of the rights and privileges specified in the notice for valuable consideration from the person to whom the notice was sent.

Right to harvest trees

71. Where the trees growing on a parcel are forfeited to the Crown, the Minister may enter into an agreement with a person to harvest the trees on the parcel and may also enter into an agreement respecting silviculture treatment on those terms and conditions that the Minister considers appropriate.

Payment of tax by creditor

72. (1) A mortgagee of a parcel, or part of a parcel, the holder of a registered mechanics' lien against that parcel, or part, and an execution creditor of the taxpayer have the right to pay the tax, or a part of the tax, in respect of the parcel, or a part of the parcel, or trees on the parcel, against which the mortgage or mechanics' lien is registered or that is bound by the writ of execution.

(2) A mortgagee, who pays the tax or part of the tax under subsection (1), may add the amount paid to the sum secured by the mortgage and the amount so paid shall bear interest at the mortgage rate from the date of payment and otherwise be subject to all the terms and conditions of the mortgage.

(3) A holder of a registered mechanics' lien, who pays the tax or part of the tax under subsection (1), may file with the Registrar of Deeds the receipt for the amount paid, and the Registrar shall note on the claim of lien filed the date of payment and the amount paid, and the amount of the lien holder's claim shall be increased by that amount, and the rights of the lien holder and of all other persons shall be as they would have been if the amount of the addition had been justly due for work or services done or materials placed or furnished.

(4) An execution creditor who pays the tax or part of the tax under subsection (1) may file with the sheriff the receipt for the amount paid and the sheriff shall add that amount to the sum remaining unpaid under the execution, and the amount so added shall bear interest at the prescribed rate from the date of payment, and the sheriff in the return of the writ shall refer to the amount and to the manner of its addition.

Interest and penalty

73. Every person who fails to pay the tax, or part of the tax is liable, in addition to another penalty provided in this Part, to payment of

- (a) interest at a rate prescribed by the regulations on the amount of the unpaid tax from the date when the tax becomes due and payable under this Part to the date of payment; and

- (b) a prescribed penalty for each full year during which the tax or part remains unpaid.

Disposition  
of taxes

**74.** All taxes, costs, penalties, interest and fines paid or recovered under this Part form part of the Consolidated Revenue Fund.

Offences

**75.** Every person who

(a) fails to pay the tax; or

(b) is guilty of an offence under this Part or the regulations

is liable on summary conviction to a fine not exceeding two thousand dollars and in default of payment of the fine to imprisonment for a term not exceeding six months, or to both the fine and imprisonment.

(2) Where a company is guilty of an offence under this Part or the regulations, an officer, director or agent of the company who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence.

(3) An information in respect of an offence under this Part or the regulations shall be laid within six years from the date of the offence.

(4) Sections 736 or 737 of the *Criminal Code* shall not be applied in disposing of a complaint made or in imposing punishment for an offence under this Part.

(5) An information or complaint for contravening a provision of this Part or a regulation may be for one or more offences and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Part or the regulations is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Regulations

**76.** (1) The Lieutenant-Governor in Council may make regulations

- (a) excluding land from the application of this Part for purposes of paragraph (d) of section 41;

- (b) exempting generally a class of persons from the payment of the whole or part of the taxes imposed by this Part;
- (c) prescribing the form and contents of an order of consolidation;
- (d) respecting the application for a certificate of managed land, prescribing the form and contents of a certificate and making provision for the maps, plans, schedules and other documents required to accompany applications for certificates;
- (e) prescribing, either specifically or generally, the type of forest inventory and inventory data which must be used in the compilation of a forest management plan;
- (f) specifying the circumstances under which an applicant for a certificate of managed land shall prepare a forest management plan or specified parts of a plan;
- (g) respecting the due dates for submission of management plan reports, five year operating plans, annual operating plans and annual reports;
- (h) prescribing penalties for late filing of a forest management plan or a return required to be made by this Part;
- (i) respecting the form of a certificate of managed land and its period of validity;
- (j) respecting the form and contents of annual reports required to be made by holders of certificates of managed land;
- (k) prescribing the methods and formulae, or either, to be applied for compiling the managed land tax and the fair market value;
- (l) fixing the duties of the assessor and other officers and persons appointed or designated to carry out the provisions of this Part;
- (m) prescribing the rate of the annual managed land tax;

- (n) prescribing the rate of the annual unmanaged land tax, including, as required by subsection (2) of section 63, prescribing higher rates with respect to a parcel or part of a parcel of land that is not managed land for two or more consecutive years;
- (o) governing the form and content of returns prepared and delivered to the assessor under this Part, including the information and facts to be contained in them, defining districts of measurement and making provision for estimates, particulars and descriptions contained in past surveys and cruises and providing the date in each year on which the returns are to be delivered;
- (p) prescribing the duties of the Board, with power to confer upon the Board the power of an investigating body under *The Evidence (Public Investigations) Act*, fixing the remuneration payable to the Chairperson and other members and providing for reimbursement of outlays and travel expenses;
- (q) fixing the date in each year when the roll is to be prepared by the assessor and prescribing matters to be included in the roll;
- (r) providing for the method of refunding tax paid by persons having no liability for the tax, and prescribing the material to be furnished by an applicant for refund;
- (s) prescribing the rate of interest to be paid by the Minister of Finance under this Part;
- (t) prescribing the rate of interest to be paid on overdue taxes and the penalty to be paid for each full year during which a tax or part remains unpaid; and
- (u) generally for giving effect to this Part.

(2) Regulations made under paragraphs (a) and (b) of subsection (1) may be made with retroactive effect to a date stated in the regulations which shall not in any event be more than the period of twelve months before the date of publication in the *Gazette*.

Prevalence of  
this Part

**77.** Nothing in an Act of the province, or a grant, deed, licence, contract, agreement or other document, whether or not that grant, deed, licence, contract, agreement or other document has received ratification by the Legislature, passed, given, made or entered prior to January 10, 1975 shall be construed so as to defeat a provision of this Part, or to impose a liability on the part of the Crown, and where a provision of this Part is in conflict with anything contained in a statute, grant, deed, contract, agreement or other document, the provisions of this Part shall prevail.

#### PART IV

#### LICENSING OF MILLS

Definitions

**78.** In this Part

- (a) "licence" means a licence to operate a mill issued or renewed under this Part;
- (b) "licensee" means a person to whom a licence is issued;
- (c) "mill" means a facility in which timber is manufactured into a product prescribed by the regulations; and
- (d) "regulations" means regulations made under this Part.

Licence

**79.** (1) No person shall construct, reconstruct or operate a mill or increase the productive capacity of a mill or convert an existing mill into a mill of another type without first obtaining a licence from the Minister.

(2) The Minister may issue a licence under this section subject to those terms and conditions that may be stated in the licence.

(3) A licence issued under this section shall specify the mill for which it is being issued and does not entitle the person to whom it is issued to operate another mill.

Limitation on  
licence

**80.** A licence does not convey to the licensee a right other than the right to operate a mill.

Cancellation of  
licence

**81.** The Minister may cancel a licence if the Minister is of the opinion that the operation of the mill in respect of which the licence was issued is

- (a) not in compliance with a term or condition of the licence;  
or
- (b) not in compliance with a provision of this Part or the regulations.

Removal of mill

**82.** (1) Where a licence expires or is cancelled under this Part and the mill in respect of which the licence was issued is on Crown lands, the licensee shall within six months after the date of the expiration or cancellation of the licence remove the mill and all building or machinery forming part of the mill from the lands and if the licensee does not do so within that time the mill and those buildings and machinery become the property of the Crown.

(2) The Minister may dispose of a mill, building or machinery which becomes the property of the Crown under subsection (1).

(3) No compensation shall be paid to a licensee or to a person claiming under the licensee or on that person's behalf in respect of a mill, building or machinery which becomes the property of the Crown under subsection (1), and no action lies on behalf of that person against a person who takes possession of the mill, buildings or machinery under subsection (2) in respect of compensation or payment for the mill, buildings or machinery.

Annual  
returns, etc.

**83.** (1) Every licensee shall

- (a) on or before the thirtieth day of April in each year furnish to the Minister in a form that the Minister prescribes an annual return sworn to by the licensee or the agent of the licensee or an employee of the licensee who has knowledge of the facts contained in the return showing the quantity of timber and all products of timber manufactured during the preceding twelve months in the mill in respect of which the licensee held a licence; and
- (b) keep books and records that the Minister may require in which the licensee shall enter a record of the quantity of timber cut or purchased for the mill in respect of which the

licensee held a licence and the disposition of the products manufactured from the timber.

(2) The licensee, the agent of the licensee or an employee of the licensee having the custody of those books and records shall produce them for inspection whenever required to do so by a forestry official.

(3) A person who fails to comply with subsection (1) or (2) is guilty of an offence and liable on summary conviction to the penalty provided by the regulations.

Recovery of  
fees

**84.** A person who operates a mill without a licence is, in addition to a fine or penalty provided for by this Part, liable to pay to the Minister the amount of the fees in respect of the period of the operation of the mill that would have been payable if a licence had been issued to that person and the amount may be recovered in a court of competent jurisdiction as a debt due the Crown.

Offence

**85.** A person who without a licence operates

(a) a mill; or

(b) a mill manufacturing timber obtained from Crown lands or public land otherwise than in accordance with this Act and the regulations

is guilty of an offence and liable on summary conviction to the penalty prescribed by regulations.

Regulations

**86.** (1) The Minister may make regulations

(a) establishing levels of permissible wastage in the manufacturing of timber;

(b) regulating the disposal of waste from mills;

(c) providing for the grading of products of a mill and establishing standards by which different grades of those products shall be known;

(d) appointing inspectors for the purposes of this Part;

- (e) prescribing the records to be maintained by a mill operator and the form in and the location at which those records are to be maintained;
- (f) prescribing conditions for the issuance of licences and their renewal under this Part;
- (g) establishing different types and classes of mills;
- (h) prescribing penalties for a violation of a provision contained in this Part;
- (i) prescribing the fees to be paid on the issue or renewal of licences;
- (j) respecting the location and re-location of mills; and
- (k) generally, to give effect to the provisions of this Part.

(2) Regulations made under subsection (1) may be made to apply to the whole or to a part of the province specified in the regulations.

Penalty

**87.** (1) A person who contravenes this Part or the regulations is guilty of an offence and is in addition to another penalty provided by this Part liable to a fine of not less than two hundred dollars or in default of payment of the fine to imprisonment for a period not exceeding six months.

(2) A licence issued under this Part shall not be renewed where the person to whom it was issued has not paid a fee associated with its issuance or has not provided information with respect to the licence that has been lawfully requested.

## PART V

### FOREST PROTECTION

Measures to  
protect forests

**88.** (1) The Minister may undertake all reasonable measures to provide for effective protection of the forests whether on Crown lands, public land or privately owned land.

(2) In taking measures under subsection (1), the Minister may use officers of the department or may employ or authorize independent contractors to take the measures that the Minister directs.

Status of independent contractors

**89.** Where independent contractors are employed or authorized by the Minister under subsection (2) of section 88 they are deemed to be

(a) agents of the Crown; and

(b) officers of the Crown for the purposes of subsection (2) of section 17 of *The Proceedings Against the Crown Act, 1973*.

Use of pesticide

**90.** The Minister may, subject to *The Pesticides Control Act, 1983*, use or authorize the use of

(a) a pesticide or other chemical registered under the *Pest Control Products Act (Canada)*; or

(b) methods of biological control,

in a measure taken to protect or manage the forests of the province.

Injunction

**91.** An interim or permanent injunction shall not be granted by a court against the Minister, the Crown, an officer or agent of the Crown, or an independent contractor, to prevent the taking of measures authorized or directed by the Minister under section 90.

#### Division I - Forest Travel

Application of Division

**92. (1)** Notwithstanding another statute or law or a grant, lease, licence or other right granted, given or reserved to a person under an Act, this Division applies to all forest land within the jurisdiction of the province.

(2) Notwithstanding subsection (1) this Division does not apply to

(a) the roadway portion of a highway as defined in *The Department of Works, Services and Transportation Act*;

(b) persons who are required to be in a restricted area in the course of their duty under a law of the province; or

- (c) provincial parks, municipal parks or private camp grounds.

Forest travel

**93.** (1) The Minister may by order declare an area of forest land to be a restricted travel area for the period set out in the order for the purpose of

- (a) reducing the probability of a wildfire during periods of high fire hazard; and
- (b) restricting entry upon lands immediately before, during and immediately after they are sprayed by insecticides or herbicides.

(2) An order may describe the restricted travel area by the boundaries of the area or by the use of a name by which the area is generally or commonly known.

(3) Notice of an order made by the Minister under subsection (1), may be given in the manner that the Minister considers will give it the most prompt and adequate publicity and an order varying or revoking a designation may be made in a similar manner.

(4) Subject to this Part, no person shall travel through or be in a restricted travel area while an order is in force except in accordance with the provisions of that order or under and in accordance with a permit.

(5) The Minister may in an order

- (a) allow travel in or use of a restricted travel area or part of an area for those purposes and upon those conditions that may be specified in the order;
- (b) exempt from the operation of the order those persons or classes of persons that may be specified in the order; and
- (c) exempt from the operation of the order an area of forest land or class of forest land specified in the order.

(6) The Minister may make different orders in respect of different forest lands or in respect of the same forest land for different times.

(7) The Minister may vary an order in respect of the period during which it applies, the area in which it applies and the person or classes of persons to whom it applies.

(8) A copy of a newspaper containing an order shall be evidence in court of the publication and the content of the order without further proof of the matter.

Forest travel  
permit

**94.** (1) The Minister may issue a forest travel permit for travel in or use of a restricted travel area or part of an area for those purposes and subject to those conditions that the Minister may prescribe in the permit.

(2) Notwithstanding subsection (1), a permit does not give to the holder a right or privilege that the holder would not have had in respect of travel in or use of a restricted travel area if the permit had not been issued to the holder.

(3) The Minister may by personal service or registered mail notify the holder of a permit of the cancellation or variation of the permit or a condition of the permit to which the holder is subject.

(4) The Minister may cancel a permit under subsection (3) by publishing a notice to that effect in a newspaper having general circulation in the province.

(5) The Minister may authorize other persons to issue permits in the name of the Minister if the terms of those permits have been approved by the Minister.

Person to  
show permit

**95.** (1) A person found within a restricted travel area may be required by a forestry official to show the travel permit issued to that person and if one is not shown the forestry official may take the name, address, destination, route of travel and location of camp of that person.

(2) A forestry official who encounters a person in a restricted travel area without a valid permit may order that person to leave the area and a person who does not obey the order to leave is guilty of an offence.

Offence

**96.** A person who violates or fails to comply with a provision of this Division or of an order or of a permit or a condition attached to

that permit is guilty of an offence and liable on summary conviction to a fine of not less than two hundred dollars and in default of payment to imprisonment for a term not exceeding three months or to both a fine and imprisonment.

#### Division II - Forest Fires

Fire season **97.** (1) The Minister may by order declare a period in each year to be known as the forest fire season in the province.

(2) An order made under subsection (1) may apply to the whole or a part of the province and may apply to different parts of the province at different times and may be extended or shortened for the whole or a part of the province.

(3) Notice of an order made under this section may be given in a manner that the Minister considers will give it the most prompt and adequate publicity.

(4) A copy of a newspaper containing the order shall be evidence in court of the publication and the content of the order without further proof of the matter.

Permit to burn **98.** (1) During the forest fire season no person shall, except in accordance with the regulations, ignite a fire or cause a fire to be ignited on forest land or within three hundred metres of forest land without a valid permit to burn.

(2) Notwithstanding subsection (1), a person may ignite a fire on forest land or within three hundred metres of forest land under the circumstances set out in an order made under section 97.

(3) A person who wishes to light a fire on forest land during the forest fire season shall first apply for and obtain a permit to burn from the Minister.

(4) A permit to burn shall be in the form prescribed by the regulations and may be issued by a forestry official or other person authorized by the Minister.

(5) A forestry official may include in a permit to burn those terms and conditions that he or she considers appropriate or may refuse to issue a permit to burn.

(6) A permit to burn may, by oral or written notice, be cancelled or suspended at any time by a forestry official and upon receiving notice of a cancellation or suspension, the permit holder shall extinguish a fire started under the permit.

(7) The possessor of a valid permit to burn who ignites or causes a fire to be ignited shall take every reasonable precaution to prevent the fire from spreading and shall not leave the fire unattended until it is extinguished.

(8) The possession of a permit to burn does not discharge the person to whom it is issued from responsibility for damage resulting from a fire lit by that person.

(9) A person to whom a permit to burn is issued shall keep a copy of the permit on the site where the burning is taking place.

Minister may  
prohibit fires

**99.** (1) Notwithstanding the other provisions of this Division, the Minister may, whenever he or she considers it necessary for the protection of forest land, by proclamation prohibit the setting of fires on forest land or within three hundred metres of forest land in a part of the province during the period specified in the proclamation except under conditions specified in the proclamation.

(2) Where a proclamation is made under subsection (1), a person shall not, except in accordance with the proclamation, ignite or cause to be ignited a fire on forest land or within three hundred metres of forest land during the period specified in the proclamation.

(3) Notice of proclamation issued under this section may be given in a manner that the Minister considers will give it the most prompt and adequate publicity.

(4) A copy of a newspaper containing the proclamation shall be evidence in court of the publication and the content of the proclamation without further proof of the matter.

(5) Every person who fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than one thousand dollars.

Where forest  
fire occurs

**100.** (1) For the purpose of controlling and extinguishing a fire on forest land, a forestry officer may requisition the use of privately

owned equipment and may order persons to assist in extinguishing a fire.

(2) Rates of pay for persons fighting fire on forest land and compensation for the use of privately owned equipment used by the Department may be set by the Minister.

(3) Every person who refuses to follow an order of a forestry official and provide assistance or refuses the use of that person's equipment requisitioned by a forestry official under subsection (1) is guilty of an offence.

(4) Every person who is aware that a fire has started and exists on forest land shall notify a forestry officer or the Department and a person who does not do so is guilty of an offence.

Disposal of  
matches, etc.  
prohibited

**101.** (1) A person who is on forest land or within three hundred metres of forest land during the forest fire season shall not throw, drop or otherwise deposit a burning match, cigarette, cigar or other smoking material, live coals, hot ashes or other burning substance or fail to extinguish such a thing.

(2) Where a person is permitted to ignite a fire by this Division, that person shall take every reasonable effort to prevent the fire from spreading and shall not leave the fire unattended until it is completely extinguished.

(3) Every person in charge of a forestry operation, or other activity conducted on forest land or within three hundred metres of forest land shall provide and maintain at the place of the forestry operation or other activity the fire fighting equipment that is required by the regulations.

(4) No person shall operate on forest land or within three hundred metres of forest land a burner, engine, incinerator or other spark emitting outlet that is not provided with an adequate device for arresting sparks.

(5) No person shall refuel or leave unattended a power saw or like equipment on forest land or within three hundred metres of forest land unless the equipment has cooled to the point where it is unlikely to cause fire or has been put in a place where it is unlikely to start a fire.

(6) No person shall, on forest land, store or transport gasoline, fuel oil or a similar volatile flammable substance in a container other than one approved for the purpose by the Canadian Standards Association.

(7) During the forest fire season, a person in charge of a group entering onto forest land shall ensure that he or she and all persons under that person's charge are fully informed of the provisions of this Division and the regulations pertaining to forest fire protection.

Woods operation

**102.** (1) A person having charge of a logging camp, mine, mill, wood manufacturing facility, or garbage dump located on forest land or within three hundred metres of forest land shall have the area surrounding the site cleared of flammable debris for a distance of at least thirty metres or the further distance that may be required by a forestry official.

(2) During the forest fire season or whenever directed by a forestry official, an owner or operator or person in charge of a wood processing facility who ignites a fire or allows a fire to be ignited in trimming, edgings, sawdust or refuse on the premises shall not leave the fire unattended.

(3) Where a fire is burning or starts on forest land where a forestry operation or other activity is being carried on, the person in charge of the operation or activity shall take immediate action to control and extinguish the fire and for that purpose shall employ at that person's expense the necessary personnel and equipment.

(4) When a forest fire originates on forest land where trees are being cut or removed, the person carrying out that operation shall immediately notify the nearest forestry official and commence fighting of the fire until relieved of this responsibility by a forestry official or until the fire is extinguished.

Where fire hazard exists

**103.** (1) Where a forestry official becomes aware of a condition that in the opinion of the forestry official may cause a fire resulting in damage to property or forest land, the forestry official may direct the person who has caused the fire hazard to take whatever action the forestry official considers necessary to remove that hazard.

(2) Where a person has been directed to remove a fire hazard described in subsection (1) and fails to comply, a forestry official may

take whatever action the forestry officer considers necessary and the Minister may recover associated costs and expenses.

(3) A person who fails to comply with subsection (1) is guilty of an offence.

Burning debris

**104.** A person who clears forest land shall pile and burn all debris in accordance with a permit to burn or dispose of the debris to the satisfaction of a forestry official.

Operating permit

**105.** (1) During the forest fire season and except as may be provided for in the regulations, every person who cuts or removes trees from forest land or who is engaged in an activity that is likely to cause a wild fire without first having obtained an operating permit from a forestry official is guilty of an offence and liable on summary conviction to a fine of not less than one hundred and fifty dollars.

(2) An operating permit shall be issued subject to the terms and conditions that may be prescribed by the regulations and those other special conditions that the forestry official issuing the permit considers necessary in the circumstances.

(3) An operating permit may be temporarily suspended by a forestry official if the forest fire danger rating for that locality is high to extreme.

(4) An operating permit may be cancelled at any time by a forestry official for a breach of this Division or the regulations or the terms and conditions of the permit.

(5) A person who continues to cut or remove trees or continues to engage in an activity that is likely to cause a forest fire after a permit has been suspended or cancelled, is guilty of an offence and liable on summary conviction to a fine of not less than two hundred dollars for every day or part of a day that person continues in violation of the notice of suspension or cancellation.

Civil disaster

**106.** (1) In the event that a state of civil disaster as a result of a wild fire is proclaimed under *The Emergency Measures Act* the provisions of that Act shall prevail over the provisions of this Act.

(2) Where a state of civil disaster is proclaimed under *The Emergency Measures Act* as a consequence of a wild fire, measures

taken by officials under that Act to fight the fire shall be taken in consultation with forestry officials.

Costs of fighting fire

**107.** The Lieutenant-Governor in Council may by regulations require owners, lessees, licensees and other persons having possession or control of lands within the province to pay all the costs incurred by the Crown in extinguishing forest fires from those lands or the part of those costs that may be prescribed in the regulations.

(2) The regulations made under this section shall specify the circumstances in which payment is to be made in respect of costs incurred in extinguishing forest fires.

Reward

**108.** The Lieutenant-Governor in Council may authorize the Minister to offer rewards for information that will lead to the recovery of a penalty imposed by this Division.

Regulations

**109.** (1) The Minister may make regulations

- (a) specifying conditions under which logging and other operations may be carried out on forest lands during the forest fire season and prohibiting those logging and other operations to be carried out by a person except in compliance with those conditions;
- (b) providing that logging and other operations shall not be carried out on forest land unless the person carrying out the operations provides on the site of the operations the equipment, of a type, in an amount and in the location that the regulations may specify;
- (c) providing that a person carrying out logging and other operations on forest land shall take whatever action that the regulations may specify for the purposes of preventing, extinguishing and assisting in the extinguishing of forest fires in the area where the person is carrying out logging operations;
- (d) prohibiting or controlling the use of stoves or other devices utilizing fuel during the forest fire season as prescribed and defined by the regulations;

- (e) prohibiting the use of power saws and other machinery or equipment utilized in the harvesting or extraction of timber or the use of a motorized vehicle that may be used for the transportation of timber, persons or equipment on forest land except in accordance with the safeguards for the prevention of forest fires that may be specified in the regulations;
- (f) considered necessary by the Minister for preventing the originating or spread, or both, of forest fires;
- (g) prescribing the circumstances and conditions under which an outdoor fire may be lit without contravening the provisions of this Act;
- (h) exempting a person or class of persons from one or more of the provisions of this Division or the regulations; and
- (i) respecting those other matters necessary or advisable to carry out effectively the purposes of this Division.

(2) Different regulations may be made under subsection (1) respecting different classes or kinds of stoves, devices, machinery or equipment or respecting different periods of the year or respecting different classes of persons or respecting the same class of persons under different circumstances.

(3) A person who violates a provision of a regulation made under subsection (1) is guilty of an offence and liable on summary conviction to

- (a) a fine of not less than two hundred dollars and not exceeding ten thousand dollars; or
- (b) imprisonment for a period of not less than two weeks and not exceeding two years.

**Offence**

**110.** Notwithstanding the other provisions of this Division, a person who deliberately lights or starts a forest fire is guilty of an offence and liable on summary conviction to imprisonment for a period of not less than two weeks and not more than two years.

Priority of this  
Division

**111.** In the event of a conflict between the provisions of this Division and the provisions of *The Municipalities Act* insofar as they affect the suppression of a forest fire, the provisions of this Division prevail.

## PART VI

### FOREST ROADS

Definitions

**112.** In this Part

- (a) "feeder or spur road" means a short, dead-end or circular road with a usable life-span of one operating season or less;
- (b) "forest access road" means a road whether permanent or temporary that is used primarily for the harvesting of timber, the conduct of silviculture or forest protection activities; and
- (c) "temporary access road" means a feeder or spur road that provides access to timber landings within a timber harvesting area and includes bulldozed skid trails, timber landings and other works associated with a timber harvesting operation.

Minister may  
build roads

**113.** The Minister or a forestry official may construct and maintain or authorize and approve the construction and maintenance of a forest access road he or she considers necessary for the carrying out of good forest management practices.

Minister may  
close road

**114.** (1) The Minister or a forestry official may close a forest access road or a portion of it to travel by a class of vehicle or by a person or class of persons or may restrict travel on a forest access road to a class of vehicle or a class of persons for all or a part of the year

- (a) for the purpose of insuring the safety of the public and forest workers;
- (b) to prevent damage to the road-bed; and
- (c) for other reasons that are directly related to good forest management.

(2) Where a forest access road is closed under subsection (1), signs and barricades shall be posted or erected to indicate that the road or portion of it has been closed to travel.

Use of road prohibited

**115.** (1) No person, without lawful authority, shall

- (a) travel on a forest access road or portion of it that has been closed to travel and notice of which has been given under subsection (2) of section 114;
- (b) remove or deface a sign or a barricade posted or erected under subsection (2) of section 114; or
- (c) barricade or post signs on a forest access road.

(2) A person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than one hundred dollars and not more than one thousand dollars and each time a person travels on a forest access road contrary to subsection (1) constitutes a separate offence.

(3) A person who travels on a forest access road contrary to subsection (1) shall be liable for the costs of repairing damage to the road caused by that person and an amount expended by the Department to repair that damage is a debt due the Crown and may be recovered in a court.

Others may build roads

**116.** (1) Under the terms and conditions of an approved management plan report or a five-year operating plan or an annual operating plan, a party to a forest management agreement or a timber sale agreement or a person who has a right to cut timber under a timber licence or timber lease may

- (a) construct, forest access roads, temporary access roads and other works incidental to a forestry operation;
- (b) restrict travel over a forest access road or a temporary access road; and
- (c) abandon a forest access road or a temporary access road and other works.

(2) A forest access road built on Crown lands or public lands shall be built to standards established by the Department.

## Interpretation

**117.** (1) A forest access road or a temporary access road is not a road within the meaning of *The Department of Works, Services and Transportation Act* or *The Highway Traffic Act, 1988*.

(2) The Minister shall not be liable for an injury suffered by a person or for damage caused to the property of a person as a result of the use of a forest access road.

## Regulations

**118.** The Minister may make regulations

- (a) respecting the construction, maintenance and closure of forest access roads; and
- (b) respecting the rehabilitation of areas affected by the construction of temporary access roads after those roads have been abandoned.

## PART VII

## TIMBER SCALING

## Definitions

**119.** In this Part

- (a) "Board" means the Timber Scalers Board established under section 123;
- (b) "board foot" means a unit of measurement used to measure sawn lumber or to estimate the lumber volume that can be sawn from a log;
- (c) "certified scaler" means a person who holds a certificate under section 127;
- (d) "chief scaler" means an official scaler who is responsible for the administration of the provincial timber scaling program;
- (e) "cubic metre (solid)" means a unit of measurement used to measure the solid wood volume of a log;

- (f) "cubic metre (stacked)" means a unit of measurement used to measure the quantity of round timber that can be properly piled within a space of one cubic metre without deduction for bark or for normal air space;
- (g) "employer" means a forest operator or other person who engages the services of a logger to perform the work involved in a logging operation whether payable on a piecework basis or by wages;
- (h) "forest operator" means the holder of a right of any kind to an area of land or to trees growing on the land for the purpose of cutting timber or otherwise producing timber commercially and whether received or held under grant, lease, licence, permit, contract or assignment or by other means;
- (i) "logger" means a person engaged in the cutting, trimming, peeling, hauling or loading of pulpwood, pit props or other forms of timber or in another work connected with a logging operation whether of the foregoing kinds or not but does not include a person employed by a railway, steamship or trucking operator in the transporting of timber;
- (j) "logging operation" means the arrangements made for the purpose of carrying out the work involved in converting trees into timber, the loading and unloading of timber on and from trains, ships and trucks and the delivery of timber on and from trains, ships and trucks and the delivery of timber to a point of export or a point where it is converted into other products but does not include transportation of timber by a railway, steamship or trucking operator;
- (k) "official scaler" means a certified scaler appointed or employed by the Department in the manner authorized by law;
- (l) "timber scaler" means a certified scaler or a person who holds a permit issued under section 134; and
- (m) "scaling" means the measurement of timber to determine its volume and mass.

Timber to be scaled	<p><b>120.</b> (1) All timber cut for commercial purposes on forest land in the province shall be scaled by a timber scaler before being manufactured.</p> <p>(2) All timber cut on Crown lands or public land upon which a royalty is due and payable to the Crown shall be scaled by a timber scaler before being manufactured.</p> <p>(3) An individual who manufactures timber which is required to be scaled before it is scaled is guilty of an offence and is liable upon summary conviction to a penalty of not less than the value of the timber manufactured.</p>
Right of entry	<p><b>121.</b> A timber scaler may at any time in carrying out his or her duties under this Act and the regulations enter a place where logging operations are being carried out.</p>
Units of measurement	<p><b>122.</b> Where timber is purchased or where a logger is paid, in whole or in part, on a piecework basis, payment shall, unless otherwise permitted by the regulations, be made on the basis of the units of measurement prescribed by the regulations.</p>
Timber Scalers Board	<p><b>123.</b> (1) The Minister may appoint a board to be known as the Timber Scalers Board, consisting of three qualified persons, who may be appointed from among persons employed in the public service of the province.</p> <p>(2) The Minister shall designate the chairperson of the Board and the secretary of the Board from among the members and may prescribe the duties of each.</p> <p>(3) A member of the Board who is not employed in the public service of the province may be paid an amount for attendance at meetings of the Board and to defray expenses incurred by reason of performing the duties of a member of the Board that the Minister may prescribe.</p>
Duties of Board	<p><b>124.</b> It is the duty of the Board</p> <p>(a) to examine the ability and knowledge of persons who apply to be certified to scale timber;</p>

- (b) to issue certificates to persons found after examination to be qualified to scale timber;
- (c) to issue renewals of certificates to persons who are qualified under this Part to scale timber;
- (d) notwithstanding subsection (2) of section 129, to revoke or suspend or refuse to renew certificates issued under this Part where after a hearing it is satisfied that a person no longer has the ability or knowledge to scale timber;
- (e) to hear appeals made to it under subsection (1) of section 137;
- (f) to recommend to the Minister new scaling methods before they are used; and
- (g) to perform those other duties that may be assigned to it by the Minister.

Sittings of  
Board

**125.** (1) For the purposes of holding examinations, the Board shall sit at the places and on the days that may be fixed by the chief scaler.

(2) Before being accepted for examination by the Board a candidate for a scaler's certificate must

- (a) have at least six months' experience as an assistant to a timber scaler or be a forestry graduate of a university or technical school recognized for the purposes of this Part by the Board;
- (b) have attended a course in scaling timber that has been approved by the Board; and
- (c) provide the Board with the information that may be prescribed by the regulations.

(3) Notwithstanding paragraph (b) of subsection (2), a candidate for a scaler's certificate who does not have six months' experience as an assistant to a timber scaler may be accepted for examination by the Board where the Board in its discretion considers that the candidate has had equivalent experience.

- Training period**      **126.** (1) Where required to do so by the Board, a candidate for a scaler's certificate shall spend a period in training on the job as an assistant to a certified scaler that the Board may require before the candidate assumes full responsibility for scaling timber.
- (2) A requirement made under subsection (1) shall be set out in the certificate issued to the candidate and is a condition of that certificate which, if contravened, may, in the discretion of the Board, be cause for cancellation of the certificate by the Board.
- Certificate**            **127.** (1) After examination of a candidate for a scaler's certificate, the Board shall
- (a) issue a scaler's certificate to the candidate if the candidate has passed the examination and, in the opinion of the Board, is otherwise qualified to perform the duties of a timber scaler; or
- (b) reject the application of the candidate for a scaler's certificate and notify the candidate of the rejection, if the candidate fails the examination or, in the opinion of the Board is otherwise unqualified to perform the duties of a timber scaler.
- (2) Notwithstanding paragraph (a) of subsection (1), if the Board is of the opinion that a candidate would with more practical training be qualified to perform the duties of a timber scaler, the Board may issue a conditional certificate to that candidate.
- Classes of certificates**      **128.** The scalers' certificates issued by the Board shall be distinguished, in the manner that the regulations may provide, to denote competency to perform one or more of the following activities, namely:
- (a) to scale timber measured collectively;
- (b) to scale timber measured as individual units; and
- (c) to scale timber measured by mass.
- Renewal of certificate**      **129.** (1) A scaler's certificate expires on the 31st day of March in each year.

(2) A person who, under this Part holds a scaler's certificate, or has held a scaler's certificate, is entitled, upon application to the Board and upon payment of the prescribed fee, to receive a renewal of a scaler's certificate for the year in respect of which the application is made.

Ineligibility for certificate

**130.** Where a person who has been issued with a scaler's certificate fails to make an application within three years after the certificate or the latest renewal of a certificate was issued to the person for a renewal of the certificate, the person is not entitled to and shall not be issued with a renewal of a scaler's certificate.

Oath

**131.** A timber scaler shall on his or her appointment and before beginning his or her duties take the oath of office, in the form prescribed by the regulations before a person empowered to administer oaths and the oath shall immediately be transmitted to the chief scaler.

Duties of timber scalers

**132.** (1) A timber scaler shall scale timber in accordance with the procedures and methods that may be prescribed in a manual of scaling instructions authorized by the regulations, making those deductions that may be necessary to allow for defects and culls.

(2) When a timber scaler believes that timber contains so many defects that it would be impossible to make a reasonable scale, the timber scaler may recommend to the chief scaler that a measure be taken at the plant where manufacturing of the timber is undertaken, and the decision of the chief scaler regarding the acceptability of that measure is final.

Monthly return

**133.** A timber scaler shall make a monthly return on forms supplied by the Department showing the volume and class of timber scaled during the preceding month, the name of the employer of the scaler's services, and the permit number under which the timber was cut.

Temporary permit

**134.** Where the Board is satisfied that the services of a certified scaler are not available, the Board may issue a temporary permit to a person who appears to the Board competent to scale timber, authorizing that person to scale timber for a period not to exceed six months or until the next examinations are held following the issuance of the temporary permit, and for those purposes that may be prescribed in the permit.

Scaler's statement

**135.** Where a logger so requests, a timber scaler shall provide the logger with a statement showing a detailed description of all measurements made and the calculations made to determine the net volume of timber for which the logger is seeking to be paid.

Referral of disputes

**136.** (1) Where there is a dispute between a logger and a timber scaler or an employer or forest operator or a person paying for the preparation and delivery of timber and the dispute is as to the net amount of wood for which the logger is to be paid, a party to the dispute may ask the Minister or chief scaler to provide the services of an official scaler to determine the matter of the dispute.

(2) The submission of a dispute under subsection (1) shall be made before the timber is removed from the site where it was originally scaled.

(3) Where the Minister or chief scaler receives a request under subsection (1), the Minister or chief scaler shall make the services of an official scaler available to the parties to the dispute.

(4) The Minister may fix, in accordance with the scale of fees prescribed by the regulations, the fees payable by the party against whom an official scaler gives a decision in a dispute that is referred to an official scaler under this section.

(5) The Minister may demand payment of all reasonable expenses incurred by an official scaler in dealing with a dispute including the payment of fees fixed under subsection (4).

(6) The Minister may recover fees or expenses payable under subsections (4) and (5) and the regulations as a debt due the Crown.

(7) Subject to section 137, the decision of an official scaler in a dispute is binding on all parties to the dispute.

Appeal to Board

**137.** (1) A party to a dispute under section 136 may appeal the decision of an official scaler to the Board.

(2) The Board may compel the official scaler to appear before it as a witness.

(3) The decision of the Board in an appeal submitted to it under subsection (1) is final.

- Revocation of certificate**      **138.** Where a certified scaler
- (a) contravenes the provisions of this Part or a regulation; or
  - (b) in the performance of the duties of a scaler wilfully makes false measurements, unreasonably rejects timber or makes false returns,
- the Board may revoke the scaler's certificate.
- Obstructing scaler**      **139.** A person who hinders, obstructs or interferes with a timber scaler in the discharge of the scaler's official duties is guilty of an offence and liable on summary conviction to a fine not less than one thousand dollars or to imprisonment for a term not exceeding three months or to both the fine and imprisonment.
- Offence**      **140.** A person who contravenes a provision of this Part or the regulations other than section 139 is guilty of an offence and liable on summary conviction to a fine not less than five hundred dollars or to imprisonment for a term not exceeding one month or to both the fine and imprisonment.
- Regulations**      **141.** (1) The Minister may make regulations
- (a) prescribing forms generally for use under this Part;
  - (b) prescribing the form of oath to be used under section 131;
  - (c) authorizing the use of manuals of scaling instructions and scaling techniques;
  - (d) respecting the duties of timber scalers;
  - (e) prescribing a scale of fees in respect of applications, examinations, certificates, permits and disputes under this Part;
  - (f) respecting the procedures to be used in timber scaling;
  - (g) prescribing the procedure to be followed in the hearing of appeals or other matters by the Board;

- (h) prescribing the location where timber must be piled for scaling;
- (i) prescribing the unit of measurement for each class of timber; and
- (j) prescribing the circumstances under which a scaler's certificate may be suspended or revoked.

## PART VIII

### GENERAL

Entry onto  
private land

**142.** (1) After making reasonable efforts to notify the owner or occupier of privately owned lands, the Minister, employees of the Department including all forestry officials, together with persons assisting them, may enter upon that land for the purpose of performing their duties and functions under this Act and the regulations.

(2) Where a forest fire occurs on privately owned lands and the Minister or a forestry official considers it necessary to enter onto the lands for the purpose of fighting the fire he or she may do so without first having given notice to the owner or occupier of the lands.

Officer may  
seize timber,  
etc.

**143.** (1) A forestry official may seize timber cut on Crown lands or public land or timber that the officer believes on reasonable and probable grounds was cut on Crown lands or public land without a valid timber cutting permit or in respect of which a royalty has not been paid.

(2) Where a forestry official seizes timber under subsection (1), the official may also seize chain-saws, motor vehicles, animals and all-terrain vehicles used and other tools or implements used in the cutting and transporting of the wood.

Cost of extin-  
guishing fire

**144.** In addition to a penalty imposed under this Act, a court may impose the full cost or a portion of the costs or expenses incurred by the Minister in controlling or extinguishing a fire, together with costs or expenses related to the loss of timber and rehabilitation of the area burned or for removing a fire hazard.

Civil action not precluded

**145.** Nothing contained in this Act shall be held to limit or interfere with the right of the Crown or a person to bring and maintain a civil action for damages occasioned by a forest fire.

Trespass or nuisance

**146.** No action in trespass or nuisance may be brought against the Crown or its agents for the doing of an act or the carrying out of an operation necessarily incidental to the exercise of a duty or power under this Part or the regulations except where the trespass or nuisance results in injury to the person or damage to property.

Cutting trees near a highway

**147.** (1) This section applies to

- (a) privately owned land and land that is held under a lease from the Crown; and
- (b) land in relation to which a person has a licence from the Crown to cut timber

that is not enclosed by a fence.

(2) No person shall cut down, uproot or in another way destroy trees within one hundred metres of the centre line of the travelled portion of a highway as defined in *The Department of Works, Services and Transportation Act*.

(3) The Lieutenant-Governor in Council may make regulations to control and regulate the cutting of trees referred to in subsection (2) and may make different regulations in respect of the same species of trees in different circumstances and regulations may be made so as to apply generally or to a particular part of the province or different regulations may be made in respect of different parts of the province.

(4) The Minister may, by a permit in writing, authorize a person to cut down, uproot or otherwise destroy trees referred to in subsection (2) subject to the regulations and to those terms and conditions not inconsistent with the regulations, that he or she may prescribe in the permit or to which the permit may be made subject.

(5) Where the holder of a permit commits a breach of a term or condition of a permit referred to in subsection (4) or the regulations the Minister may cancel the permit and in addition the holder

of the permit is liable to the same penalty as for a breach of subsection (2).

(6) A person who contravenes this section or the regulations is guilty of an offence and is liable on summary conviction, in the case of a first offence, to a fine not exceeding one hundred dollars, and, in the case of a second or subsequent similar offence, to a fine not exceeding two hundred dollars and in either case in default of payment to imprisonment for a term not exceeding three months.

(7) Trees referred to in subsection (2) which are cut down, uprooted or otherwise destroyed

(a) except in accordance with this section and the regulations and the terms and conditions referred to in subsection (4); or

(b) in accordance with this section and the regulations and the terms and conditions prescribed in a permit and not removed within a period of twelve months after they are cut down, uprooted or otherwise destroyed

are vested in the Crown.

(8) No compensation is payable to a person in respect of trees vested in the Crown in accordance with subsection (7).

#### PART IX

#### OFFENCES AND PENALTIES

Removal of sign	<b>148.</b> A person who, without authority conferred by law, removes a sign or notice posted by the Minister is guilty of an offence.
Power of arrest	<b>149.</b> A forestry official has all the powers of a peace officer for the purposes of enforcing the provisions of this Act.
Obstructing official	<b>150.</b> No person shall obstruct or cause or incite another to obstruct a forestry official in the exercise of his or her authority under this Act or the regulations or a person assisting the forestry official in the exercise of that authority.

Officer may request permit

**151.** A forestry official may, where he or she believes on reasonable and probable grounds that a person is engaged in an activity for which a permit is required without having first obtained a permit, request that person to produce the permit for inspection by the official.

Refusal to give name, etc.

**152.** Where a forestry official believes on reasonable and probable grounds that a person has contravened a provision of this Act, the official may request that person to give his or her name and address and a person to whom that request is made shall comply.

Offence and penalty

**153.** (1) Every person who

- (a) violates a provision of this Act or of the regulations;
- (b) violates an order of the Minister or a forestry official; or
- (c) refuses or neglects to observe or perform a duty or obligation created or imposed by this Act or by a regulation or an order of the Minister or a forestry official

is guilty of an offence, and each day's continuance of the violation, refusal or neglect constitutes a new and distinct offence.

(2) Notwithstanding *The Summary Proceedings Act*, unless otherwise provided by this Act or the regulations, a person who has been convicted of an offence under this Act or the regulations is liable to a fine of not more than the maximum and not less than the minimum amount prescribed for the offence in the regulations or if no fine is prescribed, to imprisonment for a term not exceeding the maximum and not less than the minimum period prescribed for that offence in the regulations.

(3) A person who has been convicted of an offence under this Act or the regulations for which a penalty has not been specifically provided in this Act or in the regulations is liable

- (a) in the case of the first offence to a fine of not less than one hundred dollars nor more than five hundred dollars and in default of payment to imprisonment for a term not exceeding twenty days; and
- (b) in the case of a second or subsequent offence within a period of one year after the date of the last previous offence

to a fine of not less than five hundred dollars nor more than one thousand dollars and in default of payment to imprisonment for a term not exceeding one hundred and twenty days.

(4) The Minister of Justice or a person authorized by that Minister may, either before or after the institution of proceedings against a person for a violation of this Act or the regulations except from the person alleged to have been guilty of the violation a payment of a sum not less than the minimum nor more than the maximum fine prescribed by the regulations for the violation.

(5) The payment of an amount under subsection (4) shall, for the purpose of this Act, have the same effect as if the person paying the amount had been convicted for the violation in respect of which the amount was paid and a certificate or a copy of a receipt signed by a person authorized by the Minister of Justice under subsection (4) for the amount so paid is evidence of the conviction without further proof.

(6) All fines imposed under the provisions of the Act or the regulations and recovered on summary conviction shall be paid over by the convicting Provincial Court judge to the Consolidated Revenue Fund.

(7) For the purposes of subsections (2) and (3) an offence committed more than one year after the date of the last previous offence shall be considered to be a first offence.

Violation ticket

**154.** (1) A complaint may be made and a summons issued by means of a violation ticket in accordance with this section for a violation of a provision of this Act or the regulations.

(2) Every violation ticket shall contain

(a) the complaint;

(b) the summons; and

(c) those other matters that may be prescribed by the regulations.

(3) The use on a violation ticket of a word or expression prescribed by the regulations to designate an offence under this Act shall be sufficient for all purposes to describe the offence designated by that word or expression.

(4) A forestry official shall indicate the offence charged on the violation ticket by placing a mark in the box to the left of the offence charged or if the offence charged does not appear on the violation ticket the forestry officer shall write the offence in the space provided on the violation ticket.

(5) Upon completing a violation ticket in respect of an offence prescribed by the regulations and signing it, the forestry officer shall deliver the violation ticket to the person charged with the offence, and delivery of the violation ticket in accordance with this subsection shall be deemed to be personal service.

(6) The provisions of sections 17 and 18 of *The Summary Proceedings Act* apply, with the necessary changes, to a violation ticket issued under this section.

(7) Where the offence is not one set out in the regulations, a summons shall be issued in accordance with the provisions of *The Summary Proceedings Act*.

Regulations re  
offences

**155.** The Lieutenant-Governor in Council may make regulations

- (a) prescribing offences under this Act and prescribing penalties in relation to those offences;
- (b) respecting the form of a violation ticket issued under section 153 and the contents of a violation ticket; and
- (c) notwithstanding section 149, respecting the powers of a forestry official to enforce the provisions of this Act.

Possession of  
timber

**156.** The possession by a person of newly cut timber shall constitute *prima facie* evidence that the timber was cut by that person.

## PART X

CONSEQUENTIAL AMENDMENTS,  
REPEAL AND COMMENCEMENT1977 c. 67 and  
1979 c. 11 Amdt.**157.** (1) *The Forest Management Clarification Act* is amended in the manner and to the extent set out below:

- (a) section 18 of the Act is amended by striking out the words and figures "section 35 of *The Forest Land (Management and Taxation) Act, 1974*" and substituting the words and figures "section 77 of *The Forestry Act*";
- (b) section 19 of the Act is amended by
  - (i) striking out the words and figures "section 35 of *The Forest Land (Management and Taxation) Act, 1974*" and substituting the words and figures "section 77 of *The Forestry Act*", and
  - (ii) striking out the words and figures "*The Forest Land (Management and Taxation) Act, 1974*" and substituting the words and figures "Part III of *The Forestry*"; and
- (c) section 21 of the Act is amended by striking out the words and figures "section 35 of *The Forest Land (Management and Taxation) Act, 1974*" and substituting the words and figures "section 77 of *The Forestry Act*".

(2) *The Labrador Linerboard Limited Agreement Act, 1979* is amended in the manner and to the extent set out below:

- (a) clause 6 of Schedule B is amended by striking out where they twice occur the words and figures "*The Forest Land (Management and Taxation) Act, 1974*" and substituting the words and figures "Part III of *The Forestry Act*"; and
- (b) clause 11(c) of Schedule B is amended by striking out the words and figures "*The Forest Land (Management and Taxation) Act, 1974*" and substituting the words "Part III of *The Forestry Act*".

Acts repealed

**158.** (1) The following Acts are repealed:

- (a) *The Forest Fires Act*;
- (b) *The Forest Land (Management and Taxation) Act*;
- (c) *The Forests (Exchange and Acquisition) Act*;
- (d) *The Forest Travel Act*;
- (e) *The Saw Mills Act*;
- (f) *The Timber Licences (Reversion to Crown) Act*; and
- (g) *The Timber Scalers Act*.

(2) Paragraph (m) of section 2, section 8, sections 54 to 101 inclusive and section 130 of *The Crown Lands Act* are repealed.

(3) Sections 7 to 11 of *The Department of Forestry and Agriculture Act, 1989* are repealed.

(4) Paragraphs (h) and (n) of section 2, section 5, subsections (2), (4), (5) and (6) of section 18 and paragraph (q) of subsection (1) of section 22 of *The Logging Camps Act* are repealed.

Commence-  
ment

**159.** This Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.



## CHAPTER 59

### AN ACT TO AMEND THE HUMAN RIGHTS CODE, 1988

(Assented to December 7, 1990)

#### *Analysis*

Section:

1. S.7 Amdt.  
Right of the public  
to services

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1988 c.62  
as amended

1. (1) Subsection (1) of section 7 of *The Human Rights Code, 1988* is repealed and the following substituted:

**"Fair Access to Services**

Right of the  
public to ser-  
vices

7. (1) No person shall deny to or discriminate against a person or class of persons with respect to accommodation, services, facilities or goods to which members of the public customarily have access or which are customarily offered to the public because of the race, religion, religious creed, political opinion, colour or ethnic, national or social origin, sex, marital status, physical disability or mental disability of that person or class of persons."

- (2) Subsection (2) of section 7 of the Act is amended by deleting the phrase "as determined by the Commission".

(3) Section 7 of the Act is further amended by adding immediately after subsection (2) the following:

"(3) Subsection (1) does not apply

- (a) to accommodation in a private residence;
- (b) to the exclusion of a person because of that person's sex from accommodation, services or facilities upon the ground of public decency;
- (c) to accommodation where sex is a reasonable criterion for admission to the accommodation;
- (d) to a restriction on membership on the basis of a prohibited ground of discrimination, in a religious, philanthropic, educational, fraternal, sororial or social organization that is primarily engaged in serving the interests of a group of persons identified by that prohibited ground of discrimination; or
- (e) to other situations where a *bona fide* reason exists for the denial of or discrimination with respect to accommodation, services, facilities or goods.

(4) Notwithstanding paragraph (a) of subsection (3), subsection (1) shall apply to a private residence that offers a bed and breakfast accommodation for pay.

(5) For the purposes of this section "accommodation, services facilities or goods to which members of the public customarily have access or which are customarily offered to the public" shall include accommodation, services, facilities or goods which are restricted to a certain segment of the public."



## CHAPTER 60

### AN ACT TO RECONSTITUTE NEWFOUNDLAND AND LABRADOR DEVELOPMENT CORPORATION LIMITED AND CERTAIN DIVISIONS OF THE DEPARTMENT OF DEVELOP- MENT AS ENTERPRISE NEWFOUNDLAND AND LABRADOR CORPORATION

*(Assented to December 7, 1990)*

#### *Analysis*

Section:

1. Short title
2. Definitions
3. Corporation established
4. Rural Development Authority
5. Newfoundland and Labrador  
Development Corporation
6. Scope of Corporation
7. Status of Corporation
8. Board of Directors
9. Objects of Corporation
10. Powers of Corporation
11. Powers of Board
12. By-laws
13. President and vice-presidents
14. Corporation may enter  
into agreements
15. Appointment of staff
16. Actions
17. Power to borrow
18. Money may be in Canadian  
or foreign currency

Section:

19. Guarantees of loans
20. Guarantor's certificate
21. Guarantee of payments
22. Respecting guarantee
23. Agreements
24. Short-term loans
25. Appropriation
26. Financial year
27. Yearly budgets
28. Budget may be revised
29. Minister's approval
30. Corporation limited to budget
31. Report to Minister
32. Financial statement
33. Government may purchase  
securities of Corporation
34. Regulations
35. 1989 c.22 Amdt.
36. 1989 c.35 Amdt.
37. 1973 No.105 Rep.
38. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title	<b>1.</b> This Act may be cited as <i>The Enterprise Newfoundland and Labrador Corporation Act</i> .
Definitions	<p><b>2.</b> In this Act</p> <p>(a) "Board" means the Board of Directors appointed under section 8;</p> <p>(b) "Corporation" means Enterprise Newfoundland and Labrador Corporation which is established by this Act;</p> <p>(c) "Minister" means the Minister of Development; and</p> <p>(d) "Newfoundland and Labrador Development Corporation" means the body corporate incorporated under <i>The Companies Act</i>, continued under <i>The Corporations Act</i> under the name of Newfoundland and Labrador Development Corporation Limited and referred to in <i>The Newfoundland and Labrador Development Corporation Limited (Agreement) Act, 1973</i>.</p>
Corporation established	<p><b>3.</b> (1) There is established a corporation to be called Enterprise Newfoundland and Labrador Corporation.</p> <p>(2) <i>The Corporations Act</i> does not apply to the Corporation.</p> <p>(3) The Corporation is the successor in law to the Rural Development Authority and the Newfoundland and Labrador Development Corporation.</p>
Rural Development Authority	<p><b>4.</b> (1) Title to all of the property and assets of the Rural Development Authority, including the Rural Development Fund and all other rights of the Rural Development Authority, are vested in the Corporation.</p> <p>(2) The Corporation is charged with and assumes all of the obligations and liabilities of the Rural Development Authority.</p> <p>(3) An agreement made between the Rural Development Authority and another party prior to January 1, 1991 shall continue in force and shall be binding on the Corporation and the other party to it.</p>

(4) Regulations, of a kind similar to the regulations that may be made under this Act, made under *The Department of Development Act, 1989* or a predecessor Act to *The Department of Development Act, 1989* or another Act and in force immediately before January 1, 1991 may be amended or revoked by regulations made under this Act as if they were made under this Act and, in so far as they are not revoked shall continue in force and all the consequences shall follow as if they had been made under the provisions of this Act.

Newfoundland  
and Labrador  
Development  
Corporation

5. (1) Title to all of the property and assets of the Newfoundland and Labrador Development Corporation and all other rights of the Newfoundland and Labrador Development Corporation are vested in the Corporation.

(2) The Corporation is charged with and assumes all of the obligations and liabilities of the Newfoundland and Labrador Development Corporation.

(3) Until it is otherwise determined by the Board, the persons holding the positions referred to in subsection (1) of section 15 with the Newfoundland and Labrador Development Corporation and the Department of Development immediately before January 1, 1991 shall continue to hold those positions or their equivalent positions with the Corporation.

Scope of  
Corporation

6. The Corporation shall be responsible for implementing and making available to an interested person

(a) rural and community development programs and services;  
and

(b) development and business programs and services,

for the purpose of

(c) contributing to the continuing and stable reduction in the unemployment rate in the province; and

(d) creating employment opportunities for the people of the province.

Status of  
Corporation

7. The Corporation is an agent of the Crown.

Board of  
Directors

**8.** (1) The Lieutenant-Governor in Council shall appoint a Board of Directors of the Corporation.

(2) The Board shall consist of a minimum of five members and a maximum of nine members.

(3) The Lieutenant-Governor in Council may appoint one of the directors to be chairperson and one to be vice-chairperson.

(4) The Board shall not be disabled from acting by reason of a temporary vacancy in its number, but the number of members shall never be less than four.

(5) The Lieutenant-Governor in Council may determine the remuneration and terms of service of the members of the Board.

Objects of  
Corporation

**9.** The objects of the Corporation include

- (a) promoting the values of an enterprise culture and encouraging self-reliance throughout the province;
- (b) promoting, especially, small and medium-sized enterprises including private businesses, co-operatives, credit unions and community development corporations;
- (c) promoting and assisting in the integration of local economic development and the work of educational institutions; and
- (d) developing and implementing programs to provide persons in any area of the province having an interest in participating in the development of small and medium-sized enterprises with the means of accessing information as to the opportunities for that development together with information as to the advice and assistance, both financial and other, available to facilitate that development.

Powers of  
Corporation

**10.** (1) The Corporation may

- (a) acquire and dispose of real or personal property by lease or otherwise and shall do so in its own name;

- (b) deposit money or securities with a bank, trustee, trust company, or other depository;
- (c) appoint agents to act on its behalf for the purposes of this Act and on those conditions that the Board shall determine;
- (d) grant or lend money to or provide guarantees on behalf of persons carrying on or proposing to carry on a business or other undertaking in the province subject to those monetary limits prescribed by regulation;
- (e) appoint a transaction committee to manage the grant and loan program of the Corporation;
- (f) pay off or retire existing debts or obligations of a person engaged in a business, where it is necessary to do so in order to improve the security of a loan or other assistance to the person;
- (g) take for money loaned a security of any nature that the Board may consider advisable;
- (h) take, or otherwise acquire and hold, the shares, stock, debentures or other securities of a company wherever incorporated and sell or otherwise deal with them;
- (i) take over the assets of and carry on, either alone or in conjunction with another person, as often and for the period that the Board may think advisable, the business or a part of the business of a person indebted to the Corporation;
- (j) establish, incorporate, own and manage other corporations for investment purposes or to further the objects of the Corporation;
- (k) pay interest on its borrowings and upon money deposited with it and charge and receive interest on loans made by it;
- (l) invest and deal with, in the manner that may be determined by the Board, the money of the Corporation or on deposit with the Corporation that is not immediately required;

- (m) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments; and
- (n) generally, do all things which the Corporation considers necessary, convenient, or advisable for or incidental to the exercise of the powers and the discharge of the obligations of the Corporation.

(2) The Corporation is charged with the management and control of its property.

Powers of  
Board

11. (1) The Board shall exercise all of the powers and discharge all of the duties of the Corporation and administer and manage its business.

(2) The Board may

- (a) cause the Corporation to be registered and recognized in a foreign country or place, and designate persons there, according to the laws of the foreign country or place, to represent the Corporation, and to accept service for and on behalf of the Corporation of a process or suit;
- (b) carry out all of the objects of the Corporation, and exercise the Corporation's powers as its principal, agent, contractor or otherwise;
- (c) obtain information related to its purposes and duties, in the possession of a department or agency of the government of the province, subject to the approval of the Minister concerned;
- (d) insure the property of the Corporation with an insurance company licensed to do business in the province or with another insurance company approved for the purpose by the Lieutenant-Governor in Council;
- (e) determine the powers and duties of the president and vice-presidents of the Corporation; and

(f) do all other matters and things and exercise other powers that are incidental or conducive to the attainment of the objects and exercise of the powers of the Corporation.

(3) The Board may exercise its powers by resolution except where some other mode of exercising a power is prescribed in this Act or the by-laws.

By-laws	<b>12.</b> The Board may make by-laws generally for the conduct and management of the affairs of the Corporation.
President and vice-presidents	<p><b>13.</b> (1) The Lieutenant-Governor in Council shall appoint a president and those vice-presidents that the Lieutenant-Governor in Council considers necessary in order to carry out the objects of the Corporation.</p> <p>(2) The Lieutenant-Governor in Council shall set the remuneration of and terms of service for the president and vice-presidents.</p>
Corporation may enter into agreements	<b>14.</b> The Corporation, in keeping with its objects may work with the Government of Canada or one of its departments or agencies to carry out or implement programs on their behalf but a contract or agreement binding the Corporation in this regard is subject to the approval of the Lieutenant-Governor in Council.
Appointment of staff	<p><b>15.</b> (1) The Board may appoint those managers, engineers, accountants and other employees and retain those consultants, advisors and other professional persons that it considers necessary and may fix their remuneration and terms of employment.</p> <p>(2) A member of the Corporation or of the Board or a person employed by the Corporation does not become, by reason of the office or employment only, an officer or servant of the Crown.</p>
Actions	<b>16.</b> Legal proceedings in respect of a right or obligation acquired or incurred by the Corporation may be brought by or against it in the name of the Corporation.
Power to borrow	<p><b>17.</b> (1) The Corporation, subject to the approval of the Lieutenant-Governor in Council, may</p> <p>(a) borrow money for its purposes by way of temporary, interim or long-term loans; and</p>

- (b) secure the repayment of money borrowed,
- (i) by issuing bonds, debentures, or other securities of the Corporation,
  - (ii) by executing and delivering mortgages, assignments, conveyances, charges or other incumbrances of and over property of every nature and kind, both present and future, title to which is vested in the Corporation, and
  - (iii) by entering into, executing and delivering a trust deed, trust indenture or an agreement with a lender, a trustee acting for the holders of bonds and debentures or other person or with any of them,

and the money may be borrowed at the rate of interest and upon those terms and conditions, and may be secured in the form that the Board approves.

(2) The securities of the Corporation may be made payable in a currency approved by the Lieutenant-Governor in Council on the recommendation of the Board and expressed in that currency.

Money may be  
in Canadian or  
foreign curren-  
cy

**18.** (1) The money authorized to be borrowed under section 17 may be borrowed and repaid in Canadian or United States of America currency or in the currency of another country or partly in one currency and partly in another, as the Corporation may approve, and authority for borrowing or repaying the money includes authority to pay the exchange charges that may be applicable to the currency and the interest and premium incurred in respect of the borrowing, and to make sinking fund payments in respect of the money.

(2) The Lieutenant-Governor in Council may provide for the creation of a sinking fund amounting to the sum that the Lieutenant-Governor in Council may approve.

Guarantees of  
loans

**19.** (1) Subject to the prior approval of the Lieutenant-Governor in Council, the Minister of Finance, acting for and on behalf of the Crown in right of the province, may unconditionally guarantee as to principal, interest, including interest on overdue interest, premium and sinking fund payments, loans, in Canadian or United States of America currency or in the currency of another country or partly in

one and partly in the other currency, as the Lieutenant-Governor in Council shall determine, to be raised by the Corporation and to be secured by way of bonds or debentures issued by the Corporation.

(2) Pending the issue and sale of bonds or debentures the Minister of Finance may, subject to approval of the Lieutenant-Governor in Council, guarantee the repayment by the Corporation of an interim loan, with or without interest, not exceeding the principal sum of the loan to be raised by way of bonds or debentures, where provision satisfactory to the Minister of Justice is made for the repayment of the interim loan together with interest out of the proceeds of a bond or debenture issue and for making the repayment of the interim loan and interest a first charge upon the proceeds, after deducting the costs and expenses, including commission charges of and incidental to the floating of the bonds or debentures, and after deducting all other sums that may be required to be deducted under a trust deed, trust indenture or agreement executed and delivered under section 23.

(3) The repayment of a bond or debenture issue may be guaranteed under subsection (1) even if an interim loan to the Corporation has already been guaranteed under this section and even though pending the repayment of the interim loan the liability of the Crown will exceed the principal sum of the loan to be raised by way of bonds or debentures, but the liability of the Crown in respect of the bond or debenture issue and in respect of the interim loan shall not exceed double the principal sum of the loan to be raised by way of bonds or debentures.

Guarantor's  
certificate

20. Where a guarantee is given under section 19

(a) a statement in the following form:

**"Guarantor's Certificate**

Payment of principal, premium, interest and mandatory sinking fund payments on this \_\_\_\_\_ is guaranteed by the Province of Newfoundland, Canada, as more fully set out in the Indenture \_\_\_\_\_,"

or the following form of guarantee:

**"Guarantee**

Under *The Enterprise Newfoundland and Labrador Corporation Act*, the Government of the Province of Newfoundland unconditionally guarantees to the holder of the \_\_\_\_\_, the payment on the respective due dates of the principal, premium and interest to become due in respect of it, and also unconditionally guarantees mandatory sinking fund payments in respect of the issue of \_\_\_\_\_ of which this \_\_\_\_\_ forms a part, as and when it shall become due and payable \_\_\_\_\_."

shall be endorsed on all bonds or debentures guaranteed under this Act; and

- (b) the statement or the form of guarantee shall be signed on behalf of the province by the Minister of Finance, and the signature of the Minister of Finance may be engraved, lithographed or otherwise mechanically reproduced on the bonds or debentures.

Guarantee of  
payments

**21.** Notwithstanding section 19, where the payment of an interest, premium or sinking fund payment has been guaranteed under this Act, the Crown may incur liability in excess of the principal sum of the loan to be raised by way of bonds or debentures, to the extent of the guarantee of the interest, premium and sinking fund payment.

Respecting  
guarantee

**22.** The power conferred by section 19 to guarantee the repayment of bond or debenture issues or an interim loan includes the power to guarantee the repayment of part of the issues of bonds or debentures or part of the interim loan but, with respect to an individual loan, the aggregate of the principal sums guaranteed by the Crown, exclusive of an interim loan guaranteed under that section and exclusive of interest, premium and sinking fund payments, shall not exceed the principal sum of the individual loan.

Agreements

**23.** The Minister of Finance acting on behalf of the Crown may enter into, execute and deliver a trust deed, trust indenture or an agreement with the Corporation, a lender, a trustee acting for the holders of bonds or debentures or another person or company setting out the terms and conditions of a guarantee of a loan to be made in accordance with this Act.

Short-term loans	<p><b>24.</b> (1) The Corporation may, for its purposes, raise short-term loans</p> <ul style="list-style-type: none"> <li>(a) in the manner and form;</li> <li>(b) in those amounts;</li> <li>(c) in those currencies and from those sources;</li> <li>(d) for a period not exceeding two years;</li> <li>(e) at the rates of interest, including interest on overdue interest; and</li> <li>(f) on those conditions, including conditions relating to discounts, premiums, charges and commissions,</li> </ul> <p>that the Corporation may determine.</p> <p>(2) All short term loans, including the aggregate amount of those loans, raised under the authority of subsection (1) may be unconditionally guaranteed by the Minister of Finance, subject to the prior approval of the Lieutenant-Governor in Council.</p>
Appropriation	<p><b>25.</b> The financial requirements of the Corporation shall be defrayed out of money appropriated for that purpose by the Legislature.</p>
Financial year	<p><b>26.</b> The financial year of the Corporation shall be the same as the financial year of the province.</p>
Yearly budgets	<p><b>27.</b> The Corporation shall, not later than December thirty-first in every year, prepare and adopt and submit to the Lieutenant-Governor in Council through the Minister a budget containing estimates of all sums required during the next financial year for the purposes of the Corporation, and each budget shall contain the estimated revenue and expenditure in the detail and in the form that the Minister prescribes.</p>
Budget may be revised	<p><b>28.</b> Where in a financial year it appears that the actual revenue or expenditure of the Corporation is likely to be substantially greater or less than estimated in its budget, the Corporation may, and where required by the Minister shall, submit to the Lieutenant-Governor in</p>

Council through the Minister a revised budget containing the particulars required under section 27 and, in addition, the particulars of actual receipts and payments and outstanding liabilities up to the date of submission.

Minister's approval

**29.** (1) The Lieutenant-Governor in Council may approve or disapprove a budget submitted by the Corporation.

(2) Whenever the Minister requires the Corporation to submit a revised budget under section 28, he or she may notify the Corporation that the approval given in respect of a budget previously submitted is withdrawn and shall state the date upon which the withdrawal takes effect.

Corporation limited to budget

**30.** Except with the approval of the Lieutenant-Governor in Council, the Corporation shall not in a year contract or become liable for an expenditure or indebtedness beyond or in excess of the estimated amount of expenditure set out in an approved budget.

Report to Minister

**31.** (1) The Corporation shall, not later than September thirtieth in each year, prepare and submit to the Lieutenant-Governor in Council through the Minister a financial statement setting out the assets and liabilities of the Corporation, a copy of its audited financial statement and the receipts and expenditures of the Corporation for the previous financial year, together with a report concerning the work of the Corporation during the previous financial year.

(2) The statement and report referred to in subsection (1) shall be laid before the Legislature within fifteen days after they are submitted to the Lieutenant-Governor in Council if the Legislature is then sitting, or within fifteen days after the commencement of the next session.

Financial statement

**32.** (1) The financial statement referred to in section 31 shall be signed by the president of the Corporation and one member of the Board.

(2) An independent auditor shall examine the financial statement referred to in section 31 prior to the statement being submitted to the Lieutenant-Governor in Council.

Government  
may purchase  
securities of  
Corporation

**33.** Notwithstanding *The Financial Administration Act, 1973* or this or another Act or law and notwithstanding that the Corporation is an agent of the Crown in right of the province, the Government of the province may purchase the securities of the Corporation, and the Minister of Finance shall pay all expenses and charges of or incidental to a purchase made under this section out of the Consolidated Revenue Fund of the province.

Regulations

**34.** The Lieutenant-Governor in Council may make regulations to give effect to the provisions of this Act including regulations for the general administration of this Act.

#### Consequential Amendments

1989 c.22  
Amdt.

**35.** (1) Paragraphs (a) and (d) of section 2 and sections 7, 8, 9, 10 and 11 of *The Department of Development Act, 1989* are repealed.

(2) Section 6 of the Act is amended by adding the following immediately after paragraph (b):

"(b.1) authorizing a person to act on the Minister's behalf under an agreement with the Government of Canada or a department, agency or body under the jurisdiction of the Parliament of Canada;"

(3) The Schedule A to the Act is amended by adding the following immediately after item 3:

"3.1 The Enterprise Newfoundland and Labrador Corporation Act".

(4) Item 9 of Schedule A to the Act is repealed.

1989 c.35  
Amdt.

**36.** (1) Section 6 of *The Economic Recovery Commission Act* is amended by renumbering it as subsection (1) and by adding the following immediately after subsection (1):

"(2) Notwithstanding subsection (1), in respect of its direction of the activities of Enterprise Newfoundland and Labrador Corporation it shall report to the Minister of Development."

(2) Paragraph (c) of section 9 of the Act is repealed and the following substituted:

"(c) direct the activities of Enterprise Newfoundland and Labrador Corporation to give effect to the purposes and objectives of the Commission;"

**Repeal**

1973 No.105  
Rep.

**37.** *The Newfoundland and Labrador Development Corporation Limited (Agreement) Act, 1973* is repealed.

**Commencement**

Commence-  
ment

**38.** This Act shall come into force on January 1, 1991.



## CHAPTER 61

### AN ACT TO AMEND THE AMUSEMENT RIDES ACT

(Assented to December 7, 1990)

#### Analysis

Section:

1. S.2(b) Rep.  
Definition
2. S.20 Amdt.  
Advisory Board
3. S.21 R&S
  21. Appeal Board
  - 21.1 Appeal to Appeal Board

Section:

4. S.22 Amdt.  
Effect of appeal
5. S.25 Amdt.  
Regulations

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

1981 c.13  
as amended

1. Paragraph (b) of section 2 of *The Amusement Rides Act* is repealed.

2. Subsections (2) and (3) of section 20 of the Act are repealed and the following substituted:

"(2) The Amusement Rides Advisory Board shall report to and advise the Minister respecting technical matters of administration and those other matters that the Minister may assign to that Board.

(3) The members appointed under subsection (1) shall be persons who have the prescribed qualifications and shall be paid the remuneration and expenses that may be set by the Lieutenant-Governor in Council."

3. Section 21 of the Act is repealed and the following substituted:

**"Appeals**

Appeal Board

21. (1) There is hereby established an Amusement Rides Appeal Board consisting of those members that the Lieutenant-Governor in Council may appoint.

(2) The members appointed under subsection (1) shall be persons who have the prescribed qualifications and shall be paid the remuneration and expenses that may be set by the Lieutenant-Governor in Council.

Appeal to Appeal Board

21.1 (1) A notice, direction, suspension or action confirmed or varied by the Director under section 19 may be appealed to the Appeal Board by written notice of appeal within thirty days of that notice, direction, suspension or action.

(2) The Appeal Board shall, after it has heard an appeal, confirm, revoke or vary the notice, direction, suspension or action taken by the Director.

(3) Nothing in this section shall be construed to prevent the Appeal Board from reconsidering a matter that has been dealt with by it or from rescinding, altering or amending a decision or order previously made by it.

(4) In this section "Appeal Board" means the Amusement Rides Appeal Board established under section 21."

4. Section 22 of the Act is amended by striking out the number "21" and by substituting the number "21.1".

5. Section 25 of the Act is amended

(a) by deleting the brackets and number "(1)" before the word "The" at the beginning of the section;

(b) by adding at the end of paragraph (h) the word "and"; and

(c) by repealing paragraphs (i) and (j) and by substituting the following:

- "(i) prescribing qualifications of persons for appointment as members of the Amusement Rides Advisory Board and the Amusement Rides Appeal Board, and different qualifications may be prescribed for different persons for appointment to those Boards."



## CHAPTER 62

### AN ACT TO REMOVE ANOMALIES AND ERRORS IN THE STATUTE LAW

(Assented to December 7, 1990)

#### Analysis

Section:

1. Short title
2. Adoption of Children Act, 1972
3. Attachment of Wages Act
4. Change of Name Act, 1978
5. Children's Law Act
6. City of Corner Brook Act, 1985
7. City of Mount Pearl Act
8. Dangerous Goods  
Transportation Act
9. Denturists Act
10. Department of Education  
Act, 1990
11. Department of Health Act
12. Family Law Act

Section:

13. Highway Traffic Act, 1988
14. Interprovincial Subpoena Act
15. Judgment Interest Act
16. Judicature Act, 1986
17. Municipalities Act
18. Neglected Adults Welfare  
Act, 1973
19. Petty Trespass Act
20. Public Utilities Act, 1989
21. Residential Tenancies Act
22. St. John's Municipal  
Elections Act
23. Support Orders Enforcement Act
24. Tobacco Tax Act, 1986

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title                    1. This Act may be cited as *The Attorney General Statutes Amend-  
ment Act, 1990*.

1972 No.36  
as amended                    2. (1) Section 9.1 of *The Adoption of Children Act, 1972* is  
amended by adding the words "or older" after the phrase "twelve years  
of age" where that phrase twice occurs.

(2) Subsection (1) of section 22 of the Act is amended by  
adding the words "or older" after the phrase "nineteen years of age".

1970 c.16  
as amended

**3.** Section 7 of *The Attachment of Wages Act* is repealed and the following substituted:

Where support  
is payable

"7. Nothing in this Act applies to attachment or execution which is issued under a judgment or order

- (a) for the payment of support by a child to a parent under *The Family Law Act*;
- (b) for the payment of support by one spouse to or for the other;
- (c) for the payment, by the parent, guardian or person who has the care and custody of or who is charged with or liable for the support and maintenance of a child, of support for that child;
- (d) founded upon a separation agreement;
- (e) filed under *The Support Orders Enforcement Act*;
- (f) in a case where the debt sued for or in respect of which the judgment or order was made was contracted for board or lodging or for hospital expenses; or
- (g) made under *The Welfare of Children Act*."

1978 c.57  
as amended

**4.** Subsection (3) of section 12 of *The Change of Name Act, 1978* is amended by deleting the phrase "the Family Court" and by substituting the phrase "the Provincial Court".

1988 c.61  
as amended

**5.** Subsection (1) of section 39 of *The Children's Law Act* is amended by deleting the figure "37" and by substituting the figure "38".

1985 c.15  
as amended

**6.** Subsection (2) of section 339 of *The City of Corner Brook Act, 1985* is repealed and the following substituted:

"(2) The returning officer, except where there is an equality of votes, is disqualified from voting at elections."

1988 c.35  
as amended

**7.** Subsection (2) of section 337 of *The City of Mount Pearl Act* is repealed and the following substituted:

"(2) The returning officer, except where there is an equality of votes, is disqualified from voting at elections."

1982 c.45  
as amended

8. (1) Subsection (2) of section 10 of *The Dangerous Goods Transportation Act* is amended by deleting the phrase "paragraph (b) of subsection (2)" and by substituting the phrase "paragraph (d) of subsection (1)".

(2) Paragraph (g) of subsection (1) of section 21 of the Act is amended by deleting the phrase "paragraph (b) of subsection (1)", and substituting the phrase "subsection (2)".

1981 c.42  
as amended

9. Paragraph (c) of section 2 of *The Denturists Act* is amended by adding a comma and the figures ", 1983" after the word "Act".

(2) Subsection (6) of section 12 of the Act is amended by deleting the phrase "the District Court" and substituting the phrase "the Trial Division".

(3) Section 13 of the Act is amended by deleting the phrase "any prosecution for an offence" and substituting the phrase "a prosecution of an offence".

(4) Subsection (9) of section 14 is amended by deleting the phrase "the District Court" and substituting the phrase "the Trial Division".

1990 c.26

10. (1) Section 7 of *The Department of Education Act, 1990* is amended by adding immediately after subparagraph (v) of paragraph (a) the following:

"(v.1) the payment of scholarships and awards for students attending post-secondary educational institutions,".

(2) This section is deemed to have come into force on December 5, 1990.

RSN 1970 c.83  
as amended

11. (1) Paragraph (k) of section 2 of *The Department of Health Act* is amended by inserting after the words "Corner Brook" a comma and the words ", the City of Mount Pearl".

(2) This section is deemed to have come into force on July 21, 1988.

1988 c.60  
as amended

**12.** Subsection (4) of section 47 of *The Family Law Act* is amended by deleting the word "applies" and by substituting the phrase "shall also apply".

1988 c.33  
as amended

**13.** (1) Subsection (2) of section 196 of *The Highway Traffic Act, 1988* is repealed and the following substituted:

"(2) Where death is caused by the injury or damage referred to in subsection (1), the action shall be brought within the time limited by sections 4 and 5 of *The Fatal Accidents Act*."

(2) This section is deemed to have come into force on July 8, 1988.

1975-76 No.33

**14.** Sections 4 and 5 of *The Interprovincial Subpoena Act* are amended by deleting the phrase "section 2" and substituting the phrase "section 3".

1983 c.81  
as amended

**15.** Subsection (5) of section 3 of *The Judgment Interest Act* is amended by inserting the phrase "or a clerk of the Supreme Court" after the phrase "the Registrar of the Supreme Court".

1986 c.42  
as amended

**16.** Paragraph (o) of section 2 of *The Judicature Act, 1986* is amended by deleting the word "or" and by substituting the word "of".

1979 c.33  
as amended

**17.** (1) Paragraph (b) of subsection (1) of section 126 of *The Municipalities Act* is repealed and the following substituted:

"(b) is liable to pay

- (i) a poll tax or real property tax in the municipality, or
- (ii) a fee for the cost of services or supply to the local service district committee where the person ordinarily resides, except where he or she owns real property in the town that has imposed the poll tax".

(2) Subsection (2) of section 527 of the Act is repealed and the following substituted:

"(2) The returning officer, except where there is an equality of votes, is disqualified from voting at elections."

1973 No.81  
as amended

**18.** (1) Subsection (5) of section 6 of *The Neglected Adults Welfare Act, 1973* is amended by deleting the phrase "under subsection (1)" and by substituting the phrase "under subsection (4)".

(2) Subsection (5.1) of section 6 of the Act is amended by adding immediately after the phrase "paragraph (b)" the phrase "of subsection (4)".

1975-76 No.59  
as amended

**19.** Paragraph (c) of section 2 of *The Petty Trespass Act* is repealed and the following substituted:

"(c) the premises of a school, vocational school, college, institute, the Memorial University of Newfoundland, the Marine Institute, the various community colleges in the province or the premises used in connection with the preceding facilities for parking or other purposes; or".

1989 c.37

**20.** (1) Paragraph (d) of subsection (1) of section 32 of *The Public Utilities Act, 1989* is repealed and the following substituted:

"(d) on the terms and conditions

that may be approved by the Minister of Finance."

(2) Paragraph (b) of subsection (1) of section 45 of the Act is amended by striking out the word "quality" and substituting the word "quantity".

(3) Paragraph (b) of subsection (1) of section 53 of the Act is repealed and the following substituted:

"(b) permit the use of its conduits and poles by a licensed cable television system,

if public convenience and necessity require that use and it will not result in a substantial detriment to the service rendered or to be rendered by the public utility owning the equipment."

(4) Paragraph (d) of subsection (1) of section 65 of the Act is repealed and the following substituted:

"(d) expenses of the members of the Board

while engaged in and about the making or checking of the valuations shall be paid by the public utility whose property and assets are the subject of the valuation."

(5) Subsections (1) and (2) of section 69 of the Act are amended by striking out the words "depreciation fund" and by substituting the words "depreciation account".

(6) Subsection (2) of section 75 of the Act is amended by striking out the word "taxes" in the first line and by substituting the word "tolls".

(7) Subparagraphs (i) and (ii) of paragraph (b) of subsection (3) of section 78 of the Act are repealed and the following substituted:

"(i) contributions in aid of construction or acquisition of property or assets, and

(ii) deferred income taxes,

and may also exclude other amounts which the Board considers it fair and just to exclude."

(8) Subsection (1) of section 91 of the Act is amended by striking out the words "in more than one year" and by substituting the words "in more than one year from the date of issue".

(9) Paragraph (b) of subsection (5) of section 91 of the Act is amended by striking out the words "within one year" and by substituting the words "in more than one year from the date of issue".

(10) Subsection (2) of section 113 of the Act is amended by striking out the word "stated" and by substituting the word "commenced".

(11) Subparagraph (iii) of paragraph (a) of subsection (1) of section 114 of the Act is amended by striking out the words "a person's".

(12) Subsection (3) of section 121 of the Act is amended by adding a comma and the figure "1975" after the words "The Newfoundland and Labrador Hydro Act".

(13) The Act is amended by adding immediately after section 121 the following:

**"Repeal**

Rep. RSN  
1970 c322

121.1 *The Public Utilities Act* is repealed."

(14) This section is deemed to have come into force on February 16, 1990.

1988 c.44  
as amended

21. (1) Paragraph (j) of section 2 of *The Residential Tenancies Act* is amended by deleting the phrase "rent period" and substituting the phrase "rental period".

(2) Section 6 of the Act is amended

(a) in subsection (1) by deleting the period at the end and by substituting a comma and the phrase "whichever occurs earlier.";

(b) in subsection (3) by inserting after the phrase "the delivery" the phrase "of the premises";

(c) in subsection (4) by inserting after the phrase "to pay rent" the following "but rent that is paid by the tenant may be retained by the landlord,"; and

(d) in paragraph (b) of subsection (6) by deleting the words "name and".

(3) Paragraph (a) of subsection (1) of section 10 of the Act is amended by inserting after the words "six months" the words "and by the tenant at least one month".

(4) Subsection (5) of section 15 of the Act is amended by deleting the words "in a trust account" and by substituting the words "in an interest bearing trust account".

(5) Section 20 of the Act is repealed.

(6) Subsection (1) of section 24 of the Act is amended by deleting the word "may" and substituting the word "shall".

1977 c.93  
as amended

**22.** Subsection (1.1) of section 11 of *The St. John's Municipal Elections Act* is repealed and the following substituted:

"(1.1) The returning officer, except where there is an equality of votes, is disqualified from voting at elections."

1988 c.58  
as amended

**23.** Subsection (1) of section 28 of *The Support Orders Enforcement Act* is amended by deleting the word "or" after the phrase "has priority over".

1985-86 c.1  
as amended

**24.** Section 65 of *The Tobacco Tax Act, 1986* is amended by deleting the phrase "section 61" and substituting the phrase "section 64".



## CHAPTER 63

### AN ACT RESPECTING CHIROPRACTORS

(Assented to December 7, 1990)

#### Analysis

Section:

1. Short title
2. Definitions
3. Non-application of Act
4. Board
5. Meetings of Board
6. Functions and duties
7. Fees and audit
8. Committees
9. Registration and licence
10. Transitional registration
11. Duties of registrar
12. Proof of registration
13. Discipline Committee
14. Appeal

Section:

15. Regulations
16. Prohibition
17. Limitation
18. Secondary therapies
19. Prohibition generally
20. Entitlement
21. Restriction on professional title
22. Collection of fees
23. Limitation period
24. Liability of Board
25. Offence
26. Continuing offence
27. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

- Short title            **1.** This Act may be cited as *The Chiropractors Act*.
- Definitions           **2.** In this Act
- (a) "Board" means the Newfoundland and Labrador Chiropractic Board established under section 4;
- (b) "chiropractic" means a professional service usually performed by a chiropractor directed towards the diagnosis, examination and treatment, principally by hand, and

without use of drugs or surgery, of the spinal column, pelvis, extremities and associated tissues;

- (c) "chiropractor" means a person who practices chiropractic and who is licensed under this Act;
- (d) "licence" means a licence to practice chiropractic issued under this Act;
- (e) "Minister" means the Minister of Health;
- (f) "register" means the register of chiropractors referred to in paragraph (c) of section 10; and
- (g) "registrar" means the registrar of chiropractors elected under subsection (8) of section 4.

Non-applica-  
tion of Act

**3.** This Act does not apply to or affect

- (a) a medical practitioner registered under *The Medical Act, 1974*;
- (b) a physiotherapist registered under *The Physiotherapy Act*; or
- (c) a registered nurse or a person authorized by another Act or regulation to carry out services which would be considered as chiropractic under this Act.

Board

**4.** (1) There is established, as a corporation, a board to be known as the Newfoundland and Labrador Chiropractic Board, consisting of five members appointed under subsection (2).

(2) The Minister shall appoint to the Board

- (a) three chiropractors from a list of at least five chiropractors recommended by the Newfoundland and Labrador Chiropractic Association; and
- (b) two persons who are not chiropractors and who are appointed to represent the public interest.

(3) All chiropractors appointed under subsection (2) shall hold a licence under this Act.

(4) The Minister may appoint a person to fill a vacancy on the Board caused by the withdrawal of a member before the end of that member's term, and that person may serve only for the remainder of that term but is eligible for reappointment under subsection (2).

(5) Each member of the Board may be appointed for a period not greater than three years and is eligible for reappointment, but no member may serve for a continuous period exceeding nine years.

(6) Notwithstanding subsection (5), each member shall continue to hold office until he or she is reappointed or a new member is appointed.

(7) For the purpose of constituting the first Board, a chiropractor is a person who is eligible to be registered under this Act.

(8) The Board shall, as soon as practicable after its appointment, meet and elect from among the members of the Board one person to serve as chairperson and one person to serve as registrar.

(9) The chairperson shall, as soon as is practicable, notify the Minister in writing of the results of an election under subsection (8).

(10) The Board shall be responsible to the Minister.

Meetings of  
Board

**5.** (1) The Board shall hold at least one annual general meeting at a time and place that it determines or that is prescribed by the regulations and may hold other general meetings during each year upon the request of the chairperson, the registrar or two members of the Board.

(2) Three members of the Board, including one of the members who is not a chiropractor, shall constitute a quorum.

(3) A decision of the majority of members in attendance at a meeting shall be the decision of the Board and in the event of a tie the chairperson, or the person acting as chairperson, shall have a second deciding vote.

(4) Members of the Board shall serve without remuneration, but may be paid travelling and other expenses.

Functions and duties

**6.** The Board may

- (a) examine all degrees, diplomas, licences and other credentials of an applicant for a licence to practice chiropractic in the province to determine if the applicant should be licensed and registered to practice under this Act;
- (b) prescribe continuing education, examinations or other requirements necessary in order to maintain registration under this Act;
- (c) fix and collect fees;
- (d) approve registration and issue licences to persons who meet the requirements of this Act and the regulations;
- (e) hear complaints against chiropractors and administer disciplinary procedures; and
- (f) carry out duties and tasks in accordance with this Act and the regulations.

Fees and audit

**7.** (1) The Board shall ensure that the amount of fees payable under this Act are sufficient to enable it to discharge its functions and duties.

(2) All money received by the Board shall be applied by it to the exercise of its functions and duties under this Act.

(3) The Board shall appoint auditors who shall annually audit the affairs of the Board.

Committees

**8.** The Board may appoint committees and may delegate in writing to those committees functions and duties of the Board that may be prescribed by the regulations.

Registration and licence

**9.** (1) The Board shall register as a chiropractor and issue a licence to practice chiropractic to every person who

- (a) pays the prescribed fee;

- (b) holds a degree or diploma in chiropractic from the Canadian Memorial Chiropractic College or a university or college outside Canada recognized by the Council on Chiropractic Education (Canada);
- (c) has passed Canadian Chiropractic Examining Board examinations; and
- (d) meets those other requirements which may be prescribed by the regulations.

(2) Every person who is issued a license under this Act shall, within thirty days after being granted a license, become a member of the Newfoundland and Labrador Chiropractic Association.

(3) The license of a person who does not comply with subsection (2) shall be revoked.

(4) The registrar shall annually renew the registration and licence of chiropractors who meet the requirements of this Act and the regulations.

Transitional  
registration

**10.** The Board shall for a period of one year after the commencement of this Act register as a chiropractor and issue a licence to practice chiropractic to every person who

- (a) fulfills the requirements of paragraphs (a), (b) and (d) of subsection (1) of section 9; and
- (b) can demonstrate to the Board that he or she has practised chiropractic in the province for not less than one year immediately prior to the coming into force of this Act.

Duties of  
registrar

**11.** The registrar shall

- (a) be secretary to the Board;
- (b) register chiropractors and issue licences on the direction of the Board to persons who meet the qualifications for registration established by this Act and the regulations;

- (c) maintain a register of chiropractors in which the registrar shall enter the names of all those persons qualified and licensed to practice chiropractic in the province;
- (d) collect fees;
- (e) on or before the fifteenth day of February in each year publish in the Gazette the names and addresses of persons whose names appear on the register as of the fifteenth day of January of that year;
- (f) control all matters relating to the finances of the Board including receipt of all money paid to the Board, or to a member on behalf of the Board, and shall make disbursements on behalf of the Board;
- (g) file with the Minister, within three months from the end of the Board's fiscal year, an audited statement showing money collected and disbursements made during the preceding financial year; and
- (h) perform other duties that are required by the Board.

Proof of  
registration

**12.** A certificate signed or purporting to be signed by the registrar stating that the name of a person was or was not entered in the register on a date or during a period specified in the certificate shall be admissible in evidence without proof of the signature of the registrar, and the contents of that certificate shall be *prima facie* evidence of the facts stated on it.

Discipline Com-  
mittee

**13.** (1) The Board shall appoint a Discipline Committee consisting of

- (a) members of the Board of whom at least one is not a chiropractor; and
- (b) other persons the Board considers appropriate.

(2) Where the Board is of the opinion, or has reasonable cause to believe, that there has been incompetence or improper conduct in the professional conduct of a chiropractor, the Board shall refer that complaint to the Discipline Committee, which shall investigate, hear and determine the complaint and give two weeks notice by registered

mail to the chiropractor against whom the complaint is made, of the time and place of the hearing.

(3) The chiropractor under investigation has the right to be heard and be represented by a lawyer or other person at the hearing.

(4) The Discipline Committee shall, after conducting an inquiry into a complaint or matter referred to it by the Board under subsection (2), report in writing to the Board, the Discipline Committee's findings, recommendations and reasons.

(5) Upon receipt of a report of the Discipline Committee and after reviewing the report the Board may, if it determines that the complaint is sustained, take disciplinary measures the Board considers appropriate, including

- (a) causing the name of the chiropractor to be removed from the register;
- (b) suspending or cancelling the licence of the chiropractor for a period the Board considers appropriate and just;
- (c) imposing upon the chiropractor a monetary penalty not to exceed a sum fixed by the regulations; or
- (d) imposing conditions or limitations on the chiropractor in carrying out the practice of chiropractic.

(6) A member of the Discipline Committee appointed under subsection (2) shall not consider and review a report as a member of the Board under subsection (5).

(7) For the purpose of the inquiry, the Discipline Committee and each member of the Discipline Committee is vested with all the powers that are or may be conferred on a Commissioner by or under *The Public Enquiries Act*.

(8) Notice of the decision of the Board and the penalty, if a penalty is imposed, shall be sent by registered mail to the chiropractor.

(9) If a chiropractor's licence is suspended or cancelled, that chiropractor shall submit his or her licence to the Board within ten

days of receipt of the notice of suspension or cancellation unless the chiropractor makes an appeal under section 14.

(10) The Board may order

- (a) that a chiropractor who has been disciplined under this section or against whom a decision is made under section 14 upholding a disciplinary decision of the Board, pay to the Board the costs or part of the costs incurred by the Board in conducting the inquiry; and
- (b) that a chiropractor against whom, following an investigation under this section, there is determined to be no negligence, incompetence or improper conduct, have reimbursed to him or her costs which that chiropractor incurred as a result of the investigation.

Appeal

**14.** (1) An appeal lies to the Trial Division from a decision of the Board made under section 13.

(2) A chiropractor who wishes to appeal a decision of the Board made under section 13, shall file a notice of appeal with the Registrar of the Supreme Court within thirty days of receipt of the notice of the decision of the Board and the chiropractor shall serve a copy of the notice of appeal on the Board.

(3) The Board shall direct the registrar to take whatever steps may be necessary to implement and comply with the decision of the Trial Division.

(4) The registrar shall upon the cancellation of a licence strike the name of the holder of that licence from the register.

Regulations

**15.** The Board may, with the approval of the Minister, make regulations

- (a) providing for the holding and procedure of its meetings;
- (b) prescribing the rates and manner of payment for travelling and other expenses of members of the Board;
- (c) prescribing the fees payable for the issuance and renewal of licences;

- (d) prescribing forms for the purposes of this Act;
- (e) prescribing conditions and requirements for the licensing of persons to practice chiropractic including a requirement to maintain malpractice insurance and including conditions and requirements additional to those outlined in subsection (1) of section 9 for registration and licensing;
- (f) respecting continuing education courses and other programs for the purpose of maintaining and improving professional standards;
- (g) approving colleges or universities of chiropractic or categories of chiropractic for the purposes of registration and licensing, with power to approve schools other than those referred to in subsection (1) of section 9;
- (h) respecting the appointment of committees and prescribing the duties and responsibilities of those committees;
- (i) prescribing, scheduling or adopting examinations including the circumstances under which examinations may be required;
- (j) respecting the use, maintenance of and access to x-ray facilities and the type of x-ray procedure or service which may be requested or prescribed by a chiropractor;
- (k) defining "incompetence" or "improper conduct";
- (l) respecting the disciplining of chiropractors;
- (m) respecting conflicts of interest;
- (n) defining electrotherapy and thermotherapy for the purposes of this Act; and
- (o) respecting other matters necessary or advisable to carry out the intent and purpose of this Act.

Prohibition

**16. (1)** No chiropractor shall prescribe a laboratory test or maintain, use or have access to hospital or other laboratory services.

(2) Chiropractors may provide x-ray services to their patients by prescription, to be carried out at a

- (a) chiropractic clinic; or
- (b) hospital or other health care facility.

(3) X-ray services under subsection (2) shall be carried out as prescribed by regulation.

(4) Notwithstanding section 3, no action or other proceeding shall be taken against

- (a) a hospital or other health care facility,
- (b) a medical practitioner registered under *The Medical Act, 1974* and practicing in a hospital or other health care facility, or
- (c) an employee of a hospital or other health care facility

for x-ray services properly carried out at the request of a chiropractor.

(5) For the purposes of this section "hospital" means a hospital as defined in *The Hospitals Act, 1971*.

Limitation

**17.** A person registered under this Act shall not

- (a) use, direct or prescribe the use of an anesthetic for any purpose whatsoever; or
- (b) give treatments for dislocations or fractures.

Secondary therapies

**18.** A person registered under this Act may employ as an aid to treatment and as secondary adjunctive therapies, electrotherapy, thermotherapy and counselling in relation to exercise, nutritional supplement and diet.

Prohibition generally

**19.** (1) No person shall, for fee or reward, manipulate the joints of the human spinal column, including its immediate articulations, for therapeutic purposes unless

- (a) that person is registered and licensed as a chiropractor under this Act;
- (b) that person does so as a part of a course of chiropractic education approved by the Board; or
- (c) that person does so in connection with an examination arranged by the Board.

(2) No person shall permit his or her agent or employee to do an act in contravention of subsection (1).

(3) For the purposes of subsection (1), a person manipulates the joints referred to in that subsection for fee or reward if he or she receives a fee or a reward for that manipulation or for a service performed or advice given in connection with that manipulation.

**Entitlement**                    **20.** No person, corporation, partnership or other association of persons except a chiropractor shall after sixty days from the date of the commencement of this Act

- (a) hold himself, herself or itself out as being entitled to practice chiropractic; or
- (b) use a name, title or designation or act in a manner that expressly or otherwise might lead to the belief that the person, corporation, partnership or association of persons is registered and licensed to do chiropractic under this Act.

**Restriction on professional title**                    **21.** No chiropractor shall, in conjunction with his or her name, or to designate his or her profession or calling, display or make use of the prefix or title "Doctor" or the abbreviation "Dr.", unless at the same time he or she displays or makes use of the words "of Chiropractic" or the word "Chiropractor", immediately preceding or following his or her name.

**Collection of fees**                    **22.** Every chiropractor may demand, receive and sue for in a court reasonable fees for professional services rendered and the cost of materials or appliances supplied.

**Limitation period**                    **23.** No action shall be brought against a chiropractor for negligence or malpractice by reason of services rendered by him or

her unless the action is commenced within two years from the date those services terminated.

Liability of  
Board

**24.** No member of the Board is personally liable for a loss or damage suffered by a person by reason of anything done or omitted to be done in good faith by that member in the execution of the member's office, powers or duties.

Offence

**25.** A person who contravenes this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding one month in default of payment or to both the fine and imprisonment.

Continuing of-  
fence

**26.** Where an offence under section 25 is committed on more than one day or is continued for more than one day or part of a day, it is deemed to be a separate offence for each day on which the offence is committed or continued.

#### Commencement

Commence-  
ment

**27.** This Act comes into force on a day to be fixed by proclamation of the Lieutenant-Governor in Council.



## CHAPTER 64

### AN ACT TO REPEAL THE PARLIAMENTARY COMMISSIONER (OMBUDSMAN) ACT

*(Assented to December 7, 1990)*

#### *Analysis*

Section:

1. RSN 1970 c.285  
Rep.
2. 1981 c.5  
Amdt.

Section:

3. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

RSN 1970 c.285  
Rep.

1. *The Parliamentary Commissioner (Ombudsman) Act* is repealed.

#### **Consequential Amendments**

1981 c.5  
Amdt.

2. (1) Paragraph (d) of section 2 of *The Freedom of Information Act* is repealed.

(2) Sections 12 and 13 of the Act are repealed.

(3) Subsection (1) of section 14 of the Act is amended by striking out the words and figure "under section 13".

(4) Subsection (6) of section 15 of the Act is amended by striking out in paragraphs (a) and (b) the words and number "pursuant to section 12".

(5) Subsection (7) of section 15 of the Act is repealed and the following substituted:

"(7) Where, under paragraph (b) of subsection (4), the head decides to disclose a record or part of a record requested under this Act, the head shall give the person who made the request access to the record or the part of the record immediately on completion of twenty days after a notice is given under that paragraph, unless an appeal of the decision is requested under section 14."

#### **Commencement**

Commence-  
ment

**3.** This Act comes into force on January 1, 1991.



## CHAPTER 65

### AN ACT RESPECTING THE CREATION OF REGIONAL SERVICE BOARDS THROUGHOUT THE PROVINCE

(Assented to December 7, 1990)

#### Analysis

Section:

1. Short title
2. Definitions
3. Region and board
4. Corporate status
5. Chairperson and vice-chairperson
6. Board membership
7. Quorum
8. Meetings
9. Powers of a board
10. Staff
11. Financial year
12. Bank account
13. Expenses
14. Subsidy
15. Yearly budgets
16. Balanced budget
17. Contents of budget
18. Revised budget
19. Effect of budget
20. Partnership budgeting
21. Books of account
22. Financial statement
23. Appointment of auditor

Section:

24. Appointment by Minister
25. Auditor's powers
26. Auditor's report
27. Copy to Minister
28. Interim report
29. Short-term borrowing
30. Long-term borrowing
31. Capital budget
32. Unauthorized expenditure
33. Currency
34. Powers of expenditure
35. Guaranteed loans expenditures
36. Revenue raising
37. Effective date
38. Remuneration and expenses
39. Regulations
40. Conflict of interest
41. Interpretation
42. Disclosure
43. Transitional provisions
44. Consequential amendments
45. RSN 1970 c.360 Rep.
46. Commencement

*Be it enacted by the Lieutenant-Governor and House of Assembly  
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as *The Regional Service Boards Act*.

## Definitions

**2. In this Act**

- (a) "board" means a regional service board established by this Act;
- (b) "member" means a member of a board appointed under section 6 and includes a chairperson of a board;
- (c) "Minister" means the Minister of Municipal and Provincial Affairs;
- (d) "municipal authority" means
  - (i) the City of Corner Brook,
  - (ii) the City of Mount Pearl,
  - (iii) the City of St. John's,
  - (iv) a local service district committee or council of a town, community or region constituted or continued under *The Municipalities Act*; and
- (e) "region" means a portion of the province delineated as a region by the Lieutenant-Governor in Council under this Act.

## Region and board

**3. (1)** The Lieutenant-Governor in Council by order, on the recommendation of the Minister, may create a region and establish for that region a regional service board for the purpose of providing regional services in accordance with this Act.

(2) The Lieutenant-Governor in Council shall in the order referred to in subsection (1) designate the boundaries and select a name for the region to be administered by the board established under this section.

## Corporate status

**4.** Every board established under this Act is a corporation.

## Chairperson and vice-chairperson

**5. (1)** The Lieutenant-Governor in Council shall appoint a chairperson to each board.

(2) Every board shall elect a vice-chairperson from among the members of the board.

Board membership

**6.** (1) The Minister shall appoint to a board members from among councillors who represent municipal authorities included in a region.

(2) The Minister shall, by order, determine the number of members, other than the chairperson, to be appointed to a board.

(3) The members appointed by the Minister under this section to represent the municipal authorities in a region shall be nominated by their respective municipal authorities, or where no nomination is made by a municipal authority, may be selected by the Minister from among persons who reside within the boundaries of that municipal authority.

(4) With the exception of the chairperson, a member appointed to a board shall serve a term of two years with the right to be re-appointed for a further term of two years and shall be ineligible for a further re-appointment until at least two years after the expiration of his or her last term as a member of the board.

(5) The Minister may appoint alternate members to serve on a board in the absence of regular members and those alternate members shall be nominated or selected in the same manner as those regular members in accordance with subsection (3).

Quorum

**7.** For the purposes of a meeting of a board, a majority of the members of the board constitutes a quorum.

Meetings

**8.** (1) Every board shall meet no fewer than six times a year for the disposition of general business.

(2) Special meetings of a board may be called at times decided upon by the chairperson or on the written request of four members.

Powers of a board

**9.** The Minister may by regulation prescribe the powers that a board may have for the entire region or a portion of a region governed by the board, including powers regarding

(a) the construction and operation of regional water supply systems, regional sewage disposal systems, regional storm

drainage systems and regional solid waste disposal sites and including a facility designated in the regulations as a regional facility;

- (b) the provision of regional police services, ambulance services, animal and dog control, and other similar services within a region;
- (c) the operation of regional public transportation systems;
- (d) the determination and change of street and road names in a region so as to avoid a duplication of those names within a region;
- (e) the provision of regional recreational facilities;
- (f) the provision of regional fire protection services;
- (g) the provision of other facilities or services of a regional nature; and
- (h) the charging of user fees on municipal authorities, areas under development control or unincorporated areas benefited by a regional facility.

Staff

**10.** Every board may appoint those officers, clerks and employees that it considers necessary for the conduct of its business and may fix their remuneration.

Financial year

**11.** (1) The financial year of a board is from the first day of January to the thirty-first day of December.

(2) In the first year that a board is established, the financial year is from the date the board takes office until the thirty-first day of December.

Bank account

**12.** (1) A board shall open an account in a bank and shall deposit to its credit all money received by the board.

(2) All cheques or orders withdrawing money from the bank account of a board shall be signed by the chairperson and one other member of the board who is selected by the board for that purpose.

(3) In this section, "bank" includes a credit union registered under *The Co-operative Societies Act* and a trust company licensed under *The Trust and Loan Companies (Licensing) Act, 1974*.

## Expenses

**13.** The expenses of a board may be defrayed out of revenue generated by the assessment of

(a) user fees in a region; and

(b) each municipal authority which is represented by the board.

## Subsidy

**14.** The Minister may annually, out of funds provided by the Legislature for that purpose grant to each board an amount of money to assist that board in the repayment of capital debt.

## Yearly budgets

**15.** (1) Every board shall, not later than ninety days after the day on which the board takes office in the first financial year and not later than the first day of December in each succeeding year prepare and adopt a budget containing estimates of the revenue and expenditures of the board for the next financial year and a statement showing the rate of assessment under section 13 that will be imposed during that year.

(2) The budget shall be in a form prescribed by the Minister and a copy shall be sent to the Minister on or before the thirty-first day of December in each year or in the case of a newly formed board, within thirty days of its adoption.

## Balanced budget

**16.** The anticipated revenues and proposed expenditures of a board must balance.

## Contents of budget

**17.** (1) The budget shall only include local revenue and federal and provincial revenue for which written authorization has been received.

(2) No expenditures shall be provided in a budget for capital reserves except where, with the approval of the Minister, a board considers it necessary to set aside in financial statements under section 22 a reserve from the accumulated surplus, investments of funds for specific purposes of a capital nature.

(3) The unappropriated accumulated surplus or accumulated deficit appearing in the audited financial statements at the end of the previous financial year shall be credited or deleted as new items of revenue or expenditure in the budget of the next financial year.

(4) Where the amounts of unappropriated accumulated surplus or accumulated deficit referred to in subsection (3) are in the opinion of the Minister substantial, they may be credited or debited in future budgets over a period of years that may be determined by the Minister.

Revised budget

**18.** (1) Where during a financial year it appears that the actual revenue and expenditure is likely to be substantially greater or less than estimated, a board shall prepare and adopt a revised budget in the prescribed form.

(2) A copy of the revised budget shall be sent to the Minister within two weeks of its adoption.

(3) A revised budget shall not take effect until one month from the date of its adoption by a board.

Effect of budget

**19.** A board shall not, without the approval of the Minister incur, enter into, contract or become liable for an expenditure or indebtedness beyond or in excess of the estimated amount of expenditure set out in the adopted budget or revised budget.

Partnership budgeting

**20.** (1) Where a board has incurred a deficit in a financial year to an extent that the Minister considers it advisable, the Minister may, by order, require the board to submit its budget or its revised budget to the Minister for his or her approval and the Minister may approve or disapprove that budget or revised budget.

(2) Where the Minister has made an order under subsection (1) he or she may also assign an officer of the Department of Municipal and Provincial Affairs to assist the board in the preparation of its budget or revised budget.

Books of account

**21.** A board shall ensure that full and complete books of account are kept of the financial dealings of the board.

Financial statement

**22.** (1) A board shall prepare and adopt within five months of the end of each financial year a financial statement showing a full and

detailed balance sheet and a statement of the revenue and expenditure of the board.

(2) The chairperson and the member performing the functions of a treasurer, shall sign the financial statement and shall attach the report that an auditor has made with respect to the financial statement.

(3) A board shall send the financial statement and report of the auditor to each municipal authority in the region.

(4) A board shall publish the financial statement, together with the auditor's report respecting that financial statement, in a newspaper having general circulation in the region, or where there is no newspaper, by posting it in a public place in the region, within thirty days of its adoption where there is no auditor's report, or within thirty days of the receipt of the auditor's report where there is a report.

Appointment  
of auditor

**23.** (1) A board shall appoint an auditor not later than the thirty-first day of July in the year preceding the year in which the audit is required to be reported upon under subsection (2), to audit the accounts of the board and report on the financial statement prepared by the board.

(2) The auditor shall complete and submit a report on his or her audit within five months of the end of the financial year that he or she is auditing.

(3) An auditor appointed under subsection (1) shall be a member of the Institute of Chartered Accountants of Newfoundland or the Auditor General and his or her staff and that appointment remains in effect until it is revoked by the board.

(4) The board shall advise the Minister and each municipal authority in the region in writing of its appointment of an auditor or its revocation of an appointment within thirty days of that appointment or revocation.

Appointment  
by Minister

**24.** Where a board does not appoint an auditor within the time set out in section 23 or the auditor does not fulfill the requirements of subsection (3) of section 23, the Minister shall appoint an auditor to

audit the accounts of the board and report on the financial statement prepared by the board.

Auditor's powers

**25.** An auditor may call for, and the board shall supply, all books and vouchers of the board that the auditor considers necessary to enable him or her to properly audit that board's accounts.

Auditor's report

**26.** The auditor shall examine, audit and report on the financial statement of a board and its books of account and in his or her audit report shall particularly direct his or her attention to

- (a) expenditures in excess of the budget of the board;
- (b) the position with regard to arrears of revenue;
- (c) the manner in which the accounts have been kept;
- (d) the adequacy of the safeguards against fraud; and
- (e) other matters connected with the accounts that the auditor considers of sufficient interest or importance to mention.

Copy to Minister

**27.** A board shall send a copy of the audit report on the financial statement to the Minister on each municipal authority in the region within thirty days of its receipt.

Interim report

**28.** The auditor shall, at the request of a board or the Minister, make an interim report on the accounts of the board and shall send a copy of that report to the board and the Minister within thirty days of its completion.

Short-term borrowing

**29.** (1) A board may borrow money for current account purposes.

(2) The indebtedness of a board incurred as a result of borrowing an amount under subsection (1) shall not exceed twenty percent of its estimated revenue, grants-in-lieu and other assured revenue, other than water and sewerage subsidies paid by the province to the board in the financial year in which the borrowing takes place.

(3) All amounts borrowed under subsection (1) shall be repaid on or before the end of the financial year in which the borrowing takes place.

- Long-term borrowing      **30.** Subject to the approval of the Minister, every board may borrow money for capital purposes.
- Capital budget      **31.** (1) Every board shall annually on or before the end of each year submit to the Municipal Capital Projects Board established under *The Municipal Grants Act* a five-year forecast of the board's anticipated capital expenditure requirements.
- (2) Every board shall submit a copy of the five-year forecast referred to in subsection (1) to each municipal authority in the region.
- Unauthorized expenditure      **32.** (1) Where, without the prior approval of the Minister, a board uses money borrowed under section 30 for a purpose other than the purpose for which the Minister approved the raising of the loan, the members who voted for the use of the money are personally and jointly liable for the return of that money to the board, and the board may recover the money as a civil debt due to it.
- (2) Where a person entitled to vote in an election for councillors under *The Municipalities Act* in the area under the jurisdiction of a board, files a written request with the board asking the board to bring an action against a member who incurs liability under subsection (1) for the recovery of the money and the board refuses or neglects to bring that action for one month, then, the person who filed the request may bring the action on behalf of himself or herself and other persons in the region.
- Currency      **33.** Where a board borrows money under section 30, the amount of the loan to be raised shall be stated in Canadian dollars.
- Powers of expenditure      **34.** (1) A board may pay out of funds at its disposal, salaries or remuneration to members, officers, auditors and employees of the board, and all other expenditures incurred in the execution of the powers and duties vested by this or another Act in the board.
- (2) A payment made under subsection (1) may only be made where there is a provision for the expenditure in the adopted budget or revised budget of the board.
- Guaranteed loans expenditures      **35.** (1) Where a board has raised money by a loan advanced or guaranteed by the Crown or under a charge or mortgage on property of the board, with its repayment guaranteed by the Crown, the board shall not invite tenders, award a contract or undertake obligations in

respect of the execution of work, the performance of services or the purchase of materials or goods that is to be financed in whole or in part by that money without the prior written approval of the Minister.

(2) Except with the consent of the Lieutenant-Governor in Council, money described in subsection (1) shall not be attached, held or otherwise taken under a power of law to satisfy an obligation of a board arising out of a contract entered into without the prior approval of the Minister.

- Revenue raising      **36.** All methods of raising revenue which may be imposed under section 13 shall be imposed or varied by a resolution of the board.
- Effective date      **37.** A board may, in a resolution under section 36, state the date when the money being raised as revenue is due and payable.

#### Remuneration

- Remuneration and expenses      **38.** A board may
- (a) pay to the chairperson and other members an annual salary or other remuneration that may be agreed upon by the board and determined by a two-thirds vote of all the members; and
  - (b) by a vote of a majority of the members reimburse the chairperson and other members for reasonable expenses incurred by them in the conduct of board business.
- Regulations      **39.** (1) Notwithstanding section 38, the Lieutenant-Governor in Council may make regulations
- (a) setting out a scale of remuneration for chairpersons and other members or officers of a board; and
  - (b) setting out rules as to the amount of reimbursement for expenses, that may be paid out under paragraph (b) of section 38.
- (2) Payments made under subsection (1) shall be made out of the funds of the board.

Conflict of interest

**40.** (1) A member shall not vote on or speak to a matter before the board where

- (a) the member has an interest in the matter distinct from an interest arising from his or her functions as a member;
- (b) the member has a pecuniary interest directly or indirectly in the matter;
- (c) a relative of the member has an interest in the matter; or
- (d) the member is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons that has an interest in the matter.

(2) For the purposes of subsection (1), a "relative" means a father, mother, spouse, sister, brother, child, step-child, ward, mother-in-law, father-in-law, sister-in-law or brother-in-law of a member.

Interpretation

**41.** In order for an interest to be considered as one falling within a prohibition set out in subsection (1) of section 40, it must be an interest separate and distinct from an interest held in common with the other citizens of the region.

Disclosure

**42.** (1) Where a member has an interest as set out in section 40, the member shall state the interest and the nature of that interest at the commencement of discussion on the matter in which that member has that interest.

(2) Where the member declaring a conflict of interest under subsection (1) is the presiding officer, that member shall vacate the chair.

#### **Transitional**

Transitional provisions

**43.** (1) Title to all the property and assets of the St. John's Metropolitan Area Board is vested in the Department of Municipal and Provincial Affairs.

(2) Where the Minister considers it appropriate, the Minister may transfer, divest or convey the property and assets referred to in subsection (1) to a board or municipal authority .

(3) The Department of Municipal and Provincial Affairs is charged with and assumes the obligations, debts and liabilities of the St. John's Metropolitan Area Board.

(4) On the commencement of this section, all employees of the St. John's Metropolitan Area Board shall be treated in accordance with the regulations made under subsection (5).

(5) The Lieutenant-Governor in Council may make those regulations that are necessary to facilitate the transfer, employment or unemployment of employees of the St. John's Metropolitan Area Board upon the commencement of this section.

#### Consequential Amendments

##### Consequential amendments

44. (1) Paragraph (k) of section 2 of *The Department of Health Act* is amended by striking the commas and words ", the St. John's Metropolitan Area Board,".

(2) Subparagraph (iv) of paragraph (f) of section 2 of *The Department of Municipal and Provincial Affairs Act* is repealed.

(3) Subparagraph (i) of paragraph (b) of subsection (1) of section 11 of *The Gasoline Tax Act, 1978* is amended by striking out the words "the St. John's Metropolitan Area Board,".

(4) Subparagraph (ii) of paragraph (h) of section 2 of *The Historic Resources Act* is repealed.

(5) Paragraph (j) of section 2 of *The Housing Act* is amended by striking out the comma and words ", the St. John's Metropolitan Area Board".

(6) Paragraph (b) of section 2 of *The Local School Tax Act* is amended by striking out the commas and words ", St. John's Metropolitan Area Board,".

(7) Paragraph (b) of section 2 of *The Motorized Snow Vehicles and All-Terrain Vehicles Act, 1973* is amended by striking out the commas and words ", the St. John's Metropolitan Area Board,".

(8) Paragraph (d) of section 2 of *The Newfoundland Municipal Financing Corporation Act* is amended by adding immediately after

the words and comma "*The Municipalities Act*," the words and comma, "a regional service board under *The Regional Service Boards Act*,".

(9) Paragraph (b) of subsection (1) of section 10 of *The Statutes and Subordinate Legislation Act* is amended by striking out the commas and words ", the St. John's Metropolitan Area Board,".

#### Repeal

RSN 1970 c.360  
Rep.

**45.** (1) *The St. John's (Metropolitan Area) Act* is repealed.

(2) Notwithstanding section 46, this section and sections 43 and 44 shall come into force on a day or days to be proclaimed by the Lieutenant-Governor in Council.

#### Commencement

Commence-  
ment

**46.** This Act or a provision of this Act shall come into force on a day to be proclaimed by the Lieutenant-Governor in Council.









TABLE OF PUBLIC GENERAL STATUTES  
1834 - 1990\*

(1) Initial section references in the 3rd column opposite an Act indicate the provisions of that Act that have been amended or added.

(2) The abbreviation "R&S" means that the Act or provision has been repealed and substituted; the abbreviation "Rep." means that the Act or provision has been repealed.

(3) M/C means "Minute of Council"

\*There are a certain number of Acts that were not consolidated in the previous revisions of 1952 and 1970 which may still be in force. These are included in this Table. Other Acts, considered to be of a local or personal nature and those Acts respecting agreements between the Government and various corporations are included in the Table of Local, Personal and Private Statutes.

Table of Public General Statutes

Act or Subject	RSN 1970	Amendments, etc.
<b>A</b>		
Abandoned Lands	1	s.2, 1986 c.42 Sch. A Item 1 s.6, 1973 No.37 s.38(1) Sch.; 1979 c.49 Sch.A Item 1; 1988 c.43 Sch.A s.16, R&S 1986 c.42 Sch. B Item 1 s.22, 1986 c.42 Sch. B Item 1
Accessibility to Buildings (see Buildings Accessibility)		
Accident and Sickness In- surance	2	R&S 1971 No.6
Accident and Sickness In- surance, 1971	...	1971 No. 6; 1971 No.14 s.2; 1978 c.19 s.2; 1979 c. 51 s.2 s.2, 1986 c.42 Sch. A Item 2 s.3, 1971 No. 14 s.2 s.6.1 added 1978 c.59 s.1 s.7.1 added 1978 c.59 s.2 (in force June 11, 1982); 1983 c.27 s.1 s.42, 1971 No.14 s.2
Administration and Control of Lands of the Crown (Trans- fer)	3	s.2, 1979 c.44 s.5; 1980 c. 24 s.2; 1988 c.43 Sch.A
Admiralty Transports Dis- cipline	4	Rep. 1985 c.13 Sch. Item 1
Admiralty Wharf (Commission of Enquiry)	...	1956 No.33 Rep. 1985 c.13 Sch. Item 2
Adoption of Children	5	R&S 1972 No.36
Adoption of Children, 1972	...	1972 No. 36 s.2, 1973 No.31 s.36(1) Sch. Item 1; 1974 No.101 s.3; 1986 c.42 Sch. B Item 2 s.4, 1974 No.9 s.2; 1974 No. 101 s.2; 1988 c.39 s.2(1) & (2) s.5A added, 1974 No.9 s.3; 1979 c.35, Sch.A Item 1 s.7, 1974 No.101 s.3

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		<p>s.8, R&amp;S 1979 c.39, s.2; 1988 c.39 s.2(3)  s.9, 1978 c.15 s.1; 1979 c.13 s.1; 1989 c.12  s.2; R&amp;S 1990 c.20 s.1  s.9.1, added 1990 c.20 s.1; 1990 c.62 s.2  ss. 9.2-9.4, added 1990 c.20 s.1  ss. 11A &amp; 11B, added 1973 No.50 s.2  s.11C, added 1973 No.50 s.2; 1974 No.57  s.38 (263(1) Sch.C Item 1); 1986 c.42 Sch.  A Item 3  s.12, 1988 c.54 s.2  s.13, 1986 c.42 Sch. A Item 3  s.17, 1974 No.57 s.38(264(a)); 1986 c.42  Sch. B Item 2  s.19, 1974 No.57 s.38(264(a)); 1974 No.57  s.38(263(2) Sch.D Item 1); 1979 c.34 Sch.;  1986 c.42 Sch. B Item 2  s.20, 1977 c.63 s.1  s.21, 1988 c.39 s.2(4); R&amp;S 1988 c.61 s.83  (in force July 1, 1989)  s.22, Rep. 1988 c.61 s.83; added 1990 c.20  s.2; 1990 c.62 s.2  s.23, Rep. 1988 c.61 s.83; added 1990 c.20 s.2  s.24, 1973 No.50 s.3; 1990 c.20 s.3  s.27, 1972 No.11 s.2</p>
Adult Corrections	...	<p>1975 No.12  s.7, 1984 c.2 s.27  s.13, Rep. 1984 c.2 s.27</p>
Advocate Mines Ltd. Ex- propriation	...	<p>1982 c.16 (in force Sept. 3, 1982)  s.2, 1987 c.28 s.35 Sch.C Item 1; 1989 c.23  Sch. B Item 1</p>
Age of Majority (See: Minors (Attainment of Majority))		
Agreement for Policing the Province	6	
Agricultural Marketing (see Newfoundland and Labrador)		

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Agricultural Societies	7	s.2, 1973 No.37 s.38(1) Sch. Item 2; 1979 c.49 Sch. B Item 1 s.3, 1973 No.37 s.38(1) Sch. Item 2; 1979 c.49 Sch. B Item 1 General, 1989 c.18 Sch. B Item 1
Agrologists	...	1988 c.30 s.11, 1989 c.18 Sch. B Item 2
Alcohol and Drug Dependency Commission	...	1981 c.83 (in force June 1, 1982) s.2, 1988 c.40 s.1 s.4, 1983 c.82 s.1; 1988 c.40 s.2 s.5, 1983 c.82 s.2; 1988 c.40 s.3 s.12, 1988 c.40 s.4 s.13, R&S 1988 c.40 s.5 s.16, 1988 c.40 s.6 s.18, 1988 c.40 s.7
Alcohol Education Research Foundation	...	1958 No.38 Rep. 1985 c.13 Sch. Item 3
Alcoholic Liquors	8	R&S 1973 Nos.103, 104
Amateur Sports (see Newfoundland & Labrador..)		
American Bases	...	1941 No.12; 1942 No.19; 1948 No.15 (see also Canada 1950,c.12 s.5)
Amusement Rides	...	1981 c.13 (in force Aug.7, 1981) s.2, 1984 c.40 Sch. B Item 1; 1989 c.25 Sch. B Item 1; 1990 c.61 s.1 s.20, 1990 c.61 s.2 s.21, R&S 1990 c.61 s.3 s.21.1, added 1990 c.61 s.3 s.22, 1990 c.61 s.4 s.25, 1990 c.61 s.5
Animal and Poultry Feed Mill, 1962	...	1962 No.74 s.3, 1989 c.22 Sch. B Item 1 s.5, 1963 No.33 s.2 s.8, 1963 No.33 s.3

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		ss.10,11,1963 No.33 s.4
Animal Protection	...	1978 c.56 s.2, 1979 c.51, s.3; 1979 c.49 Sch. B Item 2; 1989 c.18 Sch. B Item 3 s.8, 1979 c.51, s.3 s.19, 1983 c.23 s.2
Annual Vacations with Pay	9	Rep. 1977 c.52 s.75
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Apprenticeship	12	s.2, 1973 No.34 s.39(1)Sch. B Item 2; 1977 c.29 s.3; 1984 c.42 Sch. B Item 1; 1990 c.26 Sch.B Item 1 s.6, 1973 No.34,s.39(1) Sch. B Item 2; 1977 c.29 s.3; 1984 c.42 Sch. B Item 1; 1990 c.26 Sch. B Item 1 s.24, 1973 No.34 s.39(1) Sch. B Item 2; 1977 c.29 s.3; 1984 c.42 Sch. B Item 1; 1990 c.26 Sch. B Item 1 s.29,(old 28) 1971 No.20 s.2; 1971 No.14,s.2
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Aquaculture	...	1987 c.15 (in force April 29, 1988) s.11, 1988 c.54 s.3
Arbitration	...	1985 c.8 (in force Sept. 2, 1986) s.2, 1986 c.42 Sch. B Item 3
Arbitration (Foreign Awards)	...	1931 c.2 (22 Geo. V. Cap.II) Rep. 1985 c.13 Sch. Item 4
Architects	...	1978 c.64 s.38, Rep. 1985 c.11 s.25
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Arts and Culture Centre (Building)	...	1966 No.14
Arts Council	...	1980 c.4 s.2, 1981 c.4 Sch.F Item 1; 1989 c.30 Sch. B Item 2
Assessment	14	Rep. 1986 c.43 s.54
Assessment, 1986	...	1986 c.43 s.2, 1988 c.35 s.442(1); 1989 c.30 Sch. B Item 3 s.13, 1988 c.35 s.442(1) s.18, 1990 c.29 s.1 s.26, 1989 c.12 s.3 s.36, 1987 c.41 s.2 s.44, 1987 R&S c.41 s.2 s.52, 1987 R&S c.41 s.2
Assessment (Validation) (See also: Schedule A to Act No. 28 of 1973)	...	1959 No.22
Assignment of Book Debts	15	s.2, 1986 c.12 Sch. Item 1 s.2A, added 1973 No.8, s.2 s.4, 1979 c.51 s.5 s.5, 1980 c.24 s.3 s.8, 1979 c.51 s.5; 1980 c. 24 s.3; 1986 c.42 Sch. A Item 5 & Sch. B Item 5 s.13, 1974 No.57 s.38(264(b)); 1986 c.42 Sch. A Item 5 s.14, 1974 No.57 s.38(264(b)); 1986 c.42 Sch. A Item 5 s.17, R&S 1972 No.19 s.2; 1972 No.11 s.2; R&S 1981 c.72 s.1
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Attorney General Statutes Amendment (see also Statute Law Amendment for years 1971 to 1975)	...	<p>1975-76 No.57</p> <p>1977 c.46 s.16, 1980 c.24 s.4 (in force June 7, 1977)</p> <p>1978 c.35</p> <p>1979 c.51</p> <p>1980 c.24</p> <p>1981 c.85; s.12, 1983 c.23 s.3</p> <p>1982 c.9</p> <p>1983 c.23</p> <p>1984 c.18</p> <p>1984 c.39</p> <p>1985 c.13</p> <p>1986 c.33</p> <p>1987 c.41</p> <p>1988 c.54</p> <p>1989 c.12</p> <p>1990 c.62</p>
Auditor General (see Financial Administration Act, 1973)		
Automobile Dealers, 1973	...	<p>1973 No.15</p> <p>s.2, 1981 c.4 Sch.C Item 1; 1984 c.41 Sch. C Item 1; 1985 c.11 s.36(1); 1989 c.19 Sch. B Item 1</p> <p>s.19, 1986 c.12 Sch. Item 2; 1987 c.38 Sch. B Item 1</p> <p>s.21, 1985 c.11 s.36(2)</p>

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Automobile Insurance	17	<p>s.23, 1985 c.11 s.36(3)</p> <p>s.28, 1986 c.42 Sch. A Item 7 &amp; Sch. B Item 7</p> <p>s.36, 1974 No.57 s.38(264 (d)); 1974 No.57 s.38 (263(1) Sch.C Item 2); 1986 c.42 Sch. A Item 7</p> <p>s.2, 1975 No.75 s.2; 1975-76 No.57; s.2(1); 1977 c.82 s.1; 1987 c.41 s.3; 1989 c.19 Sch. B Item 2; 1989 c.37 s.121(1) (not in force December 31, 1990)</p> <p>s.6, 1975 No.75 s.3</p> <p>s.8 (S.C.2) 1971 No.74 s.2; 1971 No.14 s.2; 1974 No. 111 s.2; (S.C.4); 1974 No.10 s.2; 1975 No.31 s.5; 1975-76 No.57 s.2 (2); 1978 c.60 s.1 (S.C. 6) Rep. 1982 c.60 s.1 (in force Aug. 19, 1983); 1982 c.60 s.2 (in force Aug. 19, 1983)</p> <p>s.9, 1978 c.35 s.2</p> <p>s.15A, added 1971 No.74 s.3</p> <p>s.16, 1982 c.33 s.4</p> <p>s.18, 1974 No.111 s.3 (in force Aug. 19, 1983)</p> <p>s.19, 1971 No.74 s.4</p> <p>s.20, 1973 No.108 s.2; R&amp;S 1982 c.31 s.1 (in force Oct. 1, 1983)</p> <p>s.20A added 1973 No.108 s.2; R&amp;S 1982 c.31 s.1 (in force Oct. 1, 1983)</p> <p>s.24, 1973 No.108 s.3; 1982 c.31 s.2 (in force Oct. 1, 1983);</p> <p>s.24A, added 1971 No.74 s.5</p> <p>s.26, 1973 No.108 s.4; 1982 c.31 s.3 (in force Oct. 1, 1983); 1982 c.60 s.3 (in force Aug. 19, 1983)</p> <p>s.35, 1971 No.74 s.6</p> <p>s.35A added 1971 No.74 s.7</p> <p>s.36, 1986 c.42 Sch. A Item 8</p> <p>s.40, 1971 No.74 s.8</p> <p>s.41, 1986 c.42 Sch. A Item 8</p> <p>ss.45 to 56, 1975 No.75 s.4; 1977 c.82 s.2</p>

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		s.56, 1989 c.37 s.121(1) (not in force December 31, 1990)
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Consumer Protection (see: Newfoundland.....)		
Consumer Reporting Agencies	...	1977 c.18 (in force June 2, 1980) s.2, 1978 c.29 s.1; 1981 c.4 Sch.C Item 6; 1984 c.41 Sch. C Item 6; 1989 c.19 Sch. B Item 7 s.7, 1985 c.11 s.39 s.10, 1978 c.29 s.2

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		s.15, 1986 c.12 Sch. Item 9; 1987 c.38 Sch. B Item 5 s.20, 1978 c.29 s.3; 1988 c.10 s.1 s.21.1, added 1978 c.29 s.4
Contingencies	60	Rep. 1972 No. 9 s.2; 1972 No. 11 s.2
Contributory Negligence	61	s.9, Rep. 1982 c.33 s.1
Control of Foods Distribution	62	s.2, 1975-76 No.57 s.3
Conveyancing	63	s.2, 1986 c.42 Sch. A Item 21 & Sch. C Item 1 s.6, R&S 1988 c.37 s.1 ss.6.1 - 6.7, added 1988 c.37 s.1 s.10.1, added 1978 c.35 s.5; R&S 1982 c.34 s.1 s.10.2, added 1986 c.42 Sch. C Item 2 s.10.3, added 1988 c.37 s.2 s.10.4, added 1988 c.37 s.2 s.11, 1975 No.70 s.2 s.11.1, added 1986 c.42 Sch. C Item 3; 1988 c.44 s.42(1) s.11.2, added 1986 c.42 Sch. C Item 3 s.11.3, added 1986 c.42 Sch. C Item 3 ss.11.4 to 11.9, added 1986 c.42 Sch. C Item 3 s.21, 1988 c.37 s.3 s.22, added 1978 c.2 s.1 s.23, added 1978 c.2 s.1; 1982 c.34 s.2; 1988 c.37 s.4 s.24, added 1978 c.2 s.1 s.25, added 1978 c.2 s.1; 1982 c.34 s.3 s.26, added 1978 c.2 s.1 s.27, added 1986 c.42 Sch. C Item 4 s.28, added 1986 c.42 Sch. C Item 4 s.29, added 1986 c.42 Sch. C Item 4 s.30, added 1986 c.42 Sch. C Item 4 s.31, added 1986 c.42 Sch. C Item 4 s.32, added 1986 c.42 Sch. C Item 4 s.33, added 1986 c.42 Sch. C Item 4 s.34, added 1986 c.42 Sch. C Item 4

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		s.35, added 1986 c.42 Sch. C Item 4 s.36, added 1986 c.42 Sch. C Item 4 s.37, added 1986 c.42 Sch. C Item 4 s.38, added 1986 c.42 Sch. C Item 4 s.39, added 1986 c.42 Sch. C Item 4
Co-operative Development Loan	64	s.2, 1973 No.48 s.3 Operation suspended 1973 No.48 s.3
Co-operative Societies	65	s.2, 1973 No.39 s.52(1) (Sch.C.Item 4); 1975-76 No.58 s.3; 1975-76 No.71 s.1; 1981 c.4 s.52; 1989 c.22 Sch. B Item 2 s.2A, added 1975-76 No.71 s.2 s.4, 1974 No.1 s.2 s.5, R&S 1975-76 No.71 s.3 s.7, 1975-76 No.71 s.4 s.9, 1983 c.9 s.1 s.14, 1983 c.9 s.2 s.15, (old 14) 1971 No.61 s.2; 1971 No.14 s.2; 1983 c.9 s.3 s.18, 1975-76 No.71 s.5 s.19, 1983 c.9 s.4 s.20, 1975-76 No.71 s.6 s.20A, added 1975-76 No.71 s.7 s.24A, added 1975-76 No.71 s.8 s.26, 1973 No.23 s.2 s.28A, added 1975-76 No.71 s.9 s.29, 1974 No.1 s.3; 1975-76 No.71 s.10 s.31, 1981 c.56 s.1 s.35, R&S 1975-76 No.71 s.11 s.36, 1983 c.9 s.5 s.39.1, added 1981 c.56 s.2 s.42A, added 1974 No.1 s.4 s.43, 1974 No.1 s.5; 1975-76 No.71 s.12; 1983 c.9 s.6 s.47, R&S 1974 No.1 s.6; 1983 c.9 s.7 s.49, 1974 No.1 s.7 s.54, 1975-76 No.71 s.13 s.55, 1986 c.42 Sch. A Item 22 s.58, 1975-76 No.71 s.14 s.60, 1986 c.42 Sch. A Item 22

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		<p>s.65, R&amp;S 1983 c.9 s.8</p> <p>s.67, (old 64) 1971 No.61 ss.3 &amp; 4; 1971 No.14 s.2; 1973 No.23 s.3; 1974 No. 1 s.8; 1978 c.35 s.6; 1981 c.56 s.3; 1983 c.9 s.9</p> <p>s.70, 1975-76 No.71 s.15</p> <p>s.71, 1986 c.12 Sch. Item 8; 1987 c.38 Sch. B Item 4</p> <p>s.72, 1981 c.56 s.4</p> <p>s.73, added 1975-76 No.71 s.16; 1983 c.9 s.10</p>
Corner Brook Housing Corporation	66	Rep. 1981 c.11 s.5 (in force Nov. 1, 1981)
Corporations	...	<p>1986 c.12 (in force Jan. 1, 1987)</p> <p>s.2, 1987 c.38 s.1 &amp; Sch. A Items 3-7</p> <p>s.7, 1987 c.38 s.2</p> <p>s.9, 1987 c.38 Sch. A Item 8</p> <p>s.13, 1987 c.38 Sch. A Item 9</p> <p>s.15, 1987 c.38 Sch. A Item 10</p> <p>s.25, 1987 c.38 Sch. A Item 11</p> <p>s.26, 1987 c.38 s.3</p> <p>s.37.1, added 1987 c.38 s.4</p> <p>s.61.1, added 1987 c.38 s.5</p> <p>s.61.2, added 1987 c.38 s.5</p> <p>s.70.1, added 1987 c.38 s.6</p> <p>s.73, 1987 c.38 Sch. A Item 12</p> <p>Part IV.1, added 1987 c.38 s.7</p> <p>s.81.1, added 1987 c.38 s.7</p> <p>s.81.2, added 1987 c.38 s.7</p> <p>s.82, 1987 c.38 Sch. A Items 13 &amp; 14</p> <p>s.86, 1987 c.38 Sch. A Item 15</p> <p>s.86.1, added 1987 c.38 s.8;</p> <p>s.88, 1987 c.38 Sch. A Item 16</p> <p>s.89, 1987 c.38 Sch. A Item 17</p> <p>s.114, 1987 c.38 Sch. A Item 18</p> <p>s.117, 1987 c.38 Sch. A Item 19</p> <p>s.161, 1987 c.38 Sch. A Item 20</p> <p>s.170, 1987 c.38 s.9; 1990 c.52 s.1</p> <p>s.181, 1987 c.38 Sch. A Item 21</p> <p>s.185, 1987 c.38 Sch. A Item 22; 1988 c.54 s.9</p> <p>s.200, 1987 c.38 Sch. A Item 23</p>

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		s.207, 1987 c.38 s.10
		s.208, 1987 c.38 Sch. A Item 25
		s.217, 1987 c.38 Sch. A Item 26
		s.222, 1987 c.38 Sch. A Item 27
		s.229, 1987 c.38 Sch. A Items 28 & 29
		s.241, 1987 c.38 Sch. A Item 30
		s.246, 1987 c.38 Sch. A Item 31
		s.247, 1987 c.38 Sch. A Item 32
		s.256, 1987 c.38 Sch. A Item 33
		s.259, 1987 c.38 Sch. A Item 34
		s.275, 1987 c.38 s.11
		s.276, R&S 1987 c.38 s.12
		s.280, 1987 c.38 Sch. A Items 35 & 36
		s.285, 1987 c.38 Sch. A Item 37
		s.287, 1987 c.38 Sch. A Item 38
		s.288, 1987 c.38 Sch. A Item 39
		s.289, 1987 c.38 Sch. A Item 40
		s.292, 1987 c.38 Sch. A Item 41
		s.300, 1987 c.38 Sch. A Item 42
		s.302, 1987 c.38 Sch. A Item 43
		s.305, 1987 c.38 s.13
		s.311, 1987 c.38 s.14 & Sch. A Item 44
		s.317, 1987 c.38 Sch. A Item 45
		s.327, 1987 c.38 Sch. A Items 46, 47 & 48; 1990 c.52 s2
		s.330, 1987 c.38 Sch. A Item 49
		s.332, 1987 c.38 Sch. A Item 50
		s.337, 1987 c.38 s.15
		s.339, 1987 c.38 Sch. A Items 51 & 52
		s.342, 1987 c.38 Sch. A Item 53
		s.353, 1987 c.38 s.16
		s.353.1, added 1988 c.55 s.1
		s.354, 1987 c.38 Sch. A Item 54
		s.355, 1987 c.38 Sch. A Item 55
		s.367, 1987 c.38 Sch. A Item 56
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		s.381, 1987 c.38 Sch. A Item 62
		s.386, 1987 c.38 Sch. A Item 63
		s.388, 1987 c.38 Sch. A Items 64, 65 & 66
		s.391, 1987 c.38 Sch. A Item 67
		s.393, 1987 c.38 Sch. A Item 68
		s.394, 1987 c.38 Sch. A Items 69 & 70
		s.396, 1987 c.38 Sch. A Item 71
		s.397, Rep. 1987 c.38 s.17
		s.398, Rep. 1987 c.38 s.17
		s.399, R&S 1987 c.38 s.18
		s.402, 1987 c.38 Sch. A Item 72
		s.407, 1987 c.38 s.19
		s.408, R&S 1987 c.38 s.20
		s.410, Rep. 1987 c.38 s.21
		s.415, R&S 1987 c.38 s.22 & Sch. A Item 73
		s.416, 1987 c.38 Sch. A Item 74
		s.417, 1987 c.38 Sch. A Item 75
		s.418, 1987 c.38 Sch. A Item 76
		s.426, 1987 c.38 Sch. A Items 77 & 78
		s.427, 1987 c.38 Sch. A Item 79
		s.428, 1987 c.38 s.23
		s.429, 1987 c.38 Sch. A Items 80 & 81
		s.431, 1987 c.38 s.24
		s.432, 1987 c.38 s.25
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		s.445, 1987 c.38 Sch. A Item 86
		s.447, 1987 c.38 Sch. A Item 87
		s.448, 1987 c.38 s.26
		s.453, 1987 c.38 s.27
		s.456, 1987 c.38 s.28 & Sch. A Item 88
		s.461, 1987 c.38 Sch. A Item 89
		s.463, 1987 c.38 s.29 & Sch. A Items 90, 91 & 92
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		s.493, 1986 c.42 Sch. B Item 101 s.496, 1986 c.38 Sch. A Item 97 s.497, R&S 1987 c.38 s.30 s.504, 1987 c.38 Sch. A Item 98 s.507, 1987 c.38 Sch. A Item 99 s.512, 1987 c.38 Sch. A Item 100 s.518, 1987 c.38 s.31
Corrections	67	Rep. 1975 No. 12 s.14 (see: Adult Corrections)
Credit Reporting Agencies	...	1973 No.76; Rep.1977 c.18 s.33;
Criminal Injuries Compensation	68	s.2, 1971 No.14 s.1; 1971 No.17 s.2; 1973 No.94 s.2 s.4, R&S 1990 c.31 s.1 s.11.1, added 1988 c.54 s.10; R&S 1990 c.31 s.2 s.13, 1971 No.17 s.3; R&S 1973 No.94 s.3 s.13.1, added 1983 c.34 s.1 s.14, 1973 No.94 s.4 s.15, 1973 No.95 s.2 s.16, R&S 1973 No.94 s.5 s.27, 1973 No.94 s.6 s.28, R&S 1973 No.94 s.7 s.32, 1971 No.17 s.4 s.36, 1974 No.57 s.38(263(1) Sch.C.Item 11); 1986 c.42 Sch. A Item 23 s.37, 1974 No.57 s.38(263(1) Sch.C. Item 11); 1986 c.42 Sch. A Item 23 & Sch. B Item 18 s.38, 1974 No.57 s.38(263 (1) Sch.C Item 11); 1986 c.42 Sch. A Item 23 s.41, 1971 No.17 s.5 s.43A, added 1971 No.17 s.6 Sch. 1971 No.17 s.7; R&S 1973 No.94 s.8
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Crown Corporations (Local Taxation)	69	s.4, R&S 1973 No.12 s.2

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Crown Grants (Proceedings)	70	s.2, 1986 c.42 Sch. A Item 24 & Sch. B Item 19
Crown Guarantee & Loan, 1973	...	1973 No.13 s.2, 1979 c.3 s.1
Crown Lands	71	<p>s.2, 1973 No.37 s.38(1) (Sch. Item 3); 1977 c.34 s.22 Sch.1; 1977 c.44 s.1; 1979 c.49 Sch. A Item 2; 1983 c.80 s.1; 1986 c.42 Sch. A Item 20; 1988 c.43 Sch. A; 1990 c.58 s.158(2) (not in force December 31, 1990)</p> <p>ss.5, 6, 7, R&amp;S 1974 No. 85 s.2 s.8, 1990 c.58 s.158(2) (not in force December 31, 1990) ss.9,10,11 R&amp;S 1974 No.85 s.3 s.12.1, added 1983 c.80 s.2 s.14,1979 c.44 s.1 s.15, Rep. 1974 No.85 s.4 s.18, 1974 No.85 s.5 s.21, 1977 c.44 s.2 s.26, 1977 c.44 s.2 s.36, 1986 c.42 Sch. B Item 20 s.37, 1977 c.44 s.1 s.51, 1977 c.44 s.1 ss.54 - 101, Rep. 1990 c.58 s.158(2) (not in force December 31, 1990) s.77, R&amp;S 1975 No.36 s.2 s.82, 1977 c.34 s.22 Sch.1 s.83, Rep. 1977 c.34 s.22 Sch.1 s.85, 1974 No.85 s.6 s.86, 1974 No.85 s.7 s.89, R&amp;S 1975 No.33 s.6 s.90, R&amp;S 1975 No.36 s.3 s.96, 1975 No.36 s.4 s.110, R&amp;S 1986 c.42 Sch. B Item 20 s.117, 1986 c.42 Sch. B Item 20 s.124, 1975-76 No.20 s.2 s.128.1, added 1979 c.44 s.2</p>

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		<p>s.128.2, added 1979 c.44 s.2; 1986 c.42 Sch. B Item 20</p> <p>s.128.3, added 1983 c.80 s.3; 1987 c.41 s.5</p> <p>s.128.4, added 1983 c.80 s.3</p> <p>s.128.5, added 1983 c.80 s.3</p> <p>s.130, 1988 c.43 Sch. A</p> <p>s.133, 1979 c.44 s.3</p> <p>s.133.1, added 1971 No. 46 s.2; 1971 No. 14 s.2 renumbered 1983 c.80 s.4 (old 122B) (not in force Dec. 31, 1990); 1988 c.43 Sch. A</p> <p>s.133.2, added 1983 c.80 s.4</p> <p>s.134, R&amp;S 1975-76 No.20 s.3; 1983 c.80 s.5</p> <p>ss.134A to 134C, added 1975- 76 No.20 s.3</p> <p>s.134B, 1979 c.44 s.4; 1983 c.80 s.6</p> <p>s.134C, 1988 c.43 Sch. A</p> <p>s.136, Rep. 1975-76 No.20 s.4; added 1986 c.42 Sch. C Item 5</p> <p>s.137, added 1986 c.42 Sch. C. Item 5</p> <p>s.138, added 1986 c.42 Sch. C Item 5</p> <p>s.139, added 1986 c.42 Sch. C Item 5</p> <p>s.140, added 1986 c.42 Sch. C Item 5</p> <p>s.141, added 1986 c.42 Sch. C Item 5</p> <p>s.142, added 1986 c.42 Sch. C Item 5</p>
Crown Lands (Mines & Quarries)	72	Rep. 1975-76 No.44 s.39
Crown Royalties	73	<p>s.4, 1986 c.42 Sch. A Item 25</p> <p>s.6, 1986 c.42 Sch. B. Item 21</p> <p>s.8, 1986 c.42 Sch. A Item 25</p> <p>s.9, added 1990 c.23 s.5</p>
Custody Jurisdiction and Enforcement	...	<p>1983 c.30</p> <p>Repealed 1988 c.61 s.89(1)</p>
<b>D</b>		
Dangerous Goods Transportation	...	<p>1982 c.45 (in force Dec. 20 1985)</p> <p>s.2, 1989 c.33 Sch. B Item 1</p> <p>s.6, 1990 c.49 s.1</p>

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		s.10, 1990 c.62 s.8 s.13, R&S 1985 c.11 s.40; 1990 c.49 s.2 s.13.1, added 1985 c.11 s.40; 1990 c.49 s.3 s.21, 1990 c.49 s.4; 1990 c.62 s.8
Day Care and Homemaker Services, 1975	...	1975 No.67 s.2, 1985 c.32 s.1; 1987 c.19 s.1 s.5, 1982 c.59 s.1; 1987 c.19 s.2; R&S 1990 c.30 s.1 s.7, 1982 c.32 s.2; 1985 c.32 s.2 s.9, R&S 1990 c.30 s.2 s.9.1, added 1985 c.32 s.3; Rep. 1990 c.30 s.2 s.13, 1979 c.35 Sch.A; 1988 c.39 s.18 s.15, 1986 c.42 Sch. A Item 26 & Sch. B Item 22 s.16, 1986 c.42 Sch. B Item 22 s.18, 1985 c.11 s.41; 1988 c.39 s.20 s.21, 1985 c.32 s.4; 1987 c.19 s.3
Death Duties	74	Repealed by 1990 c.47 Sch. Item 4
Debentures of the Province	75	Rep. 1974 No. 94 s.2
Defamation	...	1983 c.63 (in force Jan. 1, 1984) s.17, 1985 c.13 s.4
Deferred Pensions	76	Amdt. 1974 No.83 s.1(e) s.1, R&S 1982 c.47 s.1 s.2, 1982 c.47 s.2 s.2.1, added 1982 c.47 s.3 s.3, 1982 c.47 s.4; 1985 c.11 s.6
Degree Granting	...	1983 c.41 (not in force Dec. 31, 1990) s.2, 1984 c.42 Sch. B Item 5; 1990 c.26 Sch. B Item 3 s.6, R&S 1985 c.11 s.42
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Dental, 1983	...	1983 c.26 (in force June 1, 1984) s.5, 1984 c.18 s.3 s.6, 1984 c.18 s.3 s.21, 1985 c.13 s.5

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Departmental Acts Amend- ment	...	1983 c.75
Department of Career Development and Advanced Studies	...	1984 c.42 Repealed by 1990 c.26 s.45
Dept. of Community and So- cial Development	78	Rep. 1973 No. 38 s.36
Dept. of Consumer Affairs and Communications	...	1984 c.41 Repealed by 1989 c.19 s.32
Dept. of Consumer Affairs and Environment	...	1973 No.39 Rep. 1981 c.10 s.51
Dept. of Culture, Recreation and Youth	...	1973 No.18 Repealed by 1989 c.30 s.42
Dept. of Development, 1989	...	1989 c.22 s.2, 1990 c.60 s.35(1) (in force January 1, 1991) s.6, 1990 c.60 s.35(2) (in force January 1, 1991) ss.7-11, Rep. 1990 c.60 s.35(1) (in force January 1, 1991) Sch. A, 1990 c.60 s.35(3) (in force January 1, 1991)

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Dept. of Education	80	Rep. 1984 c.46 s.47
Dept. of Education, 1984	...	1984 c.46 Repealed by 1990 c.26 s.46
Dept. of Education, 1990	...	1990 c.26 s.7, 1990 c.62 s.10
Dept. of Employment & Labour Relations	...	1989 c.25
Dept. of Energy	...	1987 c.28 Repealed by 1989 c.23 s.31
Dept. of Environment & Lands	...	1981 c.10 Repealed by 1989 c.21 s.50
Dept. of Environment & Lands, 1989	...	1989 c.21
Dept. of Finance	81	Repealed by 1989 c.20 s.27
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Dept. of Fisheries	82	R&S 1973 No.29
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Dept. of Highways	84	Rep. 1973 No. 36
Dept. of Justice	85	see 1973 No.48 s.4 Repealed by 1989 c.19 s.31
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Dept. of Municipal Affairs	...	1973 No. 28 Repealed by 1989 c.30 s.43
Dept. of Municipal Affairs and Housing	89	R&S 1973 No.28
Dept. of Municipal and Provincial Affairs	...	1989 c.30 s.2, 1990 c.65 s.44(2) (not in force December 31, 1990)
Dept. of Provincial Affairs	90	Rep. 1973 No. 39
Dept. of Provincial Affairs and Environment (see: Dept. of Consumer Affairs and Environment)		
Dept. of Public Works	91	Rep. 1973 No. 30
Dept. of Public Works and Services, 1973	...	1973 No.30 Repealed by 1989 c.33 s.85
Dept. of Rehabilitation and Recreation	...	1973 No.27 Rep. 1979 c.49 s.45
Dept. of Rural, Agricultural and Northern Development	...	1973 No.38 Repealed by 1989 c.22 s.33
Dept. of Social Services and Rehabilitation	92	Rep. 1973 No. 31 s.37
Dept. of Social Services, 1973	...	1973 No.31 Repealed by 1990 c.27 s.31
Dept. of Social Services, 1990	...	1990 c.27 s.31
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Dept. of Works, Services & Transportation	...	1989 c.33 Sch. A, 1990 c.46 s.46 (not in force Decem- ber 31, 1990)
Desertion from Ships	94	Rep. 1985 c.13 Sch. Item 9
Detention of Intoxicated Per- sons, 1973	...	1973 No.122 s.2, 1978 c.42 s.1 s.3, 1978 c.42 s.2 s.4, 1978 c.42 s.3 s.6, 1978 c.42 s.4
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Direct Sellers	96	s.2, 1972 No.10 s.2; 1972 No.11 s.2; 1973 No.39 s.52(1); Sch.C Item 5; 1975-76 No.58 s.3; 1981 c.4 Sch.C Item 7; 1984 c.41 Sch. C Item 7; 1989 c.19 Sch. B Item 8 s.4, 1973 No.39 s.52(1) Sch. C. Item 5; 1977 c.2 s.1 s.21, 1974 No.57 s.38(263(1) Sch.C Item 13); 1986 c.42 Sch. A Item 29 s.22, 1974 No.57 s.38(263(1) Sch.C Item 13)
Disabled Persons	97	s.2, 1973 No.31 s.36(1) Sch. Item 5

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District Court, 1976	...	1975-76 No.69 Rep. 1986 c.42 s.154(3)
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Dog	99	Rep. 1973 No.92 s.2(sec.31) R&S 1966 No.72; R&S 1975-76 No.13
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Duty on Transfer of Certain Goods	100	Rep. 1985 c.13 Sch. Item 10
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Education Apportionment, 1970	...	1970 No.43
Education (Public Examinations)	101	s.2, 1973 No.35 s.45A Sch. Item 3
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		s.3, 1977 c.89 s.1; 1990 c.13 s.1
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		s.4, 1980 c.44 s.2; 1981 c.68 s.1; 1984 c.16 s.1; 1985 c.11 s.7; 1988 c.13 s.3; 1990 c.13 s.2
		s.5, 1977 c.89 s.2; 1980 c. 44 s.3; 1981 c.68 s.2; 1985 c.11 s.7
		s.6, 1981 c.68 s.3; 1984 c.16 s.2; 1986 c.33 s.5
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		s.7, 1971 No.49 s.2; 1971 No.14 s.2; 1977 c.55 ss.2 & 3; 1977 c.89 s.3; R&S 1984 c.16 s.3
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		s.7.1, 1984 c.16 s.4
		s.9, 1981 c.3 Sch. Item 2
		s.10, 1971 No.49 s.3; 1974 No.74 s.4; 1977 c.89 s.4; 1984 c.16 s.5; 1985 c.11 s.7; 1988 c.13 s.4
		s.11, 1971 No.49 s.4; 1971 No.14 s.2; 1977 c.89 s.5; 1988 c.13 s.5
		s.12, 1971 No.49 s.5; 1971 No.14 s.2; R&S 1977 c.89 s.6
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		s.16A, added 1971 No.49 s.6
		s.17, 1977 c.55 s.4; 1977 c.89 s.7; 1980 c.44 s.4; 1981 c.68 s.4 (in force Dec. 17, 1980); 1984 c.16 s.6; 1990 c.13 s.3
		s.20, R&S 1984 c.16 s.7
		s.21, 1977 c.89 s.8
		s.22, Rep. 1990 c.13 s.4
		s.25, (old 24) 1971 No.49 s.7; 1971 No.14 s.2; 1985 c.11 s.7; 1990 c.13 s.5
		s.26, 1990 c.13 s.6
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		s.31, R&S 1981 c.3 Sch. Item 2
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		s.11B, (old 10B) added 1971 No.69 s.4; 1971 No.14 s.2; 1973 No.41 s.4 Item 2
		s.31, Rep. 1974 No.80 s.8
		s.32.1, added 1983 c.46 s.1
		s.33, 1974 No.80 s.9
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		s.43, (old 41) 1971 No.69 s.5; 1971 No.14 s.2; 1973 No.41 s.4 Item 3; 1974 No.80 s.11; 1989 c.12 s.11(1)
		s.44, 1974 No.80 s.12; 1989 c.12 s.11(2)
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		s.53, 1974 No.80 s.13; 1988 c.39 s.25(2)
		s.54, R&S 1974 No.80 s.14
		s.58, 1986 c.42 Sch. B Item 26; 1988 c.39 s.6
		s.61, 1979 c.34 Sch.
		s.63, 1974 No.80 s.15
		s.67, (old 65) 1971 No.69 s.6; 1971 No.14 s.2; 1973 No.41 s.4 Item 4; 1974 No.80 s.16; 1985 c.11 s.8
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		s.76, 1974 No.80 s.18
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		s.82, 1974 No.57 s.38 (264 (j))
		s.85, 1986 c.42 Sch. A Item 31
		s.94, 1986 c.42 Sch. A Item 31
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		s.17, 1979 c.35 s.34 (Sch. B); 1981 c.82 s.4 s.21, 1978 c.12 s.1
		s.22, (old 21) 1971 No.14 s.2; R&S 1971 No.19 s.2; 1973 No.34 s.39(1) Sch. B Item 11
		s.24, 1977 c.52 s.78
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Innkeepers	173	Repealed by 1982 c.67 s.10
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Inspection of Legal Offices	174	Repealed by 1985 c.13 Sch. Item 19
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Insurance Adjusters, Agents and Brokers	...	1986 c.36 (not in force Dec. 31, 1990) s.2, 1989 c.19 Sch. B Item 12 s.45, 1987 c.41 s.8
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		s.52.1, added 1985 c.21 s.8
		s.52.2, added 1985 c.21 s.8
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		s.66.2, added 1981 c.88 s.2
		s.66.3, added 1981 c.88 s.2
		s.66.4, added 1981 c.88 s.2; 1982 c.9 s.3
		s.66.5, added 1981 c.88 s.2 (in force Jan. 1, 1983)
		s.67, 1985 c.21 s.9
		s.68, 1985 c.21 s.10
		s.72, 1985 c.21 s.9
		s.80. R&S 1985 c.21 s.11
		s.80.1, added 1985 c.21 s.11
		s.80.2, added 1985 c.21 s.11
		s.82, 1986 c.36 s.50 (not in force Dec. 31, 1990)
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		s.83.1, added 1985 c.21 s.12 s.83.2, added 1985 c.21 s.12 s.83.3, added 1985 c.21 s.12 s.83.4, added 1985 c.21 s.12 s.83.5, added 1985 c.21 s.12 s.83.6, added 1985 c.21 s.12 s.83.7, added 1985 c.21 s.12 s.83.8, added 1985 c.21 s.12 s.83.9, added 1985 c.21 s.12 s.84, 1985 c.21 s.13 s.85, 1985 c.11 s.31 ss.86-107, added 1988 c.42 s.2
Insurance Companies Tax	177	s.2, 1971 No.7 s.2; 1971 No. 14 s.2; 1980 c.10 s.1 (in force April 1, 1980); 1980 c.22 s.2; 1987 c.38 Sch. B Item 10 s.3, 1979 c.26 s.1; 1980 c.10 s.2 (in force Jan. 1, 1979); 1987 c.23 s.1 (in force April 1, 1987) s.4, (old 5) 1971 No.14 s.2; 1971 No.7 s.3; 1983 c.16 s.1 s.8, (old 9) 1971 No.14 s.2; 1971 No.7 s.4; 1979 c.26 s.2; 1981 c.71 s.2 s.11, 1983 c.16 s.2; 1988 c.21 s.1 s.14, 1974 No.57 s.263(1) Sch.C Item 14; 1986 c.42 Sch. A Item 44 s.15, 1974 No.57 s.263(2) Sch. D Item 10; R&S 1986 c.42 Sch. B Item 37 s.25.1, 1979 c.26 s.3 s.25.2, 1979 c.26 s.3 s.32, 1985 c.11 s.32(1) & (2) s.39, Rep. 1982 c.64 s.2 s.40, 1979 c.33 Sch.C; 1989 c.12 s.16 s.54, 1987 c.38 Sch. B Item 10 s.55, 1987 c.38 Sch. B Item 10 s.57, 1987 c.38 Sch. B Item 10 s.58, 1987 c.38 Sch. B Item 10 s.59, 1987 c.38 Sch. B Item 10 s.62, 1987 c.38 Sch. B Item 10
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		s.9, 1986 c.42 Sch. B Item 38
		s.15, (old 11) 1971 No.14 s.2; 1971 No.3 s.2
		s.16, (old 12) 1971 No.14 s.2; 1971 No.3 s.3
		s.23, 1986 c.12 Sch. Item 16; 1987 c.38 Sch. B Item 11
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International Child Abduction	...	1983 c.29 (in force Oct. 1, 1984) Repealed by 1988 c.61 s.89(1)
International Commercial Arbitration	...	1986 c.45 (in force Feb. 1, 1988)
International Sale of Goods	...	1989 c.29 (not in force Dec. 31, 1990)
International Trusts	...	1989 c.28 (not in force Dec. 31, 1990)
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Jury	...	1980 c.41 (in force July 1, 1981) s.5, 1984 c.39 s.6; 1986 c. 42 Sch. B Item 42 s.7, 1982 c.29 s.1 s.7.1, added 1982 c.29 s.2 s.9, 1982 c.29 s.3; 1987 c.41 s.10 s.17, 1986 c.33 s.8(1) s.19, 1982 c.29 s.4 s.28, 1983 c.63 s.21 s.29, 1983 c.63 s.21 s.30, 1983 c.63 s.21 s.36, 1986 c.42 Sch. B Item 42
Justices	188	s.2, 1983 c.76 s.7 s.3, 1973 No.4 s.2; R&S 1983 c.76 s.7 s.5, 1983 c.76 s.7; 1986 c.42 Sch. B Item 43 s.7, 1983 c.76 s.7 s.8, R&S 1983 c.76 s.7 s.9, 1983 c.76 s.7 s.11, R&S 1983 c.76 s.7

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		s.80.3, added 1985 c.5 s.4 s.83, 1984 c.40 Sch. B Item 14 s.83.1, added 1985 c.5 s.5 s.84, 1978 c.35 s.12; 1983 c.60 s.12 (in force Feb. 1, 1984) s.89, R&S 1983 c.60 s.13 (in force Feb. 1, 1984) s.114, 1983 c.33 s.20 (in force Feb. 1, 1984) s.126, R&S 1983 c.60 s.14 (in force Feb. 1, 1984)
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Labrador (Rehabilitation and Recreation) [Formerly: Northern Labrador (Social Services and Rehabilitation)	(274)	Rep. 1979 c.49 s.46
Labrador (Tax Exemption)	196	s.3, 1978 c.36 s.79 s.4, 1978 c.36 s.79 s.5, 1978 c.36 s.79
Land Development	197	s.2, 1973 No.37 s.38(1) Sch. Item 10; 1979 c.49 Sch. A Item 8; 1988 c.43 Sch.A s.25, 1977 c.21; 1986 c.17 s.1 s.26, 1985 c.11 s.12 s.37, 1979 c.51 s.16
Land Surveyors	198	s.17, 1971 No.71 s.33 s.25, 1988 c.43 Sch.A s.26, 1986 c.42 Sch. A Item 48 s.30, 1988 c.43 Sch.B Item 6
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		s.32, 1982 c.28 s.1 s.33, 1982 c.28 s.2 s.38, 1978 c.35 s.13; 1982 c.28 s.3 s.39, 1978 c.35 s.13; 1982 c.28 s.4 s.41, 1982 c.28 s.5 s.44, 1982 c.28 s.6; 1986 c.8 s.2 s.55, 1986 c.42 Sch. B Item 47 s.61, 1979 c.51 s.17 s.69, 1982 c.9 s.6 s.71, 1985 c.11 s.13 s.72, 1983 c.45 s.1 s.81, 1986 c.42 Sch. B Item 47 s.82, R&S 1986 c.8 s.3; 1987 c.41 s.13; 1988 c.54 s.14(3) s.83, 1986 c.8 s.4 s.86, 1978 c.35 s.13
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		s.36, 1986 c.42 Sch. A Item 49 & Sch. B Item 48 s.48, 1986 c.42 Sch. B. Item 48 s.53, 1979 c.35 Sch.A; 1986 c.42 Sch. B Item 48 s.66, Rep. 1985 c.11 s.70
Legislative Disabilities	202	s.3, 1973 No.52 s.2; 1977 c.14 ss.1 & 2; 1982 c.10 s.7; 1989 c.12 s.18 s.4, 1973 No.52 s.3; 1977 c.46 s.17; 1982 c.10 s.7
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Life and Accident Insurance Agents (Licensing)	204	1986 c.36 s.51 (not in force Dec. 31, 1990) s.2, 1989 c.19 Sch. B Item 16 Sch.C Item 9; 1975-76 No.58 s.4; 1981 c.4 Sch.C Item 14; 1984 c.41 Sch. C Item 13
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		s.5, 1978 c.58 s.1
		s.6, 1978 c.58 s.2
		s.21, 1985 c.11 s.50(1)
		s.26, Rep. 1977 c.111 s.2
		s.28, 1977 c.111 s.3
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		s.56, 1974 No.57 s.38(263 (1))Sch.C Item 23; 1986 c.42 Sch. A Item51; 1986 c.42 Sch. B Item 49
		s.57, 1974 No.57 s.38(263 (2))Sch.D Item 13; 1986 c.42 Sch. B Item 49
		s.59, 1977 c.111 s.9; 1978 c.58 s.4
		s.61, 1977 c.111 s.10
		s.63, 1977 c.111 s.11
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		s.67, 1979 c.53 s.3
		s.74, 1978 c.58 s.5
		s.81, 1977 c.111 s.13
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		s.84.1, added 1983 c.53 s.2
		s.87, 1985 c.11 s.15(1)
		s.93, R&S 1985 c.11 s.50(2)
		s.95, R&S 1985 c.11 s.50(3)
		s.96, Rep. 1985 c.11 s.50(3)
		s.97, Rep. 1985 c.11 s.50(3)
		s.110, 1979 c.35 Sch. A
		s.120, R&S 1985 c.11 s.15(2)
		s.122, 1974 No.57 s.38(263 (2)) Sch.D Item 13;R&S 1986 c.42 Sch. B Item 49

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Liquor Corporation, 1973	...	<p>s.123, 1974 No.57 s.38(263 (2)) Sch D. Item 13; R&amp;S 1986 c.42 Sch. B Item 49 s.131, 1977 c.111 s.15</p> <p>1973 No. 104 s.2, 1985 c.28 s.1; 1989 c.16 s.1 s.6, 1978 c.54 s.1 s.16, R&amp;S 1985 c.28 s.2 s.19.1, added 1983 c.17 s.1 s.19.2, added 1983 c.17 s.1 s.19.3, added 1983 c.17 s.1 s.19.4, added 1983 c.17 s.1 s.19.5, added 1983 c.17 s.1 s.19.6, added 1983 c.17 s.1 s.19.7, added 1983 c.17 s.1 s.19.8, added 1983 c.17 s.1 s.19.9, added 1983 c.17 s.1 s.26, 1985 c.28 s.3 s.27, 1978 c.54 s.2; 1979 c.53 s.4; 1989 c.16 s.2 s.28, Rep. 1978 c.54 s.3 s.29, R&amp;S 1989 c.16 s.3 s.30, 1985 c.28 s.4; R&amp;S 1989 c.16 s.3 s.32, 1975-76 No.43 s.1; 1985 c.28 s.5; 1989 c.16 s.4 s.33, 1985 c.28 s.6; 1989 c.16 s.5 s.37, 1985 c.28 s.7 s.40, 1985 c.28 s.8 s.42, 1978 c.54 s.4 s.43, 1983 c.23 s.13; 1985 c.28 s.9 s.44, 1978 c.54 s.5; 1985 c.28 s.10 s.45, 1985 c.28 s.11</p>
Livestock	210	<p>s.2, 1973 No.37 s.38(1) Sch. Item 11; 1979 c.49 Sch.B Item 7; 1989 c.18 Sch. B Item 10</p>

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Livestock (Health)	212	s.2, 1973 No.37 s.38(1) Sch. Item 13; 1979 c.49 Sch. B Item 9; 1983 c.65 s.1; 1989 c.18 Sch. B Item 12 s.4, 1971 No.12 s.2; 1971 No.14 s.2; 1990 c.38 s.1
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Loan	...	1973 No.87; 1974 No.18; 1975 No.9; 1975-76 No.40; 1977 c.70; 1978 c.50; 1979 c.21; 1980 c.11; 1981 c.35; 1982 c.6; 1983 c.4; 1984 c.7; 1985 c.4 1986 c.11 1987 c.33 1988 c.31 1989 c.9 1990 c.25
Loan and Guarantee, 1957	...	1950 No.43; 1951 No.53; 1951 (2nd Session) No.13; 1952 Nos. 53,54 & 75; 1953 No.60; 1954 No.59; 1955 No.61; 1956 No.49; 1957 No.70; 1958 No.31; 1959 No.53; 1960 No.69; 1961 No.20; 1962 No.52; 1963 No.50; 1964 No.83; 1965 No.43; 1966 No. 50; 1966-67 Nos.6 & 91; 1968 No.85; 1969 No.58; 1970 No.37; 1971 No.59; 1972 No.53; 1973 No.75; 1974 No.19; 1975 No.46; (see also 1973

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		s.8, 1974 No.78 s.8 s.10, 1974 No.78 s.9 s.13A, added 1974 No.78 s.10 s.15, R&S 1974 No.78 s.11 s.20, R&S 1974 No.78 s.12 s.23, 1977 c.97 s.2 s.27, 1974 No.78 s.13; 1981 c.52 s.2 s.32, R&S 1974 No.78 s.14; 1986 c.44 s.1 s.32A, added 1974 No.78 s.15; 1979 c.35 Sch A s.34A, added 1974 No.78 s.16; 1985 c.11 s.53 Schedule A, 1974 No.78 s.17; 1975 No.31 s.4; R&S 1986 c.44 s.2 General, 1989 c.33 Sch. B Item 4
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		s.9, 1982 c.55 s.4
		s.14, 1981 c.48 s.3; 1982
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		s.26, 1982 c.55 s.6
		s.28.1, added 1988 c.46 s.1
		s.29, 1982 c.55 s.7
		s.34, R&S 1987 c.13 s.3
		s.42, 1982 c.55 s.8
		s.47, R&S 1987 c.13 s.4
		s.58, 1982 c.55 s.9
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		s.89, 1980 c.43 s.1; R&S 1987 c.13 s.6
		s.102, 1981 c.48 s.4; 1986 c.43 s.52
		s.105, R&S 1982 c.55 s.13
		s.105.1, added 1981 c.48 s.5
		s.106, 1987 c.41 s.14
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		s.119, 1987 c.13 s.8
		s.120, 1982 c.55 s.17
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		s.134, 1981 c.48 s.7
		s.154, 1988 c.54 s.16(4); 1990 c.45 s.4
		s.158.1, added 1987 c.13 s.12
		s.159, 1990 c.45 s.5
		s.161, 1990 c.45 s.6
		s.181, 1987 c.13 s.13
		s.183, 1990 c.45 s.7
		s.183.1, added 1990 c.45 s.8
		s.208, 1982 c.55 s.20
		s.232.1, added 1985 c.12 s.3
		s.237, 1982 c.55 s.21
		s.247.1, added 1988 c.47 s.3
		s.248, 1982 c.55 s.22
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		s.253, 1981 c.48 s.9; R&S 1990 c.45 s.9
		s.256, 1982 c.55 s.23
		s.260, R&S 1982 c.55 s.24; 1984 c.39 s.7
		s.265, 1984 c.39 s.7; 1985 c.11 s.71
		s.266, 1982 c.55 s.25; 1987 c.13 s.14; 1988 c.54 s.16(5)
		s.268.1, added 1982 c.55 s. 26
		s.271, R&S 1982 c.55 s.27
		s.277, 1986 c.42 Sch. B Item 58
		s.290, R&S 1987 c.13 s.15
		s.297, 1981 c.48 s.10
		s.299, 1981 c.48 s.11; R&S 1990 c.45 s.10
		s.301, 1982 c.55 s.28; 1983 c.23 s.15
		s.326, 1982 c.55 s.29
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		s.402, R&S 1982 c.55 s.33
		s.403, R&S 1982 c.55 s.34
		s.415, 1987 c.13 s.16
		s.418, 1982 c.55 s.35
		s.424 R&S 1980 c.43 s.5
		s.426.1, added 1981 c.48 s.12
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		s.433, Rep. 1984 c.36 s.17
		s.434, 1982 c.55 s.37
		s.437, 1987 c.13 s.17
		s.442, 1982 c.55 s.38; 1987 c.13 s.18
		s.443, 1990 c.45 s.11
		s.475, 1982 c.55 s.39
		s.490, R&S 1990 c.45 s.12
		s.491, 1990 c.45 s.13
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Pharmaceutical Association	295	s.2, 1975-76 No.21 s.2; 1983 c.8 s.1 s.8, 1979 c.40 s.1 s.10, 1985 c.11 s.20 s.11, 1983 c.8 s.2 s.13, 1983 c.8 s.3 s.17, 1975-76 No.21 s.3; 1979 c.40 s.2; R&S 1983 c.8 s.4 s.20, 1974 No.57 s.38(263 (1) Sch.C Item 41); 1986 c.42 Sch. A Item 70 s.24, R&S 1983 c.8 s.5 s.25, 1974 No.57 s.38(263 (1) Sch.C Item 41); R&S 1983 c.8 s.5 s.26, Rep. 1983 c.8 s.5 s.36, 1985 c.11 s.34 (1) & (2) Sch. II, 1983 c.8 s.7 General 1983 c.8 s.6
Physiotherapy	296	s.5, 1988 c.52 s.1 s.7, 1983, c.76 s.12 s.8, 1988 c.52 s.2 s.10, 1988 c.52 s.3 s.11, R&S 1988 c.52 s.4 s.13, 1974 No.57 s.38(263 (1) Sch.C Item 42); 1986 c.42 Sch. A Item 71
Pickled Fish and Fish Oils (In- spection)	297	s.27, 1986 c.42 Sch. A Item 72
Pippy Park Commission	298	s.2, 1973 No.30 s.63(1) Sch. Item 3; 1989 c.33 Sch. B Item 7 s.10, 1983 c.10 s.1 s.12, 1982 c.9 s.9 s.13.1, added 1983 c.10 s.2 s.17, R&S 1986 c.32 s.1 s.18, R&S 1986 c.32 s.1 s.21, R&S 1986 c.32 s.2 s.24, 1986 c.32 s.3

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		s.27, 1986 c.32 s.4 s.28, 1986 c.32 s.5 s.29, 1972 No.25 s.2; 1972 No.11 s.2; 1989 c.33 Sch. B Item 7 s.35.1, added 1986 c.32 s.6 s.54, 1974 No.57 s.38(264 (bb)); 1974 No.57 s.38 (263(2) Sch.D Item 22); 1986 c.42 Sch. A Item 73 & Sch. B Item 70 s.56, 1989 c.33 Sch. B Item 7
Place Names (see: New- foundland Geographic Names Board)		
Plant Protection	299	Rep. 1978 c.49 s.15
Plant Protection, 1978	...	1978 c.49 (in force May 15, 1980) s.2, 1979 c.49 Sch.B Item 17; 1989 c.18 Sch. B Item 20 s.7, R&S 1985 c.11 s.57(1) s.7.1, added 1985 c.11 s. 57(2) s.8, 1985 c.11 s.57(3)
Police (see Royal New- foundland Constabulary)		
Polytechnical Institute	...	1977 c.17 Rep. 1984 c.32 s.28
Poor Debtors	300	
Portability of Pensions	...	1983 c.11 s.5, 1986 c.47 s.1 s.7, 1986 c.47 s.2
Pothead and Minke Whales Processing	301	Repealed by 1990 c.47 Sch. Item 19
Poultry and Poultry Products	302	s.2, 1973 No.37 s.38(1) Sch. Item 21; 1979 c.49 Sch.B Item 18; 1989 c.18 Sch. B Item 21 s.9, R&S 1985c.11 s.58(1) s.9.1, added 1985 c.11 s.58(1)

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Act or Subject	RSN 1970	Amendments, etc.
		s.10, 1985 c.11 s.58(2)
Power of Appointment (see: Appointment under Powers)		
Power of Attorney (see: Registration of Deeds)		
Power Commission (see: New- foundland and Labrador)		
Powers of Appointment	...	1983 c.76 s.7, 1984 c.39 s.9
President of the Council	303	
Presumption of Death	304	s.2, 1974 No. 57; 1986 c.42 Sch. A Item 74 s.38(264(cc))
Prisons	305	s.2, 1987 c.9 s.1 s.6, 1987 c.9 s.2 s.7, 1972 No.30 s.2; 1975-76 No.25 s.1 s.9A, added 1972 No.30 s.3 s.10, 1972 No.30 s.4; 1979 c.35 Sch A; 1982 c.35 s.1; 1986 c.27 s.1 s.11A, added 1972 No.30 s.5 s.12, 1972 No.30 s.6 s.13, 1986 c.42 Sch. B Item 71 s.14A, added 1972 No.52 s.2; 1972 No.11 s.2 ss.28A to 28E, (old 27A to 27E) added 1972 No.30 s.7; 1972 No.11 s.2
Privacy	...	1981 c.6
Private Homes for Special Care (Allowances), 1973	...	1973 No.57 s.2, 1979 c.49 Sch.C Item 4
Private Investigation & Security Services, 1981	...	1981 c.30 (in force Jan. 1, 1982) s.2, 1988 c.35 s.442(16) s.39, 1986 c.42 Sch. B Item 72
Private Investigators and Security Guards	306	Rep. 1981 c.30 s.42

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Act or Subject	RSN 1970	Amendments, etc.
Private Investment Holding Companies	307	Rep. 1977 c.40 s.1
Private Training Institutions	...	1988 c.16 s.2, 1990 c.26 Sch. B Item 6 s.15, R&S 1989 c.12 s.22
Proceedings Against the Crown, 1973	...	1973 No.59 s.2, 1986 c.42 Sch. B Item 73 s.3, 1978 c.36 s.80; 1978 c.38 s.68; 1978 c.39 s.78; 1982 c.8 s.64; 1984c.39 s.10; 1986 c.1 s.79; 1986 c.42 Sch. C Item 6; 1990 c.18 s.47 s.4, 1986 c.42 Sch. C Item 7 s.7, 1986 c.42 Sch. B Item 73 s.8, Rep. 1986 c.42 Sch. B Item 73 s.10, 1977 c.64 s.153 s.27, 1986 c.42 Sch. B Item 73 s.29, 1986 c.42 Sch. C Item 8
Professional Associations By-laws & Regulations Approval	...	1986 c.30
Professional Engineering (see: Newfoundland...)		
Proof of Death (Members of Armed Forces)	308	
Property Loss Reserve Fund	309	Rep. 1974 No. 97 s.2
Property of Dissolved Corporations (Vesting)	310	Rep. 1986 c.12 s.519 (in force Jan. 1, 1987)
Protection of Animals	311	R&S 1978 c.56
Province of Newfoundland (Constitution & application of federal statutes etc.)		see: Newfoundland Act, 1949, 12.13 Geo. VI c.22 (U.K.); see: Proclamations of Governor General April 1st, 1949 (Can.Gazette, Part II, April 27,1949 at p.722); May 9th,1949 (Can. Gazette Part

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Act or Subject	RSN 1970	Amendments, etc.
		<p>II, June 8th, 1949 at p.1095); Sept.13th, 1949 (Can. Gazette, Part II, Sept. 28th, 1949 at p.1835); Nov. 22nd, 1949, (Can. Gazette, Part II, Dec. 28th, 1949 at p.3075); May 1st, 1950, (Can. Gazette, Part II, May 24, 1950 at p.607); July 5th, 1950 (Can.Gazette, Part II, July 26, 1950 at p.896); July 12,1950, (Can. Gazette, Part II, Aug. 9th, 1950 at p.953); Jan. 24th, 1951 (Can.Gazette, Part II, Feb. 14th, 1951 at p.118); May 16th, 1951 (Can. Gazette Part II, June 13th, 1951 at p.599); July 18th, 1951 (Can. Gazette Part II, Aug. 8th, 1951 at p.789); Oct.3rd, 1951 (Can. Gazette, Part II, Nov. 14th, 1951 at p.1107); also: Statutes of Canada 1950 c.12; 1959 c.49; 1960 c.15; 1963 c.38; 1964 c.33</p>
Provincial Anthem, 1975	...	1975 No.27; Rep.1979 c.16 s.5
Provincial Anthem	...	1979 c.16
Provincial Court, 1974	...	<p>1974 No.77  s.2, 1979 c.38 ss.2 &amp; 3  s.2(f), Rep.1979 c.38 s.4  s.4, 1979 c.38 s.1  s.5, 1979 c.38 s.1; 1984 c.2 s.31  s.7, 1979 c.38 s.1; 1988 c.57 s.1  s.8, 1979 c.38 s.1  s.9, 1979 c.38 ss.1 &amp; 3  s.10, 1979 c.38 s.1  s.11, 1979 c.38 ss.1&amp; 3; 1988 c.57 s.2  s.12, 1979 c.38, s.3  s.13, 1979 c.38 ss.1 &amp; 3  s.14, 1979 c.38 s.1  s.15, 1979 c.38 s.1  s.16, 1979 c.38 s.1 &amp; 2; 1988 c.57 s.3  s.17, 1979 c.38 s.1; R&amp;S 1988 c.57 s.4  s.18, 1979 c.38 s.1; 1988 c.57 s.5  s.19, 1979 c.38 s.1; R&amp;S 1988 c.57 s.6</p>

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Act or Subject	RSN 1970	Amendments, etc.
		s.20, 1979 c.38 ss. 1 & 3; 1988 c.57 s.7 s.21, 1979 c.38 ss. 1 & 31 1988 c.57 s.8 s.22, 1979 c.38 s.3; 1986 c.42 Sch. B Item 74; 1988 c.57 s.9 s.23, 1979 c.38 ss.1 & 2; 1988 c.57 s.10 s.24, 1979 c.38 s.1 s.24(2), Rep. 1978 c.4 s.1 s.24.1, added 1978 c.4.s.1; 1982 c.27 s.1; 1988 c.57 s.11 s.25, 1979 c.38 ss. 1 & 5; 1988 c.57 s.12 s.26, 1979 c.38 ss. 1 & 3; 1987 c.41 s.15; 1988 c.57 s.13 s.27, 1979 c.38 s.1; 1988 c.57 s.14 s.28, 1988 c.57 s.15 s.29, 1979 c.38 s.1; 1979 c.34 Sch. s.30, 1979 c.38 s.1 s.32, 1979 c.38 s.1 s.33, 1979 c.38 s.3 s.34, 1979 c.38 s.1 s.35, 1979 c.38 s.1 s.36, 1979 c.38 s.1
Provincial Flag	...	1980 c.5 s.2, 1981 c.4 Sch.F Item 9; 1989 c.30 Sch. B Item 20 Sch., 1982 c.9 s.10
Provincial Institutes	...	1987 c.16 (in force Aug. 3, 1987) s.2, 1990 c.26 Sch. B Item 7 s.7, R&S 1988 c.54 s.18 s.11, 1990 c.26 Sch. B Item 7
Provincial Parks	312	s.2, 1972 No.7 s.2; 1972 No. 11 s.2; 1973 No.18 s.35 (1) Sch.B Item 8; 1979 c.49 Sch. D Item 9; 1981 c.4 s.55 (in force Dec.14, 1979); 1981 c.4 Sch.F Item 10; 1989 c.21 Sch. B Item 2 s.4, 1981 c.89 s.1 s.9, 1973 No.68 s.2
Provincial Preference	...	1984 c.37 (in force Nov. 1, 1987) s.2, 1987 c.41 s.16; 1988 c.35 s.442(17)

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Act or Subject	RSN 1970	Amendments, etc.
		s.6, 1989 c.33 Sch. B Item 8 Sch., 1988 c.40 s.8(2)
Psychologists	...	1985 c.19 s.18, 1988 c.54 s.19
Public Accountancy	313	s.17, 1974 No.57 s.38(263 (1) Sch.C Item 44); 1986 c.42 Sch. A Item 75 s.19, 1986 c.42 Sch. A Item 75 s.25, 1986 c.30 s.8
Public Enquiries	314	
Public Health (see Health & Public Wel- fare)		
Public Libraries	315	R&S 1975 No.16
Public Libraries, 1975	...	1975 No. 16 Repealed by 1988 c.38 s.44
Public Libraries, 1988	...	1988 c.38 s.2, 1989 c.30 Sch. B Item 21
Public Officials Garnishee	...	1981 c.21 (in force Aug.27, 1982) s.6, 1985 c.13 s.9
Public Printing and Stationery	316	Rep. 1981 c.58 s.2
Public Processions	317	s.4, 1986 c.42 Sch. A Item 76
Public Service (see also Civil Service)		
Public Service (Collective Bar- gaining)	318	R&S 1973 No.123
Public Service (Collective Bar- gaining), 1973	...	1973 No. 123 s.2, 1979 c.51 s.24; 1983 c.24 s.1; 1984 c.40 Sch. B Item 19; 1986 c.42 Sch. B Item 75; 1989 c.25 Sch. B Item 15 s.9, 1974 No.37 s.2 s.10, R&S 1983 c.24 s.2; 1985 c.6 s.1 s.17.1, added 1983 c.24 s.3

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Act or Subject	RSN 1970	Amendments, etc.
		s.18, 1983 c.24 s.4 s.18.1, added 1983 c.24 s.5 s.23, 1983 c.24 s.6; 1985 c.6 s.2 s.24, 1983 c.24 s.7; 1985 c.6 s.3 s.24.1, added 1983 c.24 s.8; R&S 1985 c.6 s.4 s.29, 1983 c.24 s.9 s.36, 1977 c.64 s.152 s.37, 1983 c.24 s.10 s.37.1, added 1983 c.24 s.11 s.39.1, added 1983 c.24 s.12 s.40, 1983 c.24 s.13 s.43, 1974 No.37 s.3; 1977 c.64 s.152; R&S 1983 c.24 s.14
Public Service Commission (see: Newfoundland...)		
Public Service (Pensions) (see: 1974 No.83 s.1 & 1975 No.31 s.3)	319	s.2, 1972 No.22 s.2; 1972 No.11 s.2; 1974 No.87 s.2; 1977 c.91 s.1; 1979 c.50 s.1; 1981 c.3 Sch. Item 4; 1990 c.51 s.2 s.2A, added 1972 No.22 s.3 s.3, 1972 No.22 s.4; 1977 c.91 s.2; 1986 c.31 s.1; 1989 c.39 s.1 s.3.1, added 1977 c.91 s.3 s.4, 1974 No.87 s.4; 1977 c.91 s.4 s.5, R&S 1979 c.50 s.2; R&S 1981 c.3 Sch. Item 4 s.5.1 added 1979 c.50 s.3; Rep. 1981 c.3 Sch. Item 4 s.5.2 added 1979 c.50 s.3; Rep. 1981 c.3 Sch. Item 4 s.5.3 added 1979 c.50 s.3; Rep. 1981 c.3 Sch. Item 4 s.5.4 added 1979 c.50 s.3; R&S 1980 c.17 s.1 (in force July 21, 1977); Rep. 1981 c.3 Sch. Item 4 s.5.5 added 1979 c.50 s.3; Rep. 1981 c.3 Sch. Item 4 s.5.6 added 1979 c.50 s.3; Rep. 1981 c.3 Sch. Item 4

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		s.5.7 added 1979 c.50 s.3; Rep. 1981 c.3 Sch. Item 4
		s.5.8 added 1979 c.50 s.3; Rep. 1981 c.3 Sch. Item 4
		s.5.9 added 1979 c.50 s.3; Rep. 1981 c.3 Sch. Item 4
		s.6, 1977 c.91 s.5; 1985 c.34 s.1; 1989 c.39 s.2
		s.7, Rep. 1989 c.39 s.3
		s.9, 1972 No.22 s.5; 1981 c.3 Sch. Item 4
		s.10, 1977 c.91 s.6; 1979 c.50 s.4; 1984 c.39 s.11
		s.12, 1977 c.91 s.7
		s.12.1, added 1977 c.91 s.7
		s.13, 1986 c.31 s.2(1)
		s.14, 1972 No.22 s.6; 1974 No.87 s.5; 1975 No.28 s.2; 1977 c.91 s.8; 1987 c.40 s.1
		s.15, 1975 No.28 s.3; 1977 c.91 s.9
		s.16, R&S 1972 No.22 s.7; 1977 c.91 s.10; 1978 c.75 s.1; 1979 c.50 s.5; 1983 c.18 s.1; 1985 c.34 s.2; 1989 c.39 s.4
		s.17, Rep. 1979 c.50 s.6
		s.20, 1989 c.39 s.5
		s.22, 1977 c.91 s.11; 1984 c.17 s.1
		s.24, 1975 No.28 s.4; 1977 c.91 s.12
		s.25, 1977 c.91 s.13
		s.26, 1977 c.91 s.14
		s.27, R&S 1983 c.18 s.2
		s.28, 1974 No.87 s.6; 1977 c.91 s.15
		s.33, 1981 c.3 Sch. Item 4
		s.34, R&S 1972 No.22 s.8; 1977 c.91 s.16; 1979 c.50 s.7; 1981 c.3 Sch. Item 4; 1981 c.70 s.1 (in force Apr. 1, 1979); 1983 c.18 s.3
		s.35, 1977 c.91 s.17; 1979 c.50 s.8
		s.36, 1974 No.57 s.38(263 (1) Sch.C Item 45); 1986 c.42 Sch. A Item 77 & Sch. B Item 76
		s.37, 1974 No.57 s.38(263 (2) Sch.D Item 23); 1986 c.42 Sch. B. Item 76
		Schedule, Rep. 1972 No.22 s.9

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		s.40, 1986 c.42 Sch. B Item 78 Appendix, 1974 No.45 s.6; R&S 1977 c.46 s.11; 1986 c.42 Sch. B Item 78
<b>R</b>		
Radiation Health & Safety	...	1977 c.90 (in force April 3, 1981) s.2, 1978 c.23 s.66; 1982 c.39 s.5; 1984 c.40 Sch. B Item 20; 1989 c.25 Sch. B Item 16 s.2.1 added, 1979 c.46 s.7 s.3, 1978 c.23 s.66 General 1982 c.39 s.5
Railway Settlement	...	1923 c.2
Railways	325	s.13, 1973 No.36 s.70(1) Sch.B Item 4; 1981 c.4 Sch.E Item 4; 1989 c.33 Sch. B Item 10 s.16, 1973 No.36 s.70(1) Sch.B Item 4; 1981 c.4 Sch.E Item 4; 1989 c.33 Sch. B Item 10 s.17, 1973 No.36 s.70(1) Sch.B Item 4; 1981 c.4 Sch.E Item 4; 1989 c.33 Sch. B Item 10 s.32; 1982 c.45 s.24
Real Estate Trading	326	s.2, 1973 No.39 s.52(1) Sch.C Item 14; 1975- 76 No.58 s.4; 1977 c.26 s.1 s.3, 1977 c.26 s.3 s.4, 1977 c.26 s.4 s.5, 1977 c.26 s.2; 1978 c.65 s.1 s.6, 1977 c.26 s.2 s.7, R&S 1977 c.26 s.5 s.8, 1977 c.26 s.2 s.9, R&S 1977 c.26 s.6; 1978 c.65 s.2 s.9A, added 1977 c.26 s.7 s.10, 1977 c.26 s.2 s.11, 1977 c.26 s.2 s.13, 1977 c.26 s.2; 1981 c.4 Sch.E Item 4 s.15, 1977 c.26 s.2 s.16, 1977 c.26 s.2; 1978 c.65 s.3; 1981 c.4 Sch. E Item 4 s.17, 1977 c.26 s.2; 1981 c.4 Sch.E Item 4

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		s.21, 1974 No.57 s.38(263(1) Sch.C Item 48); 1977 c.26 s.2; 1986 c.42 Sch. A Item 82 s.22, 1977 c.26 s.2 s.23, 1977 c.26 s.8 s.25, 1977 c.26 ss.2 & 9 s.26, 1977 c.26 ss.2 & 10 s.27, 1977 c.26 s.11 s.28, R&S 1977 c.26 s.12; 1986 c.14 s.2 s.29, 1977 c.26 ss.2 & 3; R&S 1985 c.11 s.59 s.30, 1977 c.26 s.2 s.35, 1977 c.26 s.2 s.39, 1977 c.26 s.2; 1982 c.9 s.11 s.40, 1977 c.26 s.14 s.43, 1986 c.33 s.11; 1987 c.41 s.19 s.45A, added 1977 c.26 s.15 (not in force Dec. 31, 1990) s.45B, added 1977 c.26 s.15 (not in force Dec. 31, 1990) s.48, 1977 c.26 s.16 ss.49-63, added 1986 c.14 s.3
Reciprocal Enforcement of Judgments	327	s.3, 1974 No.57 s.38(264 (ee)); 1986 c.42 Sch. A Item 83 s.12, 1982 c.9 s.12
Reciprocal Enforcement of Support Orders	...	1988 c.59 s.2, 1989 c.11 s.5(1) s.3, 1989 c.11 s.5(2) s.6, 1989 c.11 s.5(3)-(6)
Reciprocal Taxation Agreement	...	1977 c.86
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Reciprocal Taxation Agreement, 1987	...	1987 c.34
Regional Service Boards	...	1990 c.65 (not in force December 31, 1990)

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Registered Nurses (see: Newfoundland)		
Registration of Deeds	328	s.2, 1990 c.32 s.1 s.3 R&S 1978 c.69 s.1 s.4, R&S 1978 c.69 s.2 s.5, R&S 1975-76 No.36 s.1; 1978 c.69 s.3 s.6, 1973 No.84 s.2; 1975 No. 64 s.2; 1977 c.105 s.1; R&S 1990 c.32 s.2 s.10, 1978 c.35 s.20 s.10A, added 1975-76 No. 36 s.2; 1986 c.12 Sch. Item 24 s.12, 1978 c.69 s.4; 1986 c.42 Sch. B Item 79 s.13, 1977 c.105 s.2 s.18, 1974 No.57 s.38(264 (ff)); 1986 c.42 Sch. A Item 84 s.19, 1974 No.57 s.38(264 (ff)); 1986 c.42 Sch. A Item 84 s.21, R&S 1990 c.32 s.3 s.22, 1972 No.20 s.2; 1972 No.11 s.2; R&S 1990 c.32 s.3 s.23, 1977 c.105 s.3; R&S 1990 c.32 s.3 s.24, 1975 No.64 s.3; R&S 1990 c.32 s.3 s.25, 1977 c.105 s.4; R&S 1990 c.32 s.3 s.26, 1977 c.105 s.4; R&S 1990 c.32 s.3 s.27, 1977 c.105 s.4; R&S 1990 c.32 s.3 s.28, (old 26), 1972 No.20 s.3; 1972 No.11 s.2; 1977 c.105 s.4; R&S 1990 c.32 s.3 s.29, 1977 c.105 s.5; 1990 c.32 s.4 s.30, 1978 c.35 s.20; 1990 c.32 s.5 s.31, 1977 c.105 s.5 s.32, R&S 1990 c.32 s.6 s.33, R&S 1974 No.71 s.2; R&S 1975 No.64 s.4; (see 1975 No.64 s.6); 1979 c.51 s.26; 1982 c.9 s.13 s.35, R&S 1990 c.32 s.7 s.36, (old 34) 1971 No.14 s.2; 1971 No.18 s.2; 1973 No.84 s.3; 1978 c.69s.5; 1990 c.32 s.8

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		<p>s.36A, (old 34A), added 1971 No.18 s.3; 1971 No.14 s.2; Rep. 1990 c.32 s.9</p> <p>s.37, Rep. 1990 c.32 s.10</p> <p>s.38, Rep. 1990 c.32 s.11</p> <p>s.39, R&amp;S 1990 c.32 s.12</p> <p>s.39, (old 37) 1971 No.18 s.4; 1971 No. 14 s.2; 1973 No.77 s.2; 1974 No.71 s.3; R&amp;S 1975 No. 64 s.5; 1975-76 No.36 s.3; 1977 c.105 s.6; 1978 c.35 s.20; 1981 c.73 s.1; 1986 c.49 s.1</p> <p>s.41, Rep. 1975-76 No.36 s.4</p> <p>Schedule, 1971 No.18 s.5; R&amp;S 1990 c.32 s.13</p>
Registration of Partnerships, 1972	...	1972 No.29 (not in force Dec. 31, 1990) Repealed by 1990 c.47 Sch. Item 20
Registration (Vital Statistics)	329	<p>s.4, 1977 c.46 s.12 s.6, 1977 c.46 s.12</p> <p>s.7, 1977 c.46 s.12</p> <p>s.8, 1977 c.46 s.12</p> <p>s.10, 1978 c.52 s.1 (not in force Dec. 31, 1990)</p> <p>s.12, R&amp;S 1989 c.12 s.24</p> <p>s.18, 1973 No.39 s.52(1) Sch.C Item 15; 1975 No.31 s.7</p> <p>s.19, 1973 No.39 s.52(1) Sch.C Item 15; 1975 No.31 s.7</p> <p>s.20, 1973 No.39 s.52(1) Sch.C Item 15; 1975 No. 31 s.7</p> <p>s.22, 1977 c.46 s.12</p> <p>s.24, 1986 c.42 Sch. A Item 86</p> <p>s.25, 1986 c.42 Sch. A Item 86</p> <p>s.26, 1977 c.101 s.1</p> <p>s.27, 1977 c.101 s.1</p>
Regulation of Mines	330	<p>s.2, 1973 No.48 s.15; 1975 No.47 s.2 (not in force Dec. 31, 1990) (see: 1971 No.71 s.52); 1983 c.58 s.1; 1987 c.28 s.35 Sch. C Item 5; 1989 c.23 Sch. B Item 11</p> <p>s.5, Rep. 1984 c.24 s.6 (in force Feb. 15, 1985)</p>

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		s.6, Rep. 1984 c.24 s.6 (in force Feb. 15, 1985)
		s.7, Rep. 1984 c.24 s.6 (in force Feb. 15, 1985)
		s.8, Rep. 1984 c.24 s.6 (in force Feb. 15, 1985)
		s.10, 1983 c.58 s.1
		s.17, Rep. 1984 c.24 s.6 (in force Feb. 15, 1985)
		s.22, 1977 c.85 s.1; R&S 1984 c.24 s.6 (in force Feb. 15, 1985)
Regulations of Trade Schools	331	Repealed by 1988 c.16 s.21
Regulations	332	Rep. 1977 c.108 s.29
Rehabilitation	...	1978 c.18 s.2, 1979 c.49 Sch.C Item 5; 1987 c.18 s.1 s.7, 1988 c.39 s.13 s.9, 1979 c.49 Sch.C Item 5; R&S, 1987 c.18 s.2 ss. 9.1 -9.5, added 1987 c.18 s.2 s.10, 1987 c.18 s.3
Relief Works Administration	333	Rep. 1985 c.13 Sch. Item 27
Rent Restrictions	334	Rep. 1973 No.54 s.21
Remembrance Day	13	Repealed by 1988 c.6 s.4
Remembrance Day, 1988	...	1988 c.6
Research Council (see: Newfoundland...)		
Reservation of Lands to the Crown	335	s.3, 1973 No.37 s.38(1) Sch. Item 22; 1979 c.49 Sch. A Item 11 s.4, 1973 No.37 s.38(1) Sch. Item 22; 1979 c.49 Sch. A Item 11 General, 1988 c.43 Sch.A
Rescission of Reservation, 1973	...	1973 No.110
Resettlement	336	s.2, 1973 No.38 s.35(1) Sch. Item 2

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		s.3, 1979 c.49 Sch.A Item 11 s.4, 1973 No.38 s.35(1) Sch. Item 2; 1979 c.49 Sch.A Item 11; 1979 Sch.B Item 19 s.5, 1973 No. 38 s.35(1) Sch. Item 2; 1979 c.49 Sch. B Item 19 General, 1989 c.22 Sch. B Item 8
Residential Tenancies	...	1988 c.44 s.2, 1989 c.19 Sch. B Item 21; 1990 c.62 s.21(1) s.6, 1990 c.62 s.21(2) s.10, 1990 c.62 s.21(3) s.15, 1990 c.62 s.21(4) s.20, Rep. 1990 c.62 s.21(5) s.24, 1990 c.62 s.21(6) s.41, 1989 c.12 s.25
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Unconscionable Transactions	382	s.2, 1986 c.42 Sch. B Item 92 s.4A, added 1977 c.28 s.1 s.4B, added 1977 c.28 s.1 s.5, 1974 No.57 s.38(264 (11)); R&S 1986 c.42 Sch. B Item 92
Undeveloped Mineral Areas	383	s.2, 1973 No.33 s.38(1) Sch. Item 7; 1974 No.95 s.2; 1987 c.28 s.35 Sch. C Item 6; 1989 c.23 Sch. B Item 13 s.13, 1974 No.57 s.38 (264 (mm)); 1974 No.57 s.38 (263(2) Sch.D Item 26); 1986 c.42 Sch. A Item 95 & Sch. B Item 93
Unified Family Court	...	1977 c.88 (in force June 18, 1978) (except s.7 (1)(n)) s.1, 1986 c.42 Sch. B. Item 94 s.2, 1979 c.14 s.1 s.5, 1979 c.14 s.2; R&S 1986 c.42 Sch. B Item 94 s.6, 1979 c.14 s.3 s.7, 1978 c.35 s.24; 1979 c.14 s.4; 1986 c.33 s.14(1) & (2); 1986 c.42 Sch. B Item 94 s.8, 1986 c.33 s.14(3) s.11, 1978 c.35 s.24 s.12, 1979 c.14 s.5 s.13, 1986 c.42 Sch. B Item 94 s.14, R&S 1978 c.35 s.24; 1986 c.33 s.14(4) s.15, R&S 1985 c.11 s.72; 1986 c.33 s.14(5) s.21, 1978 c.35 s.24 (in force Nov. 21, 1978) s.23, Rep. 1982 c.2 s.1 Sch. added 1979 c.14 s.6
Uniform Interprovincial Sub- poena (see Interprovincial Subpoena)		
Uniformed Services Pensions	...	1982 c.49 (in force Jan. 21, 1983) s.2, 1987 c.9 s.3; 1990 c.51 s.3 s.15, 1983 c.14 s.1 s.18, 1985 c.11 s.24 s.22, 1987 c.40 s.2

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Act or Subject	RSN 1970	Amendments, etc.
Unimproved Lands (Redistribution)	384	<p>s.23, 1988 c.39 s.16  s.27, 1986 c.42 Sch. B Item 95  s.30, 1983 c.14 s.2</p> <p>s.3, 1973 No.37 s.38(1) Sch. Item 25; 1979 c.49 Sch. A Item 15; 1988 c.43 Sch.A  s.5, 1973 No.37 s.38(1) Sch. Item 25; 1973 No.30 s.6; 1979 c.49 Sch. A Item 15; 1988 c.43 Sch.A  s.6, 1973 No.37 s.38(1) Sch. Item 25; 1979 c.49 Sch. A Item 15; 1988 c.43 Sch.A  s.9, 1973 No.37 s.38(1) Sch. Item 25; 1979 c.49 Sch. A Item 15; 1988 c.43 Sch.A  s.11, added 1987 c.4 s.1</p>
United States Citizens (Estates)	385	Rep. 1985 c.13 Sch. Item 34
University Fees and Allowances	386	Rep. 1986 c.26 s.14
Unsolicited Goods and Credit Cards, 1973	...	1973 No.11
Upper Churchill Water Rights Reversion	...	<p>1980 c.40 (not in force Dec. 31, 1990) (See also Churchill Falls (Labrador) Corp. Ltd., Acts re: in Table of Local, Personal &amp; Private Statutes)  Repealed by 1990 c.47 Sch. Item 30</p>
Urban and Rural Planning	387	<p>s.2,1974 No.57 s.38 (264 (nn)); 1979 c.33 Sch.C; 1981 c.4 Sch.D Item 7; 1982 c.26 s.1; 1986 c.42 Sch. A Item 96; 1989 c.30 Sch. B Item 25  s.8, 1982 c.26 s.2  s.9, R&amp;S 1982 c.26 s.3  s.10, R&amp;S 1982 c.26 s.4  s.11, 1982 c.26 s.5  s.13, 1982 c.26 s.6  s.14, 1977 c.39 s.1  s.16, 1977 c.39 s.2  s.18, 1977 c.39 s.3  s.20, 1977 c.39 s.4</p>

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Act or Subject	RSN 1970	Amendments, etc.
		s.21, 1977 c.39 s.5; R&S 1982 c.26 s.7
		s.23, 1977 c.39 s.6
		s.24, 1977 c.39 s.7; 1982 c. 26 s.8
		s.27, 1982 c.26 s.9
		s.31, 1982 c.26 s.10
		s.36, 1982 c.26 s.11
		s.37, 1975 No. 31 s.8; 1982 c.26 s.12
		s.38, 1977 c.39 s.8
		s.39, R&S 1982 c.26 s.13
		s.40, 1982 c.26 s.14
		s.41, R&S 1982 c.26 s.15
		s.42, 1982 c.26 s.16
		s.49, 1977 c.39 s.9; R&S 1982 c.26 s.17
		s.50, 1982 c.26 s.18
		s.53, 1977 c.39 s.10; R&S 1982 c.26 s.19
		s.55, R&S 1982 c.26 s.20
		s.56, Rep. 1982 c.26 s.21
		s.58, R&S 1982 c.26 s.22
		s.60, 1977 c.39 s.11
		s.63, R&S 1982 c.26 s.23
		s.64, 1977 c.39 s.12
		s.65, 1982 c.26 s.24
		s.68, R&S 1982 c.26 s.25
		s.70, R&S 1982 c.26 s.26
		s.71, R&S 1982 c.26 s.27
		s.72, R&S 1982 c.26 s.27
		s.73, R&S 1982 c.26 s.27
		s.74, R&S 1982 c.26 s.27
		s.75, 1982 c.26 s.28
		s.75.1, added 1982 c.26 s.29
		s.77.1, added 1982 c.26 s.30
		s.77.2, added 1982 c.26 s.30
		s.88, 1974 No.57 s.38(264 (oo)); 1986 c.42 Sch. A Item 96 & Sch. B Item 96
		s.94, R&S 1975-76 No.53 s.2; 1981 c.4 Sch.D Item 7
		s.98, 1986 c.42 Sch. A Item 96
		s.100, 1974 No.57 s.38(264 (pp)); 1986 c.42 Sch. A Item 96
		s.106, 1986 c.42 Sch. A Item 96

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Act or Subject	RSN 1970	Amendments, etc.
		s.108, 1986 c.42 Sch. A Item 96; 1989 c.12 s.31
		s.111, 1986 c.42 Sch. A Item 96
		s.112, 1986 c.42 Sch. A Item 96
		s.114, 1986 c.42 Sch. A Item 96
		s.115, 1974 No.57 s.38(264 (pp)); 1986 c.42 Sch. A Item 96
		s.116, 1986c.42 Sch. A Item 96
		s.124, 1986 c.42 Sch. A Item 96
		s.126, 1986 c.42 Sch. A Item 96
		s.129, Rep. 1982 c.26 s.31
		s.130, 1974 No.57 s.38(263 (2) Sch.D Item 27); 1982 c.26 s.32; 1986 c.42 Sch. B Item 96
		s.132, 1990 c.34 s.1
		s.134, 1990 c.34 s.2
		s.136, 1990 c.34 s.3
		s.139, 1977 c.39 s.13
<b>V</b>		
Vegetable (Grading)	388	s.2, 1973 No.37 s.38(1) Sch. Item 26; 1979 c.49 Sch.B Item 20; 1989 c.18 Sch. B Item 25 s.5, R&S 1985 c.11 s.66
Venereal Disease Prevention	389	s.5, 1981 c.85 s.17 s.6, 1979 c.35 Sch.A s.13, 1981 c.85 s.17
Venture Capital	...	1988 c.15 (in force Nov. 10, 1988) s.2, 1989 c.12 s.32
Veterans Land Settlement	390	s.3, 1973 No.37 s.38(1) Sch.Item 27; 1979 c.49 Sch. A Item 16; 1988 c.43 Sch.A s.5, 1973 No.37 s.38(1) Sch. Item 27; 1979 c.49 Sch. A Item 16; 1988 c.43 Sch.A s.7, 1979 c.51 s.33
Veterinary Medical (see: Newfoundland...)		
Victims of Crime Services	...	1988 c.56 (in force Oct. 1, 1988)

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Act or Subject	RSN 1970	Amendments, etc.
Vocational Schools (Western) Building, 1962	...	1962 No.49 Repealed by 1990 c.47 Sch. Item 31
Volunteer War Service Medal	...	1981 c.33 Long title, 1985 c.13 s.12 s.2, 1984 c.39 s.13
<b>W</b>		
Warehousemen's Liens	391	s.7, 1974 No.57 s.38(264 (qq)); 1986 c.42 Sch. A Item 97 & Sch. B Item 97
Warehouse Receipts	392	s.10, 1986 c.42 Sch. A Item 98
War Grants	...	1942 No. 5 Rep. 1985 c.13 Sch. Item 35
War Service (Pensions), 1975	...	1975 No.34 s.2, 1978 c.53 s.1 s.4, 1979 c.51 s.34 s.5, 1978 c.53 s.2 s.9A, added 1977 c.110 s.1
Waste Material (Disposal)	393	R&S 1973 No.82
Waste Material (Disposal), 1973	...	1973 No. 82 s.2, 1981 c.10 Sch.B Item 3; 1981 c.85 s.18; 1988 c.35 s.442(22); 1988 c.43 Sch.A s.3A, added 1979 c.33 Sch.C s.4, 1975-76 No.63 s.1 s.6, R&S 1975-76 No.63 s.2 s.8, R&S 1975-76 No.63 s.3 s.10, 1975-76 No.63 ss.4 & 5 s.17, 1975-76 No.63 s.6 s.18, 1974 No.57 s.38(263 (1) Sch. Item 54); 1974 57 s.38(263(2) Sch.D Item 28; 1986 c.42 Sch. A Item 99 & Sch. B Item 98 s.22, 1986 c.42 Sch. A Item 99 s.23, 1975-76 No.63 s.7
Waters Protection	394	s.2, 1973 No.48 s.16; 1981 c.10 Sch.B Item 4; 1988 c.43 Sch.A

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Act or Subject	RSN 1970	Amendments, etc.
Weekly Day of Rest	395	Rep. 1977 c.52 s.75
Weights and Measures	396	Repealed by 1990 c.47 Sch. Item 32
Welfare Institutions	397	Long Title, 1978 c.22 s.1 s.1, 1978 c.22 s.2 s.2, 1973 No.56 s.2; 1975 No. 52 s.2; 1978 c.22 s.3; 1979 c.49 Sch. C Item 6; s.4, R&S 1973 No.56 s.3; R&S 1978 c.22 s.4; 1990 c.37 s.1 s.5, 1978 c.22 s.5; 1990 c.37 s.2 s.7, 1978 c.22 s.5 s.8, 1978 c.22 s.5 s.9, 1978 c.22 s.5 s.10, 1978 c.22 s.5; 1985 c.11 s.67; 1987 c.41 s.23 s.11, 1978 c.22 s.5 s.13, 1978 c.22 s.5 s.14, 1978 c.22 s.5 s.16, 1978 c.22 s.5
Welfare of Children	190	1973 No.48 s.12 Rep. 1984 c.2 s.32
Well Drilling	...	1981 c.14 s.2, 1988 c.43 Sch.A
Western Labrador (Public Building) Construction, 1966	...	1966 No.11
Western Memorial Hospital Corporation, 1947	...	1947 No.3 s.1, 1953 No.20 s.2 s.2, 1990 c.53 s.1 s.4, R&S 1953 No.20 s.3; 1983 c.76 s.15; 1990 c.53 s.2 s.5, R&S 1953 No.20 s.3; 1983 c.76 s.15; 1990 c.53 s.3 s.6, R&S 1953 No.20 s.3; 1983 c.76 s.15 s.6A, added 1960 No.8 s.2; 1983 c.76 s.15 s.9, 1990 c.53 s.4 s.14, R&S 1977 c.62 s.1 General, 1953 No.20 s.4

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Act or Subject	RSN 1970	Amendments, etc.
Whaling Industry Regulations	398	Repealed by 1990 c.47 Sch. Item 33
White Cane	399	Rep. 1981 c.60 s.12
Wilderness & Ecological Reserves	...	1980 c.2 s.2, 1981 c.4 Sch.F Item 13; 1989 c.21 Sch. B Item 4 s.17, 1983 c.85 s.1 s.18, 1983 c.85 s.2 s.18.1, added 1983 c.85 s.3 s.21, 1983 c.85 s.4 Schedule added, 1983 c.85 s.5
Wild Life	400	s.2, 1973 No.18 s.35(1)Sch.B Item 11; 1973 No. 120 s.1; 1975 No.50 s.2; 1975-76 No.75 s.1; 1978 c.41 s.1; 1979 c.49 Sch. D Item 12; 1981 c.4 s.55 (in force Dec.14, 1979); 1981 c.4 Sch.F Item 12; 1989 c.21 Sch. B Item 3 s.2A, added 1973 No.120 s.3 s.2B, added 1975 No.50 s.3 s.5, 1973 No.120 s.4; 1978 c.41 s.2 s.6, R&S 1975 No.50 s.4; R&S 1978 c.41 s.3 s.9, R&S 1975 No.50 s.5; 1975-76 No.75 s.2 s.9.1, added 1982 c.46 s.1 s.10, R&S 1985 c.11 s.68 s.10A, added 1975 No.50 s.6 s.11, 1975 No.50 s.7; 1975- 76 No.75 s.3; 1979 c.35 s.34 Sch.; 1982 c.46s.2 s.12, R&S 1975 No.50 s.8 s.13,1975 No.50 s.9; 1975- 76 No.75 s.4; 1979 c.34 Sch.; 1984 c.18 s.12; 1986 c.42 Sch. B Item 99 s.14, R&S 1975-76 No.75 s.5 s.14A, added 1973 No.120 s.5 s.16.1, added 1982 c.37 s.1 s.16.2, added 1982 c.37 s.1 s.16.3, added 1982 c.37 s.1 s.16.4, added 1982 c.37 s.1

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Act or Subject	RSN 1970	Amendments, etc.
		<p>s.17A, added 1974 No.24 s.2; 1975 No.50 s.10; 1979 c.35 s.34 Sch.B; 1981.82 s.4; Rep. 1982 c.46 s.3</p> <p>s.17.1, added 1982 c.46 s.3</p> <p>s.19, added 1975 No.50 s.11; 1975-76 No.75 s.6; 1978 c.41 s.4; 1986 c.33 s.15(1)</p> <p>s.20, added 1975 No.50 s.11</p>
Wills	401	<p>s.9, R&amp;S 1971 No.29 s.2; 1971 No.14 s.2</p> <p>s.18, R&amp;S 1971 No.29 s.3; 1971 No.14 s.2</p> <p>s.19A, (old 18B) added 1971 No.29 s.4; 1971 No.14 s.2</p> <p>s.39, added 1978 c.35 s.25</p> <p>s.40, 1978 c.35 s.25</p> <p>Part II R&amp;S 1975-76 No.23 s.1</p> <p>Part III added 1975-76 No.23 s.2 (ss.37-41 (not in force December 31, 1990)</p> <p>Schedule added 1975-76 No.23 s.2</p>
Wills (Volunteers)	402	s.2, 1986 c.42 Sch. A Item 100
Workers' Compensation	403	Rep. 1983 c.48 s.117
Workers' Compensation, 1983	...	<p>1983 c.48 (in force Jan. 1. 1984)</p> <p>s.2, 1984 c.40 Sch. B Item 22; 1985 c.31 s.1; 1986 c.38 s.1; 1988 c.35 s.442(23); 1989 c.25 Sch. B Item 18</p> <p>s.4, R&amp;S 1986 c.38 s.2; 1987 c.41 s.24</p> <p>s.5, R&amp;S 1986 c.38 s.2</p> <p>s.6, R&amp;S 1986 c.38 s.2</p> <p>s.6.1, added 1986 c.38 s.2</p> <p>s.7, 1986 c.38 Sch.</p> <p>s.10, 1986 c.38 s.3</p> <p>s.11, 1987 c.41 s.24</p> <p>s.13, 1986 c.38 Sch.</p> <p>s.14, 1986 c.38 Sch.</p> <p>s.15, 1986 c.38 Sch.</p> <p>s.16, 1986 c.38 Sch.</p> <p>s.17, 1986 c.38 Sch.</p> <p>s.18, 1986 c.38 Sch.</p> <p>s.19, 1986 c.38 s.4</p> <p>s.21, R&amp;S 1986 c.38 s.5; 1987 c.41 s.24</p>

Table of Public General Statutes

Act or Subject	RSN 1970	Amendments, etc.
		s.21.1, added 1986 c.38 s.5; 1987 c.41 s.24 ss.21.2-21.10, added 1986 c.38 s.5 s.21.11, added 1986 c.38 s.5; 1987 c.41 s.24 ss.21.12-21.13, added 1986 c.38 s.5 s.22, 1986 c.38 Sch. s.24, 1986 c.38 Sch.; 1986 c.42 Sch. B Item 100; R&S 1987 c.41 s.24 s.28, 1986 c.38 s.6 s.33, 1985 c.31 s.2 s.61, 1986 c.38 Sch. s.69, 1985 c.31 s.3 s.71, R&S 1986 c.38 s.7 s.79, 1985 c.31 s.4 s.106, 1986 c.42 Sch. B Item 100; 1987 c.41 s.24 s.110, 1986 c.12 Sch. Item 27; 1987 c.38 Sch. B Item 18
Workmen's Wages	404	Rep. 1977 c.52 s.75
Y		
Young Persons Offences	...	1984 c.2 s.22, 1990 c.50 s.1
Youth Administration	405	Rep. 1973 No. 27 s.38
Youth Advisory Council	...	1981 c.18 (in force Feb. 1 1984) s.2, 1989 c.30 Sch. B Item 26 s.5, 1985 c.26 s.1
Youth Commission, 1976	...	1975-76 No.34 Rep. 1981 c.18 s.21







TABLE OF LOCAL, PERSONAL AND PRIVATE STATUTES

1834 - 1990

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
<b>A</b>	
Advocate Mines Limited (Confirmation of Agreement)	1959 No.15; 1963 No.29; 1964 No. 19 (ss. 2 and 3 in force Jan.1,1964); 1969 No.31 (ss. 2 and 3 in force Jan.1, 1969); 1984 c.43 s.4
Air Cadet League	1944 No.18
Alexis Watershed (Timber Operations)	1962 No.41
Allied Chemical Corporation (Agreement)	1972 No.60
American Smelting (see Government-A.N.D.Company Limited and American Smelting and Refining Company)	And see Acts Nos.31 of 1959, 37 of 1964 and 86 of 1966-67
American Smelting and Refining Company	1966-67 No.86
American Telephone & Telegraph Company Contract	1929 c.3; 1931 c.4; 1932 c.25
Anglican Church of Canada (Name)	1960 No.19
Anglican Diocese of Newfoundland (see also Diocesan Synod Property)	1975-76 No.6
Anglo-American Telegraph Company and Western Union Telegraph Contract	1932 c.26

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Anglo-Newfoundland Development Company, Limited (Agreement) (See also Government-A.N.D. Company)	1905 c.10; 1927 c.6; 1959 No.3; 1964 No.37
Anglo-Newfoundland Development Company Limited Buchans Companies (Exploration and Development)	1949 No.25; 1959 No.31; 1964 No.37
Anglo-Newfoundland Development Company, Limited (Customs Duties)	1939 No.50
Anglo-Newfoundland Development Company Limited (Extension)	1947 No.9; 1948 No.4
Anglo-Newfoundland Development Company, Limited, Lease of Mill Site and Water Power	1940 No.21
Anglo-Newfoundland Development Company Limited Timber Licences	1933 c.38
Ashbourne, Licence to Cut Timber to Executors of William	1933 c.43
Atlantic Gloves Limited (Confirmation of Agreement)	1953 No.4; Rep. 1983 c.61 s.1
Atlantic Hardboard Industries Limited (Agreement)	1952 No.68
Atlantic Optical Company Limited (Confirmation of Agreement)	1952 No.25
Atlantic Pebble Company Limited, Agreement with	1910 c.25

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Atlas Construction Company Limited (Tax Exemption)	1972 c.50
Avalon Telephone Company	1925 c.10; 1938 No.6; 1939 No.9; 1943 Nos.50 & 53; 1946 No 21; 1948 No.31; 1950 No.28 1970 No.51; 1974 No.31; 1990 c.54
Avalon Telephone Company (Custom Duties)	1943 No.53
Avalon Telephone Company (Long Distance)	1939 No.9
Avalon Telephone Company (Telephone Charges)	1948 No.31
Axtell, Warren S. and Government (Ratification of Agreement)	1963 No.5
<b>B</b>	
Baie Verte, Hospital at (see Labrador City, Happy Valley and Baie Verte (Building))	
Bay of Islands Light & Power Company, Limited	1927 c.7
Bay of Islands Steam Contract	1917 c.5
Bell Island, Hospital for	1963 No.53
Bell Island Tramways	1913 c.15
Bennett Brewing Company Authorization	1977 c.22; 1978 c.35
Bennett, Charles Fox, Estate of	1943 No.1

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Big Nama Creek Mines Limited	1966 No.56 (Deemed in force Sept.1,1965; but see section 6)
Big Nama Creek Mines Limited (Agreement)	1966-67 No.16; 1971 No.40
Bishop Jones Educational Trust Corporation	1939 No.32
Blue Wave - Blue Mist II Disaster Fund Association (See also Schedule A to Act No.29 of 1973)	1966-67 No.43; 1973 No.29 (Schedule B)
Board of Trade, Newfoundland	1909 c.2; 1910 c.1 (See R.S.C. 1970 c.B-8)
Bonavista Regional Library Board (Vesting of Land)	1949 No.92
Botwood Water Corporation (See also Schedule A to Act No. 28 of 1973)	1952 No.36; 1954 No.61; 1961 NO. 27
Bowater's and Government, Lands Transfer and Licences Extension, Agreement	1947 No.8
Bowater's (Confirmation of Rights and Powers)	1955 No.42
Bowater's Conversion Loan Guarantee	1942 Nos.35 & 45; 1943 No.56
Bowater's Newfoundland (See also Alexis Watershed (Timber Operations), City of Corner Brook Forests Management Clarification, 1977 c.67)	1938 No.53; 1947 No.8

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Bowater's Newfoundland Pulp and Paper Mills, Limited, in respect of the manufacture of certain timber cut on Crown Lands, To indemnify	1940 No.1; 1947 No.8; 1942 Nos 35 & 45
Boy Scout Association	1924 c.6
Boylan, M. James (Agreement)	1964 No.12
Boylan, M. James (Authorization of Agreements)	1959 No.55
Boylan, M. James (Confirmation of Agreement)	1955 No.43; 1957 No.24; 1959 No.16
Brinco (See Government-British Newfoundland Corporation Limited-N.M. Rothschild and Sons)	
Brinco Limited (Labrador Agreements)	1974 No.90; 1978 c.81
Brinex (See Government - British Newfoundland Exploration Limited (Authorization of Agreement)	
British Admiralty Property	1947 No.5
British Columbia Packers Limited (Local Taxation) (See also Schedule A to Act No.29 of 1973)	1964 No.20 (in force as of Oct. 4,1962) Repealed by 1990 c.47 Sch. Item 2
British Newfoundland Corporation Limited (Brinco), Acts re: (See also Government - British Newfoundland Corporation Limited N.M. Rothschild & Sons)	1953 No.63; 1954 No.18; 1955 No 48;1964 No.44; 1966-67 No.72; 1968 No.70; 1969 No.81; 1970 No.49; 1966 No.53; 1966-67 No.73; 1970 No.70

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
	1974 No.90; 1978 c.77 (Rep. 1966-67 No.73)
British Newfoundland Exploration Limited (See also Government - British, etc.)	1957 No.28; 1962 Nos.17 & 73; 1963 Nos.26 & 47; 1964 No.26; 1965 No.59; 1966 No.82; 1966-67 Nos.28 & 33; 1968 No.45; 1969 Nos.48 & 90; 1970 Nos. 66 & 64; 1971 No.72; 1978 c.24
Burgeo Fish-Plant (1976) Agreement	1977 c.24; Rep. 1983 c.61 s.1
Burgeo Fish Plant Amending Agreement	1980 c.16; Rep. 1983 c.61 s.1
British Red Cross Societies Transfer	1949 No.99
Buchans Companies (See Anglo Newfoundland Development Company Limited-Buchans (Exploration and Development))	
Burin Peninsula, Establishment of Electric Power Service on	1929 c.4; 1938 No.35; 1943 No.2
Bus Franchise Termination (Golden Arrow)	1949 No.76
<b>C</b>	
C.A. Pippy Park	1966 No.67
Cable Company, Confirmation of Agreement with Direct United States	1911 c.7
Canada Bay Lumber Agreement	1974 No.82 Rep. 1981 c.7 s.1
Canadian Amco Limited Agreement (See Government - Canadian Amco Limited (Agreement))	

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Canadian Javelin Limited, Acts re:	1955 (2nd Sess.) No.1; 1956 No 1957 No.84; 1959 Nos.33,3 36; 1960 Nos.41 & 43; 196 15 & 78; 1965 No.46; 1966 No. 12; 1966-67 No.60; 1970 No.90 1971 No.36; 1972 No.38; 19 No.51; 1975 No.65; 1977 c. 3
Canadian Machinery and Industry Construction Limited (Confirmation of Agreement) (See also Government - McNamara Construction of Newfoundland)	1951 (2nd Sess.) No.3; 1959 No 1961 No.11
Canadian Marconi International Radio-Telephone Service	1938 No.43
Cape Race Lighthouse, Transfer of, to Canada	1886 c.4
Carbonear Water Company (See also Schedule A to Act No.28 of 1973)	1952 No.47; 1957 No.4
Carbonear Water Supply (See also Schedule A to Act No.28 of 1973)	1884 c.6; 1934 No.32
Carino Company Limited	1982 c.68
Carol Lake Company (See also Wabush - Carol Agreement))	1959 No.37; 1959 No.38; 1960 No 77; 1962 No.46; 1964 No.15
Carol Pellet Company (Iron Ore Processing)	1962 No.51; 1964 No.15
Cattle Raising, Encouragement of (The West Coast Cattle Ranchers Limited)	1918 c.17

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Central Trust Company	1985 c.23
Children's Trust Account (Confirmation)	1974 No.48
Church of England (See Anglican Church of Canada (Name) and Diocesan Synod Property)	
Church of England College, Guaranteeing of a loan to	1928 c.11
Churchill Falls (Labrador) Corporation Limited, Acts re:	1961 No.51; 1963 No.2; 1964 No. 43; 1966 No.53; 1966-67 N.84; 1968 No.101; 1969 No.77; 1969 No.76; 1970 No.62; 1980 c.40
City of St. John's (Agreement) (See also Schedule A to Act No.28 of 1973)	1952 No.67
City of St. John's (Development) (See also Schedule A to Act No.28 of 1973)	1964 No.16
City of St. John's (Loan) (See also Schedule A & Act No. 28 of 1973)	
City of St. John's (Loan), 1956	1956 No. 19
City of St. John's (Loan), 1958	1958 No. 36
City of St. John's (Loan), 1966	1966 No. 81
City of St. John's (Loan), 1969	1969 No. 49; 1970 No. 58
City of St. John's (Loan), 1971	1971 No. 62
City of St. John's (Loan), 1974	1974 No. 13
City of St. John's (Loan), 1975-76	1975-76 No. 5; 1980 c.29

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
City of St. John's (Loan), 1978	1978 c.9; 1980 c.29; 1981 c.74; 1983 c.74; 1986 c.48
City of St. John's (Stadium Loan)	1954 No.23
Clarenville Land Vesting	1946 No.37
Clarenville Light & Power Company Limited (Customs and Concessions) Extension	1948 No.35
Clarenville Light & Power Company Limited franchise	1933 c.2
Coal Deposits of the Colony, Contract for Development of	1910 c.23
Coal Fields, St. George's	1919 c.25
Coastal Mail Contract	1919 c.3
Coastal Mail Service Contracts	1911 c.9
Coastal Steam Contract, Arbitration	1919 c.4
Coastal Steam Mail Service	1904 c.5
Cold Storage Fresh Fish Corporation Limited (Agreement)	1926 c.7
Colonial and Continental Church Society, Incorporation	1862 c.11
Colonial and Continental Church Society, Lands	1863 c.16
Cominco Limited (Agreement)	1966-67 No.20

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Commercial Cable Company Agreement	1906 c.10; 1922 c.8; 1926 c.9
Commercial Cable Co. of New York	1906 c.10; 1922 c.8; 1926 c.9
Commodore Mining Company Limited (Agreement)	1968 No.55; 1971 No.41; 1973 No 46; 1975-76 No.66
Communication between Great Britain & North America	1907 c.15
Conception Bay Electric Company, To Incorporate	1913 c.4; 1914 c.7; 1919 c.13; 1943 No.52
Congregational Church Trusts	1849 c.14
Congregational Home Missionary Society of Newfoundland, Transfer of certain properties	1918 c.14
Consolidated Rambler Mines Limited	1963 No.46; 1964 No.3; 1965 No.
Continental Distilleries	1933 c.5
Corner Brook Area Electricity Supply	1951 No.18; 1962 No.14
Corner Brook - Deer Lake School Tax Areas (Confirmation of Tax)	1957 No.79; 1963 No.28
Corner Brook Hospital and Nurses Residence (Building and Extension)	1963 No.71
Corner Brook (Public Building)	1964 No.59
Corner Brook, To Confirm the Titles to Certain Lands at	1925 c.27

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Cotton Mills Limited (Agreement) (See Government - Newfoundland Textiles, United Cotton Mills)	1951 (2nd Sess.) No.12
Coughlan College Incorporation	1965 No.14; 1971 No.27
Crowe, Harry J., Agreement with Government	1926 c.4 and c.5
Crown Zellerbach (See Government-Crown Zellerbach Corporation (Authorization of Agreement Custom Smelter in Newfoundland, Establishment of	1929 c.22; 1931 c.20
<b>D</b>	
D'Arcy Exploration Company (Petroleum)	1921 c.8
Deer Lake Pulp and Paper Industry (See Pulp and Paper..)	1912 c.8
Deer Lake School Tax (See Corner Brook-Deer Lake School Tax Areas (Confirmation of Tax))	
Diocesan Synod Property	1877 c.17
Direct United States Cable Company Limited, Confirmation of Contract with	1911 c.7
Distillery in St. John's (See Continental Distilleries) Dock at Harbour Grace, Construction and operation of a Marine Railway	1911 c.28
Dock, Dry or Graving, at St.John's	1883 c.5; 1884 c.4; 1925 c.22

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Dominion Co-operative Building Association	1920 c.5
Dominion Iron and Steel Company Limited and the Nova Scotia Steel and Coal Company Limited Contract between Government and	1930 c.5
Dominion Iron and Steel Company Limited Confirmation of Agreement between the Government and	1910 c.27
Dominion Steel and Coal Corporation Limited (Land Titles)	1949 No.6
Dominion Steel and Coal Corporation Dominion-Wabana Ore Limited and Nova Scotia Steel and Coal Company Limited (Confirmation of Agreement)	1954 No.32
Dominion Trust Company, To Incorporate	1913 c.6
<b>E</b>	
Eastern Trust Company, To Incorporate	1913 c.7
Educational Trust, Bishop Jones, Incorporation	1939 No.32
Electric Reduction Company of Canada Limited (Agreement) (See also Government-Erco Industries (See Agreement, 1980)	1966-67 No.49; 1969 No.44 also 1980 c.38)
Esquimaux, Collection and Distribution of Estates of certain	1920 c.11

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
<b>F</b>	
Falconbridge Nickel Mines,Limited	1951 No.90
Fish Plants (Building)	1965 No.58; 1966-67 No.70 (deemed in force Aug.18,1966); 1969 No.46 (Sec.6 deemed in force Aug.18,1966; remainder of Act deemed in force Dec.1,1968)
Fishermen's & Sailor's Home Joint Stock Company Limited	1910 c.2
Fishery Products Limited (Guarantee)	1975 No.48
Flintkote Company (See Government-Flintkote-Atlantic Gypsum Limited) (Authorization of Agreement)	1960 No.80; 1966-67 No.71; 1970 No.63
Fluorspar Limited, Newfoundland (Agreement) (See Government-Newfoundland Fluorspar) Forbes, James (Pension)	1951 No.63
Forest Products Limited (Confirmation of Agreement), International	1953 No.36
Fort Pepperrell Hospital	1964 No.56
Frobisher Limited (Agreement)	1951 No.91; 1955 No.27; 1956 No.21; 1959 No.41; 1963 No 9; 1968 No.90; 1971 No.60 (Deemed in force March 1, 1971)

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
<b>G</b>	
Gadens Limited and Labatt Breweries of Newfoundland Limited Authorization	1979 c.9
Gander Hospital	1961 No.44 Repealed by 1990 c.47 Sch. Item 6
Gander Valley Power and Paper Company Limited, Agreement	1923 c.7; 1930 c.7; 1933 c.42
General Seafoods Corporation	1939 No.49
Golden Arrow Coaches Limited, Termination of Exclusive Franchise	1949 No.76
Golden Eagle Agreement (See Government-Golden Eagle Refining Company of Canada, Limited (Agreement))	
Golden Eagle Company Authorization	1978 c.32
Goose Bay Air Base	1945 No.1
Goulds Turf Club Limited	1964 No.61
Government-Abitibi Paper Company (See Labrador Linerboard Limited Agreement Act)	
Government Acquisition of Certain Lands (Reid Block 170)	1933 c.44

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Government-A.N.D. Company Limited and American Smelting and Refining Company (Authorization of Agreement) (See also Act No. 25 of 1949)	1959 No.31; 1964 No.37
Government-Atlantic Gypsum Limited-Lundrigans Limited (Agreement)	1969 No.89; Rep. 1979 c.37
Government-Warren S. Axtell (Ratification of Agreement)	1963 No.5
Government-Brinco Limited-N.M. Rothschild & Sons Limited and Brinco Mining Limited Act, 1983	1983 c.78
Government-British Newfoundland Corporation Limited-N.M.Rothschild child & Sons (Agreement)	1953 No.63; 1954 No.18; 1955 No.48 1964 No.44; 1966-67 Nos.72 & 73; 1969 No.81; 1970 No.9 1982 c.57
Government-British Newfoundland Corporation Limited-N.M.Rothschild & Sons (Supplemental Agreement) 1978	1978 c.25; 1979 c.24 (in force Sept.24,1979); 1983 c.21
Government-British Newfoundland Exploration Limited (Authorization of Agreement) 1957 (Amdt.)	1957 No.28; 1960 No.75; 1962 No.73 1963 No.26; 1964 No.26; 19 5 No.59; 1966-67 No.28; 1968 No.45; 1969 No.90; 1970 No 66; 1978 cs.24 and 35; 197 c.31 (in force Sept.24,1979)
Government-British Newfoundland Exploration Limited (Authorization of Agreement) 1962	1962 No.17
Government-Canadian Amco Limited (Agreement)	1953 No.37

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Government-Crown Zellerbach Corporation (Authorization of Agreement)	1958 No.42
Government-Dominion Steel and Coal Corporation Limited, Dominion Wabana Ore Limited and Nova Scotia Steel and Coal Company, Limited (Confirmation of Agreement)	1954 No.32
Government-E.T.Donaldson and H.W. Knight (Agreement)	1957 No.77
Government-Erco Industries Limited Agreement, 1980	1980 c.38 (See also 1966-67 No.49; 1969 No. 44)
Government-Flintkote Company-Atlantic Gypsum Limited (Authorization of Agreement)	1960 No.80; 1961 No.33; 1966-67 No.71 (ss. 2 and 3 are deemed in force Jan.27,1961; 1970 No.63)
Government-Golden Eagle Refining Company of Canada Limited (Agreement), 1960	1960 No.16
Government-Grandroy Mines Limited (See Grandroy Mines Limited (Agreement))	
Government-Hansa Explorations Limited (Authorization of Agreement)	1966 No.16; 1966-67 No.53 (sec 2 and 3 deemed in force Jan.1,1967); 1969 No.14
Government-International Fisheries & Fishmeal Limited (Agreement) See also Schedule A to Act No. 29 of 1973)	1966-67 No.50; Rep. 1983 c.61 s.1

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Government-Javelin Taxation (Confirmation of Agreement)	1959 No.33; 1960 No.43
Government-Labrador Mining and Exploration Company Limited (See Labrador Mining and Exploration Company Limited)	
Government-Leitch Gold Mines Limited (See Leitch Gold Mines Limited (Agreement))	
Government-Mokta (Canada Ltee (Agreement) (See Mokta (Canada Ltee Agreement))	
Government-M. James Boylan (Agreement (and see Boylan)	1957 No.62
Government-McNamara Construction of Newfoundland Limited and Canadian Machinery and Industry Construction Limited (Authorization of Agreement)	1959 No.58; Rep. 1983 c.61 s.1
Government-Newfoundland and Labrador Corporation Limited (See Newfoundland and Labrador Corporation Limited)	
Government-Newfoundland Cement Company Limited and North Star Cement Limited (Authorization of Agreement)	1959 No.54; Rep. 1983 c.61 s.1
Government-Newfoundland Fluorspar Limited (Agreement)	1953 No.35

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Government-Newfoundland Forest Products, Bowaters and Lundrigans (Confirmation of 1975 Agreements)	1977 c.16 (deemed in force Sept.15, 1975)
Government-Newfoundland Marine Works Limited (See Marystown Shipyard (Miscellaneous Provisions))	
Government-Newfoundland Pulp & Chemical Co.Limited (Authorization of Agreement) (See also Elexis Watershed (Timber Operations), Forests (Exchange and Acquisition))	1960 No.72; 1963 No.67; 1966-67 No.83; 1969 No.64; 1970 No
Government-Newfoundland Pulp & Chemical Co. Limited (Loan and Confirmation of Supplemental Agreement)	1966-67 No.83
Government-Newfoundland Refining Company Limited (Agreement)	1968 No.86 (Repeals Avalon Co Chemical Plant (Building Act, 1966-67); 1970 No.93 (In force Aug.29,1970); 1973 No.53; 1977 c.56
Government-Newfoundland Steel (1968) Company Limited-Lundrigans Limited (Termination of Agreement)	1973 No.90
Government-Newfoundland Textiles-United Cotton Mills (Agreement)	1962 No.31; Rep. 1983 c.61 s.1
Government-New Jersey Zinc Exploration Company (Canada) Limited	1954 No.50

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Government-O'Brien Gold Mines Limited (See O'Brien Gold Mines Limited (Confirmation of Agreement))	
Government-Pelly-Shaw Newfoundland Limited (Authorization of Quarry Lease)	1966 No.38
Government-Pyramid Mobile Homes (Confirmation of Agreement)	1974 No.79 (deemed in force Sept.21,1973) Rep.1978 c.17 s.4
Government-Robin Hood Flour Mills Limited (Agreement)	1963 No.11; 1969 No.47 (in force Sept.1,1969); 1971 No.82
Government-Seigheim (Agreement)	1951 No.92
Government-Sturgeon River (See Sturgeon River)	
Government-The Union Electric Light and Power Company (Confirmation of Franchise Agreement)	1955 No.44
Government-Wabanex Energy Corporation of Canada Limited (Confirmation of Agreement)	1975-76 No.4; Rep. 1983 c.61 s.1
Government-Wabush Lake Railway Company Limited-Canadian Javelin Limited-Agreement	1955 (2nd.Sess.) No.1; 1956 No.26
Government-Wood Products Limited and Newfoundland Fibrply Limited (See Newfoundland Fibrply Limited (Agreement))	
Grace Hospital Extension	1962 No.16; 1964 No.33

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Grand Bank Water Company	1915 c.5
Grand Falls and other Areas Electricity Supply	1956 No.36; 1962 No.58
Grand Falls, Bishop of and Roman Catholic Episcopal Corporation of (See Roman Catholic Episcopal Corporation of Grand Falls) Grand Falls Hospital (Building)	1960 No.33; 1964 No.8 Repealed by 1990 c.47 Sch. Item 7
Grand Falls Hospital Corporation Limited (See Grand Falls Hospital (Building))	
Grand Falls Public Building (Construction)	1966 No.15
Grandroy Mines Limited (Agreement)	1964 No.11
Graving Dock, Dry or, at St.John's	1883 c.5
Great Lakes Newfoundland Atlantic Company, Limited, Agreement with	1930 c.6; 1933 c.6; 1938 No.32; 1940 No.13; 1944 No.4
Grenfell Association (See International Grenfell Association)	
Gullbridge Mines Limited	1964 No.22
<b>H</b>	
Hanning Electric (Confirmation of Agreement)	1953 No. 48; Rep. 1983 c.61 s.1

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Hansa Explorations Limited (Authorization of Agreement) (See Government-Hansa Exploration)	
Happy Valley, Hospital at (See Labrador City, Happy Valley and Baie Verte Hospitals (Building))	
Harbour Grace, An Act to Encourage and Assist the Construction and Operation of a Marine Railway Dock at	1911 c.28
Harbour Grace Golf Course	1966-67 No.90
Harbour Grace Hospital Fund (Transfer)	1949 No.22
Harbour Grace Water Company Corporation	1863 c.5; 1864 c.4; 1870 c.6; 1 c.8; 1881 c.10; 1887 c.17; 1897 c.11; 1899 c.21; 1907 c.8; 1942 No.31; 1951 No.7 1952 No.48
Harmon Corporation	1966-67 No.25; 1973 No.28 1979 No.11 s.6; 1981 c.4 D Item 3; Repealed by 1988 c.23 s.2
Heart's Content Water Supply	1883 c.21
Holyrood Pond Fisheries Limited Agreement	1927 c.3; 1932 c.4
Hooker Chemicals (Nanaimo) Limited (Agreement)	1968 No.77
Horse (See Goulds Turf Club Limited, Kilbride Harness Horse Club Limited, St. John's Harness Horse Club Limited, Suburban Turf Club Limited)	

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Horwood Lumber Company Limited, Issue of Timber Licence to	1944 No.26
Hospital Fund (Transfer) Harbour Grace	1949 No.22
<b>I</b>	
Insurance Company of Newfoundland, An Act to Incorporate the Newfoundland Marine (See Newfoundland Insurance Company)	
Insurance Corporation of Newfoundland Limited Authorization	1981 c.26
Inter-Colonial Development Company Limited, To Confirm Agreement with	1913 c.9
International Fisheries & Fishmeal Limited (See Government-International Fisheries & Fishmeal, Limited (Agreement))	
International Forest Products Limited (Confirmation of Agreement)	1953 No.36
International Grenfell Association, An Act Relating to the	1931 c.8
International Grenfell Association Lands	1932 c.16
International Paper Company of Newfoundland Limited, Agreement between Government and	1927 c.4; 1935 N0.42; 1943 No.5
<b>J</b>	
Julienne Lake (Mineral Lands)	1959 No.35; 1964 No.15; 1965 No 46

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Julienne Lake Deposit (Reversion)	1975 No.65
J.W. Pickersgill Fellowship	1968 No.7; 1973 No.35
<b>K</b>	
Kennco Explorations (Canada) Limited (Agreement)	1973 No.106
Kilbride Harness Club Limited	1964 No.60
King, Superannuation allowance to Matthew Gilbert	1949 No.60
Knitting Mills (See Newfoundland Knitting Mills)	
Knoll Lake Minerals Limited (See Nalco)	
Koch Shoes Limited (Confirmation of Agreement)	1953 No.41; Rep. 1983 c.61 s.1
<b>L</b>	
Labrador City, Happy Valley and Baie Verte Hospitals (Buildings)	1963 No.73
Labrador Hydro-Electric (Loan and Guarantee)	1974 No.89
Labrador Linerboard Limited Agreement	1979 c.11; 1984 c.44; 1986 c.18; 1990 c.58 s.157(2) (not in force December 31, 1990)
Labrador Mining and Exploration Company Limited and Iron Ore Company of Canada (Authorization of Agreement)	1969 No.52

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Labrador Mining and Exploration Company, Limited, Confirmation of Agreement between the Government and (See also Labrador Mining and Exploration Company Limited Water Power Licence (Clarification and Revision)	1938 No.41; 1941 No.15; 1944 No.47; 1951 No.3; 1952 No.34; 1955 (2nd.Sess.) No.4; 1962 No.54; 1963 No.34; 1964 No.15; 1974 No.69 (Deemed in force Jan. 1,1965)
Labrador Mining and Exploration Company Limited Water Power Licence (Clarification and Revision)	1961 No.50
Labrador Railway (See also Railway through Labrador)	1948 No.3; 1955 (2nd Sess.) No 3; 1959 No.50; 1962 No.48; 1964 No.15
Labrador, To Ratify Agreements Relating to Mining Concessions in	1933 c.33
Lake Apartments (Administrator)	1973 No.1
Lake Melville Development	1939 No.29
Lands, An Act Respecting the Acquisition by the Government of Certain	1933 c.44
Lands Transfer and Licences Extension (Government and Bowater's) Agreement	1947 No.8
Lands Transfer (Crown and Reid Newfoundland Company) (See also Schedule A to The Department of Tourism Act, 1973)	1957 No.41
Leitch Gold Mines Limited (Agreement)	1964 No.4; 1966 No.69; 1969 No 85; 1973 No.17; 1975 No.24

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Light and Power Company Limited, An Act Respecting the Bay of Islands	1927 c.7
Lundrigans Limited (See Government-Atlantic Gypsum Limited-Lundrigans Limited (Agreement), Government-Newfoundland Steel (1968)Company Limited-Lundrigans Limited (Termination of Agreement)	
<b>M</b>	
MacFarlane, Superannuation Allowance to David McCrindle	1947 No.37
Manufacture of Explosives, Encouragement of	1911 c.11
Manufacture of Pulp and Paper (See: Anglo-Newfoundland Development Corporation)	1905 c.10; 1950 No. 46; 1951 No. 34; 1958 No.20
Marconi Wireless Telegraph Company of Canada Agreement (See also 1926 c.20 and 1930 c.18)	1906 c.9; 1913 c.24; (check 192 c.19; 1930 c.18)
Marine Railway Dock at Harbour Grace, To Encourage and Assist Construction and Operation of	1911,c.28
Marine Science Laboratory (Building)	1966 No.17
Marine Shells from Labrador and Islands adjacent thereto, Export of	1931 c.25; 1932 c.3; 1933 c.52
Maritime Hospital Service Association Re Incorporation (See also Schedule A to Act No.39 of 1973)	1949 No.56; 1952 No.42; 1957 No.50; 1974 No.43

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Marystown Shipyard Construction Limited (Tax Exemption)	1966 No. 48
Marystown Shipyard (Miscellaneous Provisions)	1973 No.111 (in force Feb.28,973)
Master Builders (See Newfoundland Master Builders)	
McIntyre Porcupine Mines Limited (Agreement)	1968 No.53
Mechanics' Society (See St. John's Mechanics' Society, Incorporation of)	
Melville Pulp and Paper Limited (Authorization of Agreement) (See also the Act No.13 of 1973)	1966-67 No.44; 1968 No.72; 1972 No.38
Memorial University (Arts and Education and Physics and Chemistry Buildings)	1965 No.41; Repealed by 1990 c.47 Sch. Item 12
Memorial University Building, 1959	1959 No.71; Repealed by 1990 c.47 Sch. Item 11
Memorial University College	1931 c.13; 1933 c.8
Memorial University of Newfoundland Students' Union	1968 No.22; 1971 No.71 (in for Aug.3, 1971)
Methodist Incorporation and Trust	1884 c.15
Mines and Forests (Newfoundland) Limited, Licence to Cut Timber	1937 No.20

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Mining Concessions in Labrador, An Act to Ratify Certain Agreements Relating to	1933 c.33
Mining Grant No.11 (Conveyance of Minerals)	1966 No.52 (in force Sept.27, 1966) s.2, 1989 c.36 s.1
Mokta (Canada) Ltee (Agreement)	1965 No.6
Montreal Trust Company	1920 c.3; 1924 c.3
Montreal Trust Company of Canada	1981 c.80
Mooney, Malcolm Joseph, Agreement with Government	1923 c.4
Mooring Cove Fish Plant (Building)	1966 No.46; 1966-67 No.89; Repealed by 1990 c.47 Sch. Item 15
Moravian Church in Newfoundland and Labrador	1970 No.40
Mortier Bay Development	1958 No.43 (in force June 4,1958); 1961 No.45; 1962 No.61; 19 3 No.66 (all these Acts were repealed on the coming into force of The Mortier Bay Development (Repeal and Clarification) Act, 1966, the Act No.45 of 1966)
Mortier Bay Development (Repeal Clarification)	1966 No.45 (in force, March 18, 1977)
Mortier Bay Free Port	1938 No.32; 1944 No.4
<b>N</b>	
Nalco-Javelin (Mineral Lands), 1957 (See also Nalco (Partition Agreement)	1957 No.84 (sections 4 to 11 in force June 28,1957); 1960 No.41; 1964 No.78

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Nalco-Javelin (Mineral Lands), 1959	1959 No.36; 1964 No.15
Nalco (Partition Agreement)	1964 No.78
National Sea Products Limited (Grants and Subsidies) (See also Schedule A of Act No.29 of 1973)	1971 No.11 (deemed in force November 18, 1970)
Newfoundland-American Packing Company Inc.Confirmation of Contract with	1915 c.3
Newfoundland and Labrador Corporation Limited (See also Julienne Lake (Mineral Lands), Nalco-Javelin (Mineral Lands), Nalco (Partition))	1951 No.88; 1952 No.3; 1953 No. 64; 1957 No.83(in force June 28,1957); 1959 No.34 1960 No.42; 1963 No.38; 1964 Nos. 15 and 78; 1; 965 No.5 ; 1968 No.102; 1985 c.9
Newfoundland and Labrador Corporation Limited (Agreement)	1968 No.78
Newfoundland Asbestos Limited (Confirmation of Agreement)	1951 (2nd.Sess.) No.2; 1952 No.3
Newfoundland Board of Trade, Incorporation	1909 c.2; 1910 c.1; 1971 No.52 (to be proclaimed; when proclaimed the two above mentioned Acts will stand repealed)
Newfoundland Cement Company (See Government-Newfoundland Cement Company Limited and North Star Cement Limited (Authorization of Agreement)	
Newfoundland Central Council Branch of the British Red Cross Society, Disposal of Securities of	1949 No.99

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Newfoundland Cold Storage Fresh Fish Corporation Agreement with Government	1926 c.7
Newfoundland Federation of Fishermen (See also Schedule A to Act No.29 of 1973)	1951 No.70
Newfoundland Fibrply Limited (Agreement)	1963 No.37; Rep. 1983 c.61 s,1
Newfoundland Fluorspur Limited (See Government-Newfoundland Fluorspur Limited (Agreement))	
Newfoundland Forest Products (See Government-Newfoundland Forest Products, etc.)	
Newfoundland Knitting Mills	1917 c.1
Newfoundland Light and Power Company, Limited (Customs concessions)	1948 No.37
Newfoundland Marine Insurance Company, An Act To Incorporate	1911 c.5; 1962 No.53; 1973 No.39
Newfoundland Marine Works Limited (See Marystown Shipyard (Miscellaneous Provisions))	
Newfoundland Master Builders Association, To incorporate	1915 c.1
Newfoundland Milling Company Limited, To Confirm Agreement with	1924 c.1

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Newfoundland Oil Fields Limited, To Confirm Agreement between Government and	1910 c.24
Newfoundland Patriotic Association Fund	1949 No.24
Newfoundland Products Corporation Limited, Confirmation of Contract with (Later Newfoundland Power and Paper Company Limited)	1915 c.4; 1917 c.3; 1919 c.12; 123 c.1; 1927 c.4
Newfoundland Pulp and Chemical Company (See Government-Newfoundland Pulp and Chemical Company Limited (Authorization of Agreement))	
Newfoundland Railway and Train Ferry Syndicate Limited	1914 c.6; 1915 c.2
Newfoundland Railway Incorporation	1881 c.2
Newfoundland Railway, Maintenance and Operation	1898 c.6; 1900 (2nd.Sess.)c.4; 1901 c.6; 1921 c.16
Newfoundland Railway, Purchase by Government	Cons.Statutes 1892 c.35
Newfoundland Refining Company Limited (Agreement) (See Government-Newfoundland Refining Company Limited Agreement)	
Newfoundland Salt Cod Fish Association	1936 No.12; 1941 No.33
Newfoundland Savings Bank	RSN 1952 c.252; 1961 No.39; Stat. Can.1963 c.28 (to be proclaimed;

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
	when proclaimed the two provincial Acts will stand repealed)
Newfoundland Steel Company Limited	1966 No.57; Rep. 1983 c.61 s.1
Newfoundland Tanneries-William Dorn Limited (Confirmation of Agreement)	1951 (2nd Sess.) No.11; Rep. 1983 c.61 s.1
Newfoundland Textiles (See Government-Newfoundland Textiles-United Cotton Mills (Agreement))	
New Jersey Zinc Exploration Company (Canada) Limited (See Government-New Jersey Zinc Exploration Company (Canada) Limited)	
New York, Newfoundland and London Telegraph Company, Grant of Mining Property to	1946 No.39
New York, Newfoundland and London Telegraph Company, Incorporation	1854 c.2; 1856 c.12; 1857 c.1; 1867 c.17; 1898 c.5; 1932 c.26; 1946 No.39
Noranda Exploration Company, Limited (Agreement)	1971 No.58
North American Fisheries Limited Confirmation of Agreement between Government and	1938 No.4; 1939 No.33
North Star Cement Limited (See Government-Newfoundland Cement Company Limited and North Star Cement Limited (Authorization of Agreement))	

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
North West Products Company Limited, To Grant Advantage To	1933 c.3
Northern Electric Light and Power Com- pany, To Incorporate	1913 c.5
Northern Land Company Limited (See Wabush-Carol (Agreement))	
Nova Scotia Steel and Coal Company Limited, Confirmation of Agree- ment between the Government and	1910 c.26
Nova Scotia Steel and Coal Company Limited, Contract between the Government and the Dominion Iron and Steel Company Limited, and the	1930 c.5
Nova Scotia Steel and Coal Company Limited (Land Titles)	1949 No.7
Nova Scotia Steel and Coal Company Limited, Timber Licences	1933 c.41; 1940 No.16
<b>O</b>	
O'Brien Gold Mines Limited, (Confirma- tion of (Agreement))	1963 No.36; 1965 No.2; 1968 No. 90 (in force June 20,1963)
Octagon Land (Confirmation of Title)	1953 No.47
Oil (See Newfoundland Oil Fields Limited, Agreement with Govern- ment)	
Oil Corporation, Santa Cruz, Confirma- tion of an Agreement between Government and	1938 No.4; 1939 No.33

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Orange Lodge of Newfoundland, The Provincial Grand	1944 No.44; 1945 No.8
Orr-Newfoundland Company Limited, Agreement	1913 c.8
<b>P</b>	
Parsons Pond Oil Lands Vesting	1951 No.89; 1952 No.33
Patino Mining Corporation (Agreement)	1966-67 No.17
Patriotic Fund, To Incorporate the	1915 c.7; 1920 c.46
Patriotic Association Fund, Newfoundland (See Newfoundland Patriotic Association Fund)	
Pelly-Shaw Newfoundland Limited (See Government-Pelly-Shaw Newfoundland Limited (Authorization of Quarry Lease))	
Pension (Auditor General)	1968 No.100; 1982 c.48
Pension (Comptroller and Deputy Minister of Finance)	1966-67 No.92
Pension (Last President of Newfoundland Federation of Fishermen)	1974 No.104 (section 2 in force June 30, 1973)
Pension (Registrar of Supreme Court) 1963	1963 No.74
Pension (Registrar of Supreme Court) 1972	1972 No.44
Pensions (Broadcasting Corporation Employees)	1969 No.12 (in force August 2, 1969)

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Pensions (Gander Airport Employees)	1966-67 No.41 (in force May 1, 1967)
Pensions (Public Officers)	1966 No.75
People's Electric Company Limited	1919 c.7; 1929 c.4
Petroleum (D'Arcy Exploration Company)	1921 c.8
Placentia Water Company (Dissolution)	1946 No.6
Pickersgill, J.W., Fellowship (See J. W. Pickersgill Fellowship)	
Pilley's Island, An Act To Clarify the title to Certain Minerals at (See Mining Grant No.11 (Conveyance of Minerals))	
Pippy Park (See C.A. Pippy Park)	
Port aux Basques Hotel (Compensation for Land)	1962 No.42
Presbyterian Church (See Presbyterian Church in Canada, Presbyterian Incorporation, Trustee Board of The Presbyterian Church in Canada)	
Presbyterian Church in Canada, Eastern Section, To Incorporate the Board of Trustees of Century Church and Manse Building Fund for the	1902 c.9
Presbyterian Incorporation	1877 c.18
Price (Nfld.) Pulp & Paper Limited Authorization	1981 c.87

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Private Mining Carrier Railway in Labrador (See Carol Lake Company)	
Provincial Grand Orange Lodge of Newfoundland	1943 No.44; 1945 No.8
Public Service Electric Company Limited	1917 c.4
Public Utilities (Pension of Chairman)	1968 No.10; 1970 No.46 (deemed in force March 28, 1968)
Pulp and Paper (See Manufacture of Pulp and Paper)	
Pulp and Paper Corporation Contract	1921 c.9
Pulp and Paper Industry at Deer Lake, An Act Respecting the Establishment of a	1912 c.8
Pyramid Mobile Homes (See Government-Pyramid Mobile Homes)	
<b>Q</b>	
Queen's College (Conferring of Degrees),	1952 No.26; Rep. 1983 c.40 s.5
Queen's College (Conferring of Degrees), 1983	1983 c.40
Queen's College, Incorporation of	1963 No.40; 1966 No.25
Queen's Road Presbyterian Church (Lands)	1957 No.51
<b>R</b>	
Radex Minerals Limited (Agreement)	1970 No.69

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Railway (See Newfoundland Railway and Train Ferry Syndicate Limited)	
Railway Employees Welfare Association, To Confirm and Guarantee Loan by the Newfoundland Savings Bank to	1937 No.16; 1941 No.14
Railway Employees Welfare Association Limited, Vesting of Lands and Other Property in	1937 No.15
Railway from Whitbourne to Port aux Basques, Maintenance and Operation of	1893 c.3; 1896 c.16
Railway System of the Colony, Extension of	1910 c.12; 1913 c.13
Railway to Port aux Basques, Construction of	1893 c.2
Railway through Labrador, Construction of a	1913 c.14; 1916 c.14; 1924 c.5
Railway towards Hall's Bay, Construction of, and Branch to Brigus	Cons. Statutes 1892 c.34; 1893 c.1
Railway, Survey, Location, Construction, Completion, Equipment Maintenance and Operation of Certain Lines of	1897 c.4
Rambler Mines (See Consolidated Rambler Mines Limited)	
Red Cross Society (See British Red Cross Society)	

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Refinery Agreement (See also Government-Newfoundland Refining Company Limited (Agreement))	1973 No.55 Rep.1977 c.56
Reid Block 170, The Acquisition of	1933 c.44
Reid Lands (Acquisition)	1975 No.38
Reindeer Agreement	1973 No.13 (see also Schedule A to The Department of Tourism Act, 1973)
Riverside Woolen Mills	1917 c.2; 1936 No.40; 1944 No.48
Robin Hood Flour Mills Limited-Government (Agreement)	1963 No.11; 1969 No. 47 (in force Sept. 1, 1969) (See No.82 of 1971, sec.4)
Robin Hood Multifoods Limited (formerly Robin Hood Flour Mills Limited)(Amendment of Agreement)	1971 No.82
Roman Catholic Bishop of Grand Falls (See Roman Catholic Episcopal Corporation of Grand Falls)	
Roman Catholic Bishop of Harbour Grace (See Roman Catholic Episcopal Corporation of Grand Falls)	
Roman Catholic Bishop of St. George's, to Incorporate	1897 c.20; 1913 c.12
Roman Catholic Bishop of St. John's, to incorporate	1897 c.18; 1913 c.10; 1917 c.7
Roman Catholic Episcopal Corporation of Grand Falls	1897 c.19; 1913 c.11; 1965 No.5

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Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Roman Catholic Episcopal Corporation of St. John's Property	1922 c.9
Royal Canadian Legion	1978 c.3
Royal Trust Company	1905 c.11
Royal Trust Corporation	1978 c.13
<b>S</b>	
Sailors Home Joint Stock Company Limited, An Act Respecting the Fishermen's and	1910 c.2
Salt Codfish Association	1936 No.12; 1941 No.33
Salt Fish Plant (See Fish Plant Building)	
Salvation Army	1966-67 No.32
Santa Cruz Oil Corporation, Confirmation of Agreement between Government and	1938 No.4; 1939 No.33
Sea Foods Corporation (See General Sea Foods Corporation)	
Sea Mining Corporation Limited	1968 No.89 (in force Sept. 28, 1966)
Seibert, Walter E.(Fee Simple Grants)	1944 No.46
Seigheim (See Government)	
Seventh-day Adventist Church in Newfoundland and Labrador	1969 No.57
Shark Industry, Encouragement of	1928 c.9

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Shells, Export of Marine (See Marine Shells from Labrador)	
St. Anthony, Hospital at	1964 No.76
St. Clare's Mercy Hospital (Incorporation)	1960 No.39; 1973 No.7; 1981 c.1
St. George's Roman Catholic Bishop of (See Roman Catholic Bishop of St.George's)	
St. George's-Bay of Islands Coastal Mail Service Contract	1927 c.2
St. George's Coal Fields	1919 c.25
St. John's, Roman Catholic Bishop of (See Roman Catholic Bishop of St.John's)	
St. John's (Agreement) (See City of St. John's (Agreement))	
St. John's (Development) (See City of St. John's (Development))	
St. John's Dry Dock	1925 c.22
St. John's Gas Light Company	1895 c.39; 1905 c.19; 1907 c.10 1931 c.6; 1933 c.4
St. John's Harness Horse Club Limited	1963 No.64
St. John's Home for Aged and Infirm (Building)	1963 No.52

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
St. John's (Loan) (See City of St. John's (Loan))	
St. John's Mechanics' Society Incorporation	1834 c.22
St. John's Memorial Stadium (See also City of St. John's (Stadium Loan))	1974 No.32
St. John's Municipal (Loan) (See also City of St. John's (Loan)) (See also Schedule A to Act No. 28 of 1973)	1932 c.5; 1933 c.14; 1944 No.51 1953 No.33; 1954 No.14
St. John's Municipal Council Parks	1973 No.63
St. John's Stadium (See City of St. John's (Stadium Loan) and St. John's Memorial Stadium)	
St. John's Street Railway Company, To Incorporate	1896 c.20; 1899 c.30; 1923 c.5; 1925 c.11; 1944 No.52; 194 No.38 (in force Sept.15, 1948); 1962 No.70
St. Lawrence Timber Contract	1920 c.6; 1922 c.7
Steam Contract, Bay of Islands (See Bay of Islands Steam Contract)	
Steam Contract, Coastal (See Coastal Steam Contract, Arbitration)	
Steam Contract, West Coast (See West Coast (Steam Contract))	
Steers Limited, Erection of Fish Plants by (See Fish Plants (Building))	

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Street Railway Company, St. John's (See St. John's Street Railway Company)	
Stephenville Linerboard Mill (Agreement)(See also the Act No.13 of 1973)	1972 No.38 (in force May 16, 1972); 1973 No.51; 1975-76 No.62; 1977 c.53
Sturgeon River Mines Limited (Confirmation of Agreement)	1960 No.3; 1963 No.32 (in force Dec.1, 1961)
Suburban Turf Club Limited	1964 No.62
Sunshine Camp Association, Issue of Grant of Land to	1940 No.23
Superior Rubber Company Limited (Confirmation of Agreement)	1953 No.7; Rep. 1983 c.61 s.1
Susu Shipping Company Limited Contract	1920 c.4
<b>T</b>	
Tanneries (See Newfoundland Tanneries-William Dorn Limited)	
Telegraph Company, Incorporation (See New York, Newfoundland and London Telegraph Co.)	
Telegraph Company Limited, Western Union, An Act for the Confirmation of an Agreement between Government and (See Western Union Telegraph Company Limited)	

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Telephone and Telegraph American (See American Telephone and Telegraph Company)	
Terra Nova Oils Manufacturing Company Limited, Contract with	1931 c.5
Terra Nova Oil Products Company Limited, Agreement with Government	1926 c.8
Terra Nova Sulphite Company	1920 c.22; 1921 c.7; 1925 c.12
Terra Nova Textiles (See Government-Newfoundland Textiles-United Cotton Mills Agreement))	
Tramways at Bell Island	1913 c.15
Trustee Board of the Presbyterian Church in Canada	1956 No.30
Twillingate (Telephone Service)	1953 No.66; Rep. 1985 c.13 Sch. Item 33
Twillingate Electrical Company of Newfoundland, Incorporation of	1908 c.9
<b>U</b>	
Unifund Limited Authorization	1979 c.22
Union Electric Light and Power Company, To Incorporate (See also Government-The Union Electric Light and Power Company (Confirmation of Franchise Agreement))	1916 c.1; 1944 No.3
United Church of Canada	1926 c.3; 1961 No.8; 1982 c.36

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
United Cold Storage Company Limited, Guarantee of a Loan	1933 c.7
United Cotton Mills Limited (Confirmation of Agreement) (See also Government-Newfoundland Textiles-United Cotton Mills (Agreement))	1951 (2nd Sess.) No.12
United Towns Electric Company (See also Conception Bay Electric Company)	1902 c.8; 1914 c.8; 1924 c.4
United Towns Electric Company Limited (Confirmation of Rights and Powers)	1957 No.37
United Towns Electric Company Limited (Taxation)	1943 No.52
Upper Churchill Water Rights Revision	1980 c.40 (see also Churchill Falls (Labrador) Corp. Ltd., Acts re)
<b>W</b>	
Wabana Light and Power Company Limited	1928 c.1
Wabana Light and Power Company Limited (Customs Duties)	1943 No.45; 1949 No.1
Wabanex Energy Corporation Ltd. (See Government-Wabanex Energy Corporation Ltd. etc.)	
Wabush (See Nalco-Javelin (Mineral Lands), Wabush-Carol (Agreement), Wabush Lake Railway	
Wabush-Carol (Agreement)	1959 No.37; 1960 No.77; 1964 No.15

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Wabush Lake Railway (See also Government-Wabush Lake Railway Company Limited- Canadian Javelin Limited Agreement, Wabush-Carol (Agreement))	1955 No.57 (in force Sept.13, 1955); 1955 (2nd.Sess.) No.2; 1959 No.32; 1964 Nos. 15 and 50
Wabush Lake Railway Company Limited Loan (Repeal and Rescission)	1957 No.78 (sections 2 and 4 in force June 28, 1957)
Wabush Mines and Associated Companies (Tax Exemptions) (See Wabush (Tax Exemptions))	
Wabush (Tax Exemption)	1964 No.51
Water & Sewerage Corporation of Greater Corner Brook (See also Schedule A to Act No.28 of 1973)	1951 No.79; 1954 No.11; 1955 No.39; 1957 No.59
Waterfall Brook, Little St. Lawrence, Granting of Water Power to	1938 No.35
Weaver (Minerals) Limited (See Labrador Mining and Exploration Company Limited)	
West Coast Power Company Limited (Electricity)	1944 No.58
West Coast Steam Contract	1917 c.6
Western Marine Railway Limited Debentures	1925 c.13
Western Marine Railway Loan, Confirmation of	1932 c.2

Table of Local, Personal and Private Statutes

Act or Subject	Year enacted, Chapter or Number and amendments, etc.
Western Union Telegraph Company Limited, Confirmation of Contract with	1911 c.8
Wireless Telegraphs in Newfoundland, Operation of,	1926 c.19
Wireless Telegraphy, Operation of	1930 c.18
Women's Patriotic Association Fund (Disposal)	1948 No.8
Women's Patriotic Trust Fund	1920 c.45; 1921 c.3; 1925 c.4; 1943 No.31; 1955 (2nd.Session). No.6; 1971 No.25; 1975-76 No.22
Wood Products Limited (Agreement) (See Newfoundland Fibreply Limited (Agreement))	
Woolen Mills (See Riverside Woolen Mills)	







## Table of Acts Subject to Proclamation

Statutes and sections of Statutes passed before the coming into force of The Revised Statutes of Newfoundland, 1970 to come into force by Proclamation and the effective dates of Proclamations issued up to December 31, 1990.

Table of Acts subject to Proclamation

Short title	Year, No. or chapter & section	Date of coming into force	Date of Proclamation in Gazette
Mortier Bay Development (Repeal and Clarification) Act	1966 No.45	March 18,1977	March 18,1977
Building Contractors (Licensing) Act	RSN 1970 c.26		
City of St. John's Act	RSN 1970 c.40, s.250(3)		
Condominium Act	RSN 1970 c.57	Jan. 1,1975	Nov. 12,1974
Motorized Snow Vehicles and All-Terrain Vehicles Act	RSN 1970 c.243	Jan. 23,1976	Jan. 23,1976
Parliamentary Commissioner (Ombudsman) Act	RSN 1970 c.285	June 16, 1975	June 13, 1975
Public Trustee Act	RSN 1970 c.321		

## Table of Acts Subject to Proclamation

Statutes passed subsequent to The Revised Statutes of Newfoundland, 1970 to come into force by Proclamation and the effective dates of Proclamations issued up to December 31, 1990 .

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Insurance Contracts (Amdt.) Act, 1971	1971 No.3	Feb.1, 1973	Jan.30, 1973
Fire Insurance (Amdt.) Act, 1971	1971 No.4	Feb.1, 1973	Jan.30, 1973
Survivorship (Amdt.) Act, 1971	1971 No.5	Feb.1, 1973	Jan.30, 1973
Accident and Sickness Insurance Act, 1971	1971 No.6	July 1, 1971	June 24, 1971
Stamp (Amdt.) Act, 1971	1971 No.13	April 1, 1972	Feb.4, 1972
Judgment Debts (Instalments) (Repeal) Act, 1971	1971 No.43		
Crown Lands (Amdt.) Act, 1971	1971 No.46		
Mechanics' Lien (Amdt.)Act, 1971	1971 No.47	Jan. 1, 1972	June 24, 1971
Newfoundland Board of Trade (Repeal) Act, 1971	1971 No.52		
Minors (Attainment of Majority) Act, 1971	1971 No.71	Act, with the exception of Ss.18, 19, 20, 21 & 31, in force Aug. 3, 1971; Ss. 18, 19, 20, 21 & 31 in force July 25, 1972	July 29, 1971 July 24, 1972

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Newfoundland Veterinary Medical Act, 1971	1971 No.73	Sept.28, 1971	Sept.27, 1971
Automobile Insurance (Amdt.) Act, 1971	1971 No.74	July 1, 1971	June 24, 1971
Judicature (Amdt.) No.2) Act, 1971; section 4	1971 No.76	Dec.14, 1971	Dec.14, 1971
Emergency Compensation of Employees Act, 1971	1971 No.78	July 9, 1974	July 8, 1974
Mental Health Act, 1971; with exception of paragraph (b) of section 25 to be proclaimed	1971 No.80	Jan.1, 1975	Nov.8, 1974
Hospitals Act, 1971	1971 No.81	June 1, 1972	May 15, 1972
St.John's Fire Department Act, 1972	1971 No.82	Nov.21, 1972	Nov.20, 1972
Stephenville Linerboard Mill (Agreement) Act, 1972	1972 No.38	May 16, 1972	May 15, 1972
Judicature (Amdt.) Act, 1972; subsection (1) of section 3 to be proclaimed	1972 No.43	July 18, 1972	July 18, 1972

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Newfoundland Family Guidance Association Act, 1972	1972 No.61		
Unsolicited Goods and Credit Cards Act, 1973	1973 No.11	Aug.28, 1973	Aug.21, 1973
Collection Agencies Act,	1973 No.14	Apr.1, 1974	Apr.2, 1974
Automobile Dealers Act, 1973	1973 No.15	Dec.1, 1975	Nov.19, 1974
Termination of Employment Act, 1973	1973 No.19	May 5, 1976	May 4, 1976
Adoption of Children (Amdt.)Act, 1973	1973 No.50	Aug.13, 1974	Aug.13, 1974
Landlord and Tenant (Residential Tenancies) Act, 1973	1973 No.54	May 31, 1973	May 30, 1973
Newfoundland Crop Insurance Act, 1973	1973 No.78	June 22, 1973	June 26, 1973
Waste Material (Disposal) Act, 1973	1973 No.82	June 30, 1973	June 26, 1973
Motorized Snow Vehicles and All-Terrain Vehicles Act, 1973	1973 No.83	Oct.22, 1976	Oct.18, 1976

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Liquor Control Act, 1973	1973 No.103	June 26, 1973	June 26, 1973
Liquor Corporation Act, 1973	1973 No.104	June 26, 1973	June 26, 1973
Labour Relations (Amdt.) Act, 1973	1973 No.107	May 22, 1973	May 22, 1973
Conflict of Interest Act, 1973	1973 No.113	Dec.17, 1973	Dec.6, 1973
Newfoundland Teacher (Collective Bargaining) Act, 1973	1973 No.114	May 31, 1973	May 30, 1973
Newfoundland Public Service Commission Act, 1973	1973 No.116	Sept.3, 1974	Aug.30, 1974
Detention of Intoxicated Persons Act, 1973	1973 No.122	Dec.11, 1973	Dec.6, 1973
Bills of Sale (Amdt.) Act, 1974	1974 No.42	Sept. 3, 1974	Aug.27, 1974
Conditional Sales (Amdt.) Act, 1974	1974 No.51	Sept.3, 1974	Aug.27, 1974
Newfoundland Geographical Names Board Act, 1974	1974 No.54	Oct.10, 1975	Oct.3, 1975
Judicature (Amdt.) Act, 1974	1974 No.57	July 25, 1975 (except ss.27, 28,29,30 & 31)	July 16, 1975

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
		in force May 15, 1976	May 7, 1976
Forest Land (Management and Taxation) Act, 1974	1974 No.59	Jan.10, 1975	Jan.8, 1975
Local School Tax (Amdt.) Act, 1974	1974 No.60	Dec.10, 1974	Dec.4, 1974
Mobile Home Dealers Act, 1974	1974 No.61		
Provincial Court Act, 1974	1974 No.77	July 15, 1974	July 8, 1974
Election (Amdt.) Act, 1974	1974 No.80	Mar.7, 1975	Mar.3, 1975
Solemnization of Marriage Act, 1974	1974 No.81	Nov.1, 1976	Aug.11, 1976
Memorial University (Amdt.) Act, 1974 (sec.2 to be proclaimed)	1974 No.86	June 1, 1975	June 1, 1975
Newfoundland and Labrador Power Corporation Act, 1974	1974 No.91	July 16, 1974	July 16, 1974
Labour Relations (Amendment) Act, 1974	1974 No.98	Jan. 1, 1975	Dec. 30, 1974

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Trust and Loan Companies (Licensing) Act, 1974	1974 No.120	Nov.28, 1975	Nov.19, 1975
Automobile Insurance (Amdt. No.2) Act, 1974; (sec.3 to be proclaimed)	1974 No.111	Aug.19, 1983	Aug.19, 1983
Medical Act, 1974	1974 No.119	Jan.17, 1975	Jan.15, 1975
Newfoundland and Labrador Hydro Electric Corporation Act	1975 No.3	Jan.1, 1975	Apr.7, 1975
Embalmers and Funeral Directors Act	1975 No.39	Apr.1, 1976	Mar.19, 1976
Legal Aid Act	1975 No.42	Jan.16, 1976	Jan.6, 1976
Regulation of Mines (Amdt.)Act	1975 No.47		
Welfare Institutions Licensing (Amdt.) Act	1975 No.52	Jan.9, 1976	Jan.2, 1976
Stamp (Amdt.) Act	1975 No.55		
Livestock Insurance Act	1975 No.59	Apr.1, 1977	Oct.25, 1976
Day Care and Homemakers Services Act	1975 No.67	Nov.21, 1975	Nov.19, 1975

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Mining and Mineral Rights Tax	1975 No.68	Jan.1, 1975; except subs. (1) & (3) of s.11 which came into force July 18, 1975	July 16, 1975
Highway Traffic (Amdt. No.2) Act	1975 No.74	Jan.2, 1976	Dec.24, 1975
Automobile Insurance (Amdt.) Act	1975 No.75	Aug.1, 1975	July 29, 1975
Wills Act	1975-76 No.23 (ss.37-41 of Part III)		
Youth Commission Act	1975-76 No.34	Nov.5, 1976	Nov.2, 1976
Mineral Act	1975-76 No.44	July 12, 1977	July 21, 1977
Quarry Materials Act	1975-76 No.45	July 12, 1977	July 21, 1977
Mortgage Brokers Act	1975-76 No.49	Nov.1, 1976	Nov.1, 1976
District Court Act	1975-76 No.69	Aug.4, 1977	Aug.8, 1977
Sheriff's Act	1975-76 No.73		
Consumer Reporting Agencies Act	1977 c.18	June 2, 1980	May 9, 1980
Real Estate Trading (Amdt.) Act sec.15 to be proclaimed	1977 c.26		
Labour Standards Act	1977 c.52	Aug.1, 1978	July 28, 1978

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
City of St.John's Act s.274(2) & (2A)	1977 c.57		
Labour Relations Act	1977 c.64	Feb.21, 1978	Jan.20, 1978
Law Society Act	1977 c.77	June 28, 1977 (Part IV Feb. 1, 1980)	June 23, 1977 (Feb.1, 1980)
Metric Conversion Act	1977 c.84	Sept.9, 1977	Sept.6, 1977
Unified Family Court Act	1977 c.88	Nov.15, 1978 s.21(1)	Nov.14, 1978
		June 18, 1979 (except s.7(1)(n))	May 27, 1979
Radiation Health and Safety Act	1977 c.90	April 3, 1981	April 3, 1981
Public Service (Pensions) (Amdt.) Act	1977 c.91	Aug.31, 1977	Aug.11, 1977
Municipal Grants Act	1977 c.98	April 1, 1980	Feb. 15, 1980
Meat Inspection Act	1977 c.99		
Social Assistance Act	1977 c.102	July 15, 1977	July 15, 1977
Shops Closing Act	1977 c.107	Aug.1, 1978	July 19, 1978
Trade Practices Act	1978 c.10	Nov.9, 1979	Nov.9, 1979
Plant Protection Act	1978 c.49	May 15, 1980	May 9, 1980
Occupational Health and Safety Act	1978 c.23	June 26, 1979	June 26, 1979

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Registration (Vital Statistics) (Amdt.) Act s.10 to be proclaimed	1978 c.52		
Metric Conversion Act	1978 c.55		
Change of Name Act	1978 c.57	Sept.7, 1979	Sept.7, 1979
Accident and Sickness Insurance Act, 1971 (Amdt.) s.7.1	1978 c.59	June 11, 1982	June 11, 1982
Social Workers Registration Act	1979 c.4	Aug.24, 1979	Aug.24, 1979
Government-British Newfoundland Ltd. - N.M. Rothchild & Sons (Supplemental Agreement) Act, 1978 (Amdt.)	1979 c.24	Sept.24, 1979	Sept.14, 1979
Government-British Newfoundland Exploration Ltd. (Authorization of Agreement) Act, 1957 (Amdt.)	1979 c.31	Sept.24, 1979	Sept.14, 1979
Municipalities Act	1979 c.33	April 1, 1980	April 1, 1980
Small Claims Act	1979 c.34	Nov.3, 1980	Oct. 31, 1980

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Generic Dispensing of Prescription Drugs Act	1979 c.36	May 1, 1981	May 1, 1981
Public Service (Pensions)(Amdt.) Act-Sections 5.2(a) and 5.3	1979 c.50	Jan.23, 1981	Jan.23, 1981
Petroleum Corporation	1980 c.37	Oct.22, 1980	Oct.22, 1980
Environmental Assessment Act	1980 c.3	Nov.21, 1980	Nov.21, 1980
Newfoundland & Labrador Housing Corporation (Amdt.) Act	1981 c.11	Nov. 1, 1981	Oct. 23, 1981
Boiler, Pressure Vessel & Compressed Gas Act	1981 c.12	Oct.1, 1982	Sept.24, 1982
Amusement Rides Act	1981 c.13	Aug. 7, 1981	Aug. 7, 1981
Well Drilling Act	1981 c.14	Mar. 18, 1983	Mar. 18, 1983
Youth Advisory Council Act	1981 c.18	Apr. 8, 1983	Apr. 5, 1983
Public Officials Garnishee Act	1981 c.21	Aug.27, 1982	Aug.27, 1982
Private Investigation & Security Services Act	1981 c.30	Jan. 1, 1982	Dec. 4, 1981

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Optometry Act	1981 c.40	May 15, 1982	April 30, 1982
Denturists Act	1981 c.42	June 1, 1984	June 1, 1984
Dispensing Opticians Act	1981 c.46	May 15, 1982	April 30, 1982
Highway Traffic (Amdt.) (No. 2) Act	1981 c.53	July 1, 1982	June 18, 1982
Dept. of Public Works & Services (Amdt.) Act	1981 c.58	Dec. 4, 1981	Dec. 4, 1981
Judicature (Amdt.) Act	1981 c.64	Dec. 24, 1981	Dec. 24, 1981
Alcohol & Drug Dependency Commission Act	1981 c.83	June 1, 1982	May 28, 1982
Insurance Companies (Amdt.) Act (S.66.5 to be proclaimed)	1981 c.88	Jan. 1, 1983	Dec. 10, 1982
Buildings Accessibility Act, 1981	1981 c.90	Dec. 24, 1981	Dec. 24, 1981
Advocate Mines Ltd. Expropriation Act	1982 c.16	Sept. 3, 1982	Sept. 3, 1982
Dangerous Goods Transportation Act	1982 c.45	Dec. 20, 1985	Dec. 20, 1985
Uniformed Services Pensions Act	1982 c.49	Jan. 21, 1983	Jan. 21, 1983

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Automobile Insurance (Amdt.) Act	1982 c.60	Aug. 19, 1983	Aug. 19, 1983
Economic Council Act (ss. 15 to 18 proclaimed into force)	1983 c.7	Dec. 14, 1984	Dec. 14, 1984
Public Service (Collective Bargaining) (Amdt.) Act, 1973 (excepting ss. 2, 6 & 8)	1983 c.24	June 10, 1983	June 10, 1983
Public Service (Collective Bargaining) (Amdt.) Act, 1973 (ss. 2, 6 & 8)	1983 c.24	Sept. 1, 1983	Aug. 19, 1983
Petroleum and Natural Gas (Amdt.) Act	1983 c.19		
Dental Act, 1983	1983 c.26	June 1, 1984	June 1, 1984
Pension Benefits Act	1983 c.32	Jan. 1, 1985	May 4, 1984
Archives Act	1983 c.33	Feb. 1, 1984	Jan. 20, 1984
Degree Granting Act	1983 c.41		
Workers' Compensation Act, 1983 Jan. 20, 1984	1983 c.48	Jan. 1, 1984	Dec. 30, 1983 & Jan. 20, 1984
Nursing Assistants Act	1983 c.50	May 15, 1984	May 11, 1984

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Labour Relations (Amdt.) Act, 1977	1983 c.60	Feb. 1, 1984	Jan. 27, 1984
St. John's Assessment Act	1983 c.71	July 13, 1984	July 13, 1984
Ferries Act Repeal Act	1983 c.79	April 1, 1984	Mar. 30, 1984
Judgment Interest Act	1983 c.81	April 2, 1984	Mar. 30, 1984
District Court (Amdt.) Act	1984 c.11	Feb. 15, 1985	Feb. 15, 1985
Occupational Health & Safety (Amdt.) Act	1984 c.24	Feb. 15, 1985	Feb. 15, 1985
Judicature Act, 1984 (Repealed 1986 c.42)	1984 c.25	Sept. 2, 1986	March 2, 1986
Marine Institute Act	1984 c.32	Oct. 28, 1985	Oct. 18, 1985
Collections Act	1984 c.34	April 1, 1985	March 29, 1985
Public Tender Act, 1984	1984 c.36	Nov. 1, 1987	Sept. 18, 1987
Provincial Preference Act	1984 c.37	Nov. 1, 1987	Sept. 18, 1987
Judicature Act (Amdt.)	1985 c.7	Sept. 13, 1985	Sept. 13, 1985
Arbitration Act	1985 c.8 (1986 c.42)	Sept. 2, 1986	
City of Corner Brook Act, 1985	1985 c.15	Sept. 12, 1985	Sept. 13, 1985

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Psychologists Act	1985 c.19	July 11, 1986	July 11, 1986
Insurance Companies Act (Amdt.)	1985 c.21	Feb. 1, 1986	Jan. 31, 1986
Liquor Corporation Act, 1973 (Amdt.) (S. 1(1), (3), (5) & (7), s.6 and s.12(1), (2), (3) & (5) to be proclaimed)	1985 c.28		
Tobacco Tax Act, 1986	1986 c.1	April 1, 1989	March 23, 1989
District Court (Amdt.) Act	1986 c.5	Aug.21, 1986	Aug. 21, 1986
Real Estate Trading (Amdt.) Act	1986 c.14	Jan. 1, 1987	Nov. 14, 1986
Embalmers & Funeral Directors (Amdt.) Act	1986 c.15	Oct. 10, 1986	Oct. 10, 1986
Canada and the United Kingdom Reciprocal Recognition and Enforcement of Judgments Act	1986 c.29		
Insurance Adjusters, Agents & Brokers Act	1986 c.36		

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Canada-Newfoundland Atlantic Accord Implementation (Newfoundland) Act	1986 c.37	April 4, 1987	April 3, 1987
Workers' Compensation, 1983 (Amdt.) Act (Except ss.4(2) & (5)) (ss.4(2) &(5))	1986 c.38	Feb. 16, 1987 March 16, 1987	Feb. 6, 1987 March 13, 1987
Petroleum & Natural Gas (Amdt.) Act	1986 c.40	Sept. 7, 1990	Sept. 7, 1990
Judicature Act, 1986 (s.156)	1986 c.42	Aug. 21, 1986	Aug. 21, 1986
International Commercial Arbitration Act	1986 c.45	Feb. 1, 1988	Feb. 5, 1988
Occupational Therapists Act	1987 c.12	Oct. 27, 1987	Oct. 30, 1987
Aquaculture Act	1987 c.15	April 29, 1988	May 6, 1988
Provincial Institutes Act	1987 c.16	Aug. 3, 1987	July 17, 1987
Community Colleges Act	1987 c.17	Aug. 3, 1987	July 17, 1987
Stock Savings Tax Credit Act	1988 c.14	Nov. 10, 1988	Nov. 11, 1988
Venture Capital Act	1988 c.15	Nov. 10, 1988	Nov. 11, 1988

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
School Trustees' Association Act	1988 c.28		
Residential Tenancies Act	1988 c.44	Oct. 1, 1989	Sept. 29, 1989
Engineers & Geoscientists Act	1988 c.48	Dec. 1, 1989	Nov. 10, 1989
Hearing Aid Dealers Act	1988 c.51	July 1, 1989	March 3, 1989
Victims of Crime Services Act	1988 c.56	October 1, 1988	Sept. 23, 1988
City of Mount Pearl Act	1988 c.35	July 21, 1988	July 22, 1988
Support Orders Enforcement Act	1988 c.58	May 1, 1989	March 10, 1989
Reciprocal Enforcement of Support Orders Act	1988 c.59	May 1, 1989	March 10, 1989
Family Law Act	1988 c.60	May 1, 1989	March 10, 1989
Children's Law Act	1988 c.61	May 1, 1989	March 10, 1989
International Trusts Act	1989 c.28		
International Sale of Goods Act	1989 c.29		
Public Utilities Act, 1989	1989 c.37	Feb. 16, 1990	Feb. 16, 1990

Table of Acts subject to Proclamation

Short title	Year and No.	Date of coming into force	Date of Proclamation in Gazette
Retails Sales Tax Act, 1978 (Amdt.)	1990 c.10	Sept. 7, 1990	Sept. 7, 1990
Offshore Area Corporate Income Tax Act	1990 c.11	Sept. 7, 1990	Sept. 7, 1990
Judicature Act, 1986 (Amdt.)	1990 c.14	Nov. 1, 1990	Oct. 26, 1990
Small Claims (Amdt.) Act (s.2 only)	1990 c.16	Jan. 4, 1991	Jan. 4, 1991
Mineral Act (Amdt.) (ss. 2 & 15)	1990 c.17		
Adoption of Children Act, 1972 (Amdt.)	1990 c.20	Oct. 1, 1990	Sept. 28, 1990
Offshore Area Development Act	1990 c.21	Sept. 7, 1990	Sept. 7, 1990
Motor Carrier Act, 1990	1990 c.46		
Buildings Accessibility Act, 1981 (Amdt.)	1990 c.55		
Forestry Act	1990 c.58		
Chiropractors Act	1990 c.63		
Regional Service Boards Act	1990 c.65		

**RECIPROCAL ENFORCEMENT OF SUPPORT ORDERS ACT**

**1988 Chapter 59**

**States declared to be reciprocating states  
as at December 31, 1990**

Alaska  
Alberta  
Australian Capital Territory  
British Columbia  
California  
England and Northern Ireland  
Germany, Federal Republic of  
Guernsey, C.I. (Bailiwick of Guernsey includes Alderney and Sark)  
Hawaii  
Idaho  
Illinois  
Indiana  
Iowa  
Isle of Man  
Jersey, C.I. States of  
Malta  
Manitoba  
Maryland  
Michigan  
Missouri  
Nebraska  
New Brunswick  
New Guinea  
New Jersey  
New South Wales  
New York  
New Zealand  
North Carolina

**RECIPROCAL ENFORCEMENT OF SUPPORT ORDERS ACT**

**1988 Chapter 59**

**States declared to be reciprocating states  
as at December 31, 1990**

Northern Territory of Australia  
Northwest Territories  
Nova Scotia  
Ohio  
Ontario  
Oregon  
Papua  
Prince Edward Island  
Quebec  
Queensland  
Saskatchewan  
Singapore, Republic of  
South Australia  
South Dakota  
Tasmania  
Tennessee  
Texas  
Victoria  
West Virginia  
Western Australia  
Wisconsin  
Yukon Territory  
Zimbabwe

**THE RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT**

**Chapter 327, R.S.N., 1970**

**States declared to be reciprocating states  
as at December 31, 1990**

Alberta

Australian Capital Territory

British Columbia

Manitoba

New Brunswick

Northwest Territories

Nova Scotia

Ontario

Prince Edward Island

Queensland, Australia

Saskatchewan

Tasmania, Australia

United Kingdom

Victoria, Australia

Yukon Territory

**THE LIMITED PARTNERSHIP ACT, 1983**

**Chapter 47, S.N. 1983**

**Provinces declared to be designated for the purposes  
of limited partnerships  
as at December 31, 1990**

Alberta  
British Columbia  
Manitoba  
New Brunswick  
Northwest Territories  
Nova Scotia  
Ohio  
Ontario  
Prince Edward Island  
Quebec  
Saskatchewan  
Texas  
Yukon