

# Tracking Federal Regulatory Initiatives

# Regulatory Affairs

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Circulate to:	<b>HIGHLIGHTS</b>
1.	<b>Exempt from Publication and Approved</b>
2.	1996 budget item on flow-through share treatment approved . . . . . 14
3.	Income tax rules for venture capital corporations amended . . . . . 16-17
4.	<b>Prepublished and Approved</b>
5.	Tobacco access and seizure and restoration regulations approved . . . . . 20-21
	<b>Ministerial Orders, Approved</b>
	Rules of Practice in Criminal Matters in Quebec Court of Appeal approved 23

<b>Proposed Regulations for Pre-Publication in Part I, Canada Gazette</b>	<b>Statutory Authority</b>
<p><b>Interim Market Authorities</b></p> <p>Health Canada has issued four Interim Marketing Authorizations, as follows:</p> <ul style="list-style-type: none"> <li>• to permit the immediate use of calcium sulphate as a binding agent in the production of “surimi” at a maximum level of use of 0.06 percent;</li> <li>• to permit the addition of carbon dioxide as a preservative agent in the production of cottage cheese and creamed cottage cheese in an amount consistent with good manufacturing practice;</li> <li>• to permit the use of potassium lactate and sodium lactate in cooked solid cut meat and poultry products at levels consistent with good manufacturing practice, and provide for a minimum meat protein content of 12 percent in these cooked solid cut meat and poultry products containing added lactates; and</li> <li>• to permit the immediate sale of dried peas and wheat with Maximum Residue Limits for glufosinate-ammonium, including its metabolite, at 3 parts per million and 0.2 p.p.m. respectively.</li> </ul> <p>The Interim Marketing Authorizations are issued while the regulatory process to formally amend the Regulations to allow these uses are completed.</p>	<p><i>Food and Drugs Act</i></p> <p>Published in Canada Gazette January 30, 1999</p>

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# Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory  
Authority

## By-law Amending the Harbour Dues Tariff By-law

The proposed Order would allow Canada Ports Corporation to change harbour dues for the harbours of Belledune, New Brunswick, and Trois-Rivières, Sept-Îles, Saguenay and Baie des Ha! Ha!, Quebec, from time to time until January 1, 2002, at a rate not to exceed 4 percent per year.

Contact: J. Lynes, President and Chief Executive Officer, Canada Ports Corporation, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario K1A 0N6. Tel: 613-957-6700.

*Canada Ports Corporation Act*, section 39

Published in Canada Gazette January 30, 1999

## Benzene in Gasoline Regulations, amendment

The proposed amendments would, in recognition of exceptional circumstances under which companies supplying gasoline may not be able to meet the July 1, 1999 implementation date for the reduction of benzene in gasoline, permit refiners, blenders and importers to apply for a temporary alternative limit for benzene in gasoline.

Since the regulations also control the benzene emissions number (BEN) which is related to the benzene content of gasoline, the amendments would also allow companies to apply for a temporary alternative limit for the BEN.

The temporary limits could only be used until the end of December 1999, at the latest.

In order to use an alternative limit, an applicant would have to demonstrate that:

- (1) it cannot meet the implementation date for reasons beyond its reasonable control; and
- (2) if not allowed extra time it will suffer financial hardship or be forced out of business, or that the regional supply of gasoline will be significantly affected.

In the event that a supplier of gasoline qualifies under the amendments for temporary alternative limits for benzene and the BEN, the Minister of the Environment would publish a notice in the Canada Gazette identifying the company, its alternative limits, the period that the limits apply and the areas where the company supplies gasoline that is subject to the temporary alternative limit.

The Benzene in Gasoline Regulations were published in the Canada Gazette, Part II, on November 26, 1997. The Regulations control the level of benzene, a known human carcinogen, in gasoline. The Regulations also include controls on a calculated number called the benzene emissions number (BEN), which relates gasoline composition to estimated emissions of benzene from vehicles.

By letter dated December 12, 1997, the Canadian Petroleum Products Institute informed Environment Canada that compliance with the implementation date for the Regulations of July 1, 1999, would be "impossible for some refiners". Subsequent discussions with individual companies indicated that one company was concerned about meeting the implementation date at two of its refineries. Two other companies stated that they might also have concerns, as unforeseen events could result in delays.

The amendments would also introduce an exemption from the Regulations for gasoline that has been stored in the Arctic for emergency purposes. Some of this gasoline has been stored for years, even decades.

The amendments also propose to revise the reference test method for measuring the concentration of sulphur in gasoline, as required for calculation of the BEN. This has been done because the Canadian General Standards Board has recommended that a recently developed test method be incorporated into the Regulations as the reference test method.

*Canadian Environmental Protection Act*, sections 34 and 87

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# Proposed Regulations

## for Pre-Publication in Part I, Canada Gazette

Statutory  
Authority

Finally, the amendments include some minor wording changes to clarify the requirements of the Regulations.

Contacts: Ross White, Oil, Gas and Energy Division, Air Pollution Prevention Directorate, Environment Canada. Tel: 819-953-1120; or Arthur Sheffield, Regulatory and Economic Analysis Branch, Economic and Regulatory Affairs Directorate, Environment Canada. Tel: 819-953-1172.

### **Migratory Birds Regulations, amendment**

The proposed amendment to the Regulations creates a special season when hunters may take overabundant species of greater and mid-continent lesser snow geese for conservation reasons.

This will help protect and restore the biological diversity of arctic wetland ecosystems and the ecosystems of important migration and wintering areas by reducing the population size of overabundant snow goose populations.

This will be accomplished by extending the time periods during which hunting may take place (e.g. spring and/or early fall, outside the dates of the regular hunting season). In 1999, this will occur in selected local areas of the provinces of Quebec and Manitoba.

Hunters would also be allowed to use special hunting methods and equipment, including electronic calls, hunt in lure crops and use artificial or natural bait, each in specified local areas as determined in consultation with the provincial government and local communities.

In recent years, populations of greater and mid-continent lesser snow geese have dramatically risen. The rapid population growth is attributed to increased food availability during winter months from agricultural operations and a declining rate of mortality. As a result, these birds are no longer controlled by the carrying capacity of winter habitat as they were previously. Analysis of their effects on staging and arctic breeding habitats shows that key habitats for migratory birds and other wildlife are being adversely affected by overuse. Left unchecked, overabundant snow goose populations will seriously compromise the biological diversity of the arctic ecosystem.

Finally, this proposed amendment will allow for an increase in the harvest of Ross geese. Ross geese and snow geese frequent the same areas and cannot be easily distinguished when hunting. The Ross goose population can withstand increased harvest pressure because the population size is increasing rapidly and is at a record high level.

Contacts: Kathryn Dickson, Senior Waterfowl Biologist, Migratory Birds Conservation Division, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario K1A 0H3. Tel: 819-997-9733; Fax: 819-994-4445. Terry Mueller, Regulatory Analyst, Program Analysis and Coordination Division, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario K1A 0H3. Tel: 819-997-1272; Fax: 819-953-6283.

### **Halifax Harbour Dues By-law, amendment**

This order would allow Halifax Port Corporation to change harbour dues for Halifax harbour from time to time until January 1, 2002, at a rate not to exceed 4 percent per year.

Contact: D. F. Bellefontaine, President and Chief Executive Officer, Halifax Port Corporation, P.O. Box 336, Halifax, Nova Scotia B3J 2P6. Tel: 902-426-3643.

*Migratory Birds Convention Act, 1994, section 39*

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*Canada Ports Corporation Act, section 13*

Published in Canada  
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# Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory  
Authority

## Canada Occupational Safety and Health Regulations, amendment

The proposed amendments to Part II reflect changes in the scientific, technological and methodological processes occurring in the workplace, and address certain safety and health concerns that have arisen since Part II of the COSH Regulations were promulgated in 1986.

More specifically, the changes include:

- the change in the title of Part II from “Building Safety” to “Permanent Structures”.
- the addition of new provisions for grain handling facilities and specific safety measures which have to be followed to provide for the safety and health of employees climbing antennas, towers and antenna-supporting structures.
- the referencing in its entirety of the National Building Code of Canada, 1995, along with the National Fire Code of Canada, 1995.
- addition of a new division concerning heating, ventilating and air conditioning (HVAC) systems. The provisions set out the requirements for the installation, operation, inspection, testing, cleaning and maintenance of HVAC systems or parts thereof, which are under the control of the employer.

Since the proposal were first published in the Canada Gazette Part I more than 18 months ago (March 16, 1996) and changes have been made subsequently, the proposed regulations are being republished in the Canada Gazette Part I.

Contact: Richard Lafrance, Program Advisor, Occupational Safety and Health Compliance and Regulatory Development Unit, Labour Branch, Human Resources Development Canada, Hull, Quebec K1A 0J2. Tel: 819-997-8763; Fax: 819-953-4830; e-mail: richard.lafrance@hrdc-drhc.gc.ca.

## Book Importation Regulations

The proposed amendments would introduces a parallel importation regime for printed books that was created when the Copyright Act was amended in 1998.

Parallel importation refers to books that were legitimately published in their country of origin but have been imported into Canada without the consent of the Canadian rights owner.

The proposed Regulations prescribe the standards that exclusive distributors are required to adhere to in order to benefit from the additional protection they would have under the parallel importation regime. The Regulations also specify the categories of books to be partially or wholly excluded from the parallel importation provisions. The criteria include: the form of the notice of the exclusive distributor, delivery time, confirmation time, price differential, rules for remaindered and other books, special orders and leased books.

The proposed current Regulations do not prohibit the importation of used textbooks. If restrictions on the importation of used textbooks are ever warranted, the Government will consult with all interested parties before amending the Regulations to implement any such restrictions.

Under the proposals, recourse to the provisions in the Copyright Act against parallel importations of books will only be made available to exclusive distributors in those circumstances where the mark-up beyond the list price of a book is no greater than a prescribed percentage, which varies according to whether the books are imported from one of two areas: the U.S., or Europe and the rest of the world.

*Canada Labour Code*, sections 125 and 126 and subsections 157(1) and (1.1)

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*Copyright Act*, sections 2, 2.6, and 62 and subsections 27.1(5) and (6)

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# Proposed Regulations

## for Pre-Publication in Part I, Canada Gazette

Statutory  
Authority

For example, “(A) if the book is imported from the United States, the list price in the United States, plus the current exchange rate, plus 10 per cent of the price after conversion, minus any applicable discounts, or (B) if the book is imported from a country in Europe or any other country, the list price in the country from which the book is imported, plus the current exchange rate, plus 15 per cent of the price after conversion”.

These percentages correspond to the average actual costs currently paid by book importers for transportation and related expenses, including shipping, handling and receiving, inventory, financial reporting, general overhead and sales and marketing ó for imports from those two areas.

Contacts: Bruce Couchman, Senior Legal Analyst, Intellectual Property Directorate, Department of Industry, 235 Queen Street, 5th Floor W, Ottawa, Ontario, K1A 0H5. Tel: 613-952-2621; Fax: 613-952-1980; Edith St-Hilaire, Policy Analyst, Copyright Policy, Department of Canadian Heritage, 15 Eddy Street, 4th Floor, Room 135, Hull, Quebec, K1A 0M5. Tel: 819-997-5998; Fax: 819-997-5685.

### Exceptions for Educational Institutions, Libraries, Archives and Museums Regulations

The proposed amendments would establish the rules for non-profit educational institutions, libraries, archives, and museums to benefit from “exceptions” under recent amendments to the *Copyright Act*.

More specifically, the amendments would permit non-profit libraries, archives, and museums, or persons acting under their authority, to do anything on behalf of a person that a person may do while he or she is engaged in the research, private study, criticism or review of copyrighted material. This exception will allow these institutions to make copies on behalf of patrons engaged in such “fair dealing” activities. Furthermore, non-profit libraries, archives and museums, or persons acting under their authority, may make a single copy of certain articles appearing in a newspaper or periodical, if they are satisfied that the copy is to be used by the person for purposes of research or private study.

The above exceptions also apply in the case of interlibrary loans. However, where the requested copy is transmitted electronically between two institutions, the Act specifies that the copy given to the patron must not be in digital form.

The Regulations prescribe the information to be recorded by such institutions concerning copies of copyrighted material they have made for patrons under the exceptions. The Regulations further provide that the information must be retained by the institutions for three years, and set conditions for access to the records. However, where copying is done by an institution at its premises for patrons engaged in “fair dealing,” records need to be kept only for copies made prior to January 1, 2004. This “sunset” clause will provide libraries, archives, museums and copyright owners the opportunity to assess, over a set period of time, the costs and benefits of this particular record keeping requirement. Prior to the “sunset” date, the Departments of Industry and Canadian Heritage will review the operation of this provision with affected stakeholders.

In the case of unpublished works, a non-profit archive may make a copy of a work that has been deposited in the archive after the coming into force of the exception where the copyright owner has not prohibited copying.

*Copyright Act*, sections 2, 2.6, and 62 and subsections 27.1(5) and (6)

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# Proposed Regulations

## for Pre-Publication in Part I, Canada Gazette

Statutory  
Authority

However, the non-profit archive must be satisfied that the copy will be used for purposes of research or private study. In the event that a copyright owner cannot be located, and the work was deposited in the archive prior to the coming into force of the exception, records must be kept by the archive containing information set out in the regulations. These records are open to inspection by the author of the work, the copyright owner of the work, or the representative of the author or copyright owner.

A further exception provides that non-profit educational institutions, libraries, archives and museums with agreements with copyright collectives and in certain other situations are not liable with respect to independent uses of photocopiers on their premises if a sign containing information set out in the Regulations has been posted within the immediate vicinity of the machine. The notice is to warn against copyright infringement.

Contacts: Bruce Couchman, Senior Legal Analyst, Intellectual Property Directorate, Department of Industry, 235 Queen Street, 5th Floor W, Ottawa, Ontario, K1A 0H5. Tel: 613-952-2621; Fax: 613-952-1980; Edith St-Hilaire, Policy Analyst, Copyright Policy, Department of Canadian Heritage, 15 Eddy Street, 4th Floor, Room 135, Hull, Quebec, K1A 0M5. Tel: 819-997-5998; Fax: 819-997-5685.

### Ephemeral Recordings Regulations

The proposed amendments would define record-keeping requirements in connection with two exceptions under Bill C-32, *An Act to amend the Copyright Act* related to ephemeral recordings which take into account the need of both radio and television broadcasters to make temporary copies of performances so as to facilitate their programming and broadcasting operations.

Section 30.8 of the *Copyright Act*, as enacted by subsection 18(1) of Bill C-32, allows a programming undertaking to make, without payment of royalties, for the purpose of deferred broadcasting, an ephemeral recording of a live performance which incorporates copyrighted works. It also allows a broadcasting undertaking to make, without payment of royalties, a reproduction of an ephemeral recording made by a programming undertaking, provided that both undertakings belong to the same "prescribed network".

Section 30.9 of the *Copyright Act*, as enacted by subsection 18(1) of Bill C-32, allows a broadcasting undertaking to reproduce a sound recording of a copyrighted work in a format which facilitates the delivery of programming.

Subsections 30.8(2) and 30.9(2) of the *Copyright Act* provide that programming and broadcasting undertakings which make ephemeral recordings in accordance with these exceptions must keep current a record of information pertaining to each ephemeral recording which they make. The required information includes the date of making and destruction of the recording as well as "any other prescribed information".

The proposed Regulations would define "network" for the purposes of sub-section 30.8(9) of the Act and specify the additional information which is required pursuant to subsections 30.8(2) and 30.9(2).

The Regulations, insofar as they relate to record keeping, are limited to musical works.

The record-keeping requirements under section 30.8 recognize that the availability of information regarding the works performed will vary depending on the nature of the event or performance which underlies the making of the ephemeral recording.

*Copyright Act*, subsections 30.8(2), 30.8(9), 30.8(10), 30.9(2) and 62(1)

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# Proposed Regulations

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Statutory  
Authority

In this respect, the Regulations set out three tiers of record keeping which generally reflect the conditions under which ephemeral recordings are made:

- (i) where the broadcaster has control over the selection of works that are performed, it is obliged to record, among other things, information which identifies the work, the performer, and if a published sound recording is involved, the sound recording;
- (ii) where the broadcaster does not have control but is provided with notice of all or nearly all of the works to be performed, it may rely on the information provided in such notice; and
- (iii) the requirement is lightest where the broadcaster has neither control over nor notice of the bulk of the works to be performed.

In every case, the undertaking which makes the ephemeral recording must identify any broadcasting undertaking which makes a reproduction pursuant to subsection 30.8(9) of the Act.

With respect to record keeping pursuant to section 30.9, this section deals with pre-recorded works selected by the broadcaster itself. Therefore, information which is relevant to copyright is usually readily available and the broadcaster is obliged to record information which identifies the work, the performer, and if a published sound recording is involved, the sound recording.

Contacts: Éloïse Arbour, Policy Analyst, Copyright Policy, Department of Canadian Heritage, 15 Eddy Street, 4th Floor, Room 133, Hull, Quebec, K1A 0M5. Tel: 819-997-5088; Fax: 819-997-5685; e-mail: [eloise\\_arbour@pch.gc.ca](mailto:eloise_arbour@pch.gc.ca). Albert Cloutier, Policy Analyst, Intellectual Property Policy Directorate, Department of Industry, 235 Queen Street, 5th Floor W, Ottawa, Ontario, K1A 0H5. Tel: 613-952-3804; Fax: 613-952-1980; e-mail: [cloutier.albert@ic.gc.ca](mailto:cloutier.albert@ic.gc.ca).

### Prince Rupert Harbour Dues By-law, amendment

This order would allow Prince Rupert Port Corporation to change harbour dues for Halifax harbour from time to time until January 1, 2002, at a rate not to exceed 4 percent per year.

Contact: D. Krusel, President and Chief Executive Officer, Prince Rupert Port Corporation, 110 Third Avenue W, Prince Rupert, British Columbia, V8J 1K8. Tel: 604-627-7545.

*Canada Ports Corporation Act*, section 13

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### Pacific Harbour Dues By-law, amendment

This order would allow Vancouver Port Corporation to change harbour dues for Halifax harbour from time to time until January 1, 2002, at a rate not to exceed 4 percent per year.

Contact: Capt N. Stark, President and Chief Executive Officer, Vancouver Port Corporation, 1900 - 200 Granville Square, Vancouver, British Columbia V6C 2P9. Tel: 604-666-8966.

*Canada Ports Corporation Act*, section 13

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### Canada Pension Plan Regulations, amendment; Old Age Security Regulations, amendment

These proposed amendments are consequential to recent changes under Bill C-2, *An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts*, being chapter 40 of the Statutes of Canada, 1997, which received Royal Assent on December 18, 1997.

The enactment established the Canada Pension Plan Investment Board and made amendments to the contribution, benefit and funding provisions of the Plan.

*Canada Pension Plan*, subsections 42(1), 65(2) and (3), 66(2.1), 104(1) and 104.01(2), paragraph 89(1)(a); *Old Age Security Act*, subsection 33.01(2), 36(2) and 37(2.1), paragraphs 34(a) and (m)

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# Proposed Regulations

## for Pre-Publication in Part I, Canada Gazette

Statutory  
Authority

In addition, a number of minor changes included provisions dealing with the restricted cancellation of retirement benefits in favour of disability benefits, interprogram set-offs against Human Resources Development programs and reimbursement to provinces, municipalities and administrators of disability income programs. The *Canada Pension Plan (CPP)* and *Old Age Security Act (OAS)* have also been amended to modernize the protection of information provisions by creating a comprehensive information protection and disclosure code.

Most of the proposed regulatory amendments pertain to minor changes described in this paragraph.

For example:

- The new legislation provides that over-payments may be recovered from any amounts payable to an individual under any Act or program administered by the Minister of Human Resources Development. Section 42 of the *Canada Pension Plan Regulations* and section 27.2 of the *Old Age Security Regulations* are therefore amended to conform to the amendments made to both Acts.
- The Canada Pension Plan allows the Minister to reimburse a provincial or municipal authority or administrators of disability income programs for any advance, assistance or welfare payment they provide for a month for which someone is subsequently found entitled to CPP benefits. Prior to Bill C-2, the reimbursement was limited to months after a client signed a consent form. Bill C-2 removed that limitation and reimbursement may now be made from the later of the month of commencement of the CPP benefit or the month the advance, assistance or welfare payment commenced, regardless of when the consent form was signed. Sections 76 and 76.1 of the *Canada Pension Plan Regulations* are amended to conform to the amendments made to the Act and to qualify the consent as being irrevocable.
- The *Old Age Security Act* also allows the Minister to reimburse a provincial or municipal authority for any advance, assistance or welfare payment they provide for a month for which someone is subsequently found entitled to OAS benefits. Like CPP, prior to Bill C-2, the OAS reimbursement was limited to months after a client signed a consent form. Similarly, Bill C-2 removed that limitation in the *Old Age Security Act* and reimbursement may now be made from the later of the month of commencement of the OAS benefit or the month the advance, assistance or welfare payment commenced, regardless of when the consent form was signed. Section 28.1 of the *Old Age Security Regulations* is therefore amended to conform to the changes made to the Act and to qualify the consent as being irrevocable.
- Minor amendments are made to sections 37 and 60 of the *Canada Pension Plan Regulations* and sections 2 and 28.1 of the *Old Age Security Regulations* to ensure consistency with the relevant provisions of both Acts.

Contact: Heather Bordeleau, Acting Director, Legislation Development Division, Programs Directorate, Income Security Programs, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, Vanier, Ontario, K1A 0L1. Tel: 613-957-1626; Fax: 613-991-9119.

# Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory  
Authority

## Canada Small Business Financing Regulations

The proposed regulations consolidates much of the existing Small Business Loans (SBL) program (created in 1961 and scheduled to end on March 31, 1999) under the new *Canada Small Business Financing Act*.

These new regulations seek to respond to a number of issues raised during the comprehensive review of the SBL Program, and to recommendations of the Public Accounts Committee resulting from a 1997 audit of the existing SBL program.

For example, the proposed regulations will provide a clear definition of “related borrowers”, who collectively, will be limited to a loan of \$250,000 under the CSBF Act, together with a requirement that lenders must apply the same degree of due diligence in their approval and administration of CSBF Act loans as they do in their conventional lending.

No change is being made to the 2 percent up-front loan registration fee, while the existing 1.25 percent administration fee is to be remitted more frequently than the annual remittance under the existing regulations.

Lenders will be required to provide greater information on the loan registration form, and security requirements have been clarified.

Lenders will continue to have 36 months to file claims; however, they will only receive interest at the full loan rate for the first year, followed by interest at one-half the loan rate for the second year and no interest during the third year, in an effort to encourage lenders to deal more promptly with realization and finalization of their claims. In addition, the proposed regulations introduce interim claim payments for lenders if a guarantee has been provided and if the lender has realized on all security except for the guarantee.

Ministerial authority for correcting inadvertent errors by lenders will also be increased.

Lenders will be permitted greater flexibility in taking, releasing and substituting various types of security.

As before, a loan would be limited to 90 percent of the eligible cost including the cost of any non-reimbursable tax and duties, and the Crown share of loan losses claimed would remain at 85 percent of eligible net loss.

A borrower will continue to be eligible under the CSBF program if proposed revenues are not expected to exceed \$5 million during the year the loan application is approved, if its business will be carried on for profit in Canada, and if it does not include the business of farming or a business having as its principal object the furtherance of a charitable or religious purpose.

The formula establishing the Minister’s contingent liability for a specific lender also remains unchanged.

Given the broad consultations, the proposed regulations have an abridged 15-day response period.

Contacts: Serge Croteau, Director General, Programs and Services Branch, Operations Sector, Industry Canada, Ottawa, Ontario, K1A 0H5. Tel: 613-954-5533; Fax: 613-952-2635; e-mail: croteau.serge@ic.gc.ca. Peter Webber, Team Leader, Entrepreneurship and Small Business Office, Industry and Science Policy Sector, Industry Canada, Ottawa, Ontario, K1A 0H5. Tel: 613-941-2684; Fax: 613-954-5492; e-mail: webber.peter@ic.gc.ca.

*Canada Small Business Financing Act*, section 14

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# Proposed Regulations

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Authority

## Insurance Companies Assessed Expenses Recovery Regulations

These proposed amendments change the manner in which liquidation assets from the estate of a failed insurance company are distributed by the Office of the Superintendent of Financial Institutions (OSFI) to insurance companies that were previously required to pay a special assessment to cover the costs of liquidating a failed institution.

The changes were triggered by the liquidation of Northumberland General Insurance Company, in which case OSFI received a liquidation recovery in the amount of \$37.3 million from the estate of Northumberland.

OSFI has been appointed as the liquidator of a number of failed insurance companies. In each case, the Superintendent appointed an agent to carry out the liquidation. The costs incurred for liquidating a failed institution are subsequently assessed against other insurance companies pursuant to sections 686 and 687 of the *Insurance Companies Act*.

The proposed new regulations would prescribe the following:

(a) recoveries received from an estate in a fiscal year that do not aggregate more than \$1 million will be offset against future regular assessments; and (b) recoveries received from an estate in a fiscal year that aggregate more than \$1 million will cause the issuance of refund cheques (only for amounts higher than \$10). The issuance of cheques will entail the tracking down of all companies that contributed to the past assessments but have since either been liquidated, withdrawn from Canada or merged with other companies.

Contact: Charles P. Johnston, Regulations Officer, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel: 613-990-7472; Fax: 613-998-6716.

## Regulations Amending the Canadian Aviation Regulations (Parts I, IV, V and VII) (Miscellaneous Program)

These proposed Regulations would amend the French-language *Canadian Aviation Regulations* and the associated Standards by replacing the term “technicien d’entretien d’aéronefs (TEA)” with “ingénieur en maintenance d’aéronefs (IMA)” wherever TEA occurs throughout the Regulations and Standards. This change in terminology will bring the French term in line with the term now used in English, “aircraft maintenance engineer (AME)”.

The Association québécoise des transporteurs aériens inc. (AQTA) representative to the Canadian Aviation Regulation Advisory Council (CARAC) sponsored the request for the proposed change.

Contact: The Chief, Regulatory Affairs, AARBH, Transport Canada Safety and Security, Place de Ville, Tower C, Ottawa, Ontario, K1A 0N8. Tel: 613-993-7284; Fax: 613-990-1198.

## Regulations Amending the Motor Vehicle Safety Regulations (Brake Systems)

The proposal amendments would change two sections of the Regulations: section 105, entitled “Hydraulic Brake Systems”, and section 121, entitled “Air Brake Systems”.

*Insurance Companies Act*, section 692 and paragraph 703(a)

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*Aeronautics Act*, section 4.9

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*Motor Vehicle Safety Act*, subsections 5(1) and 11(1)

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# Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

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Authority

The proposed amendment requires, among other things, medium and heavy vehicles to be equipped with antilock brake systems (ABS). It also establishes requirements for stopping distance performance for these medium and heavy vehicles.

In addition, the proposed amendment extends the applicability of section 105 to vehicles equipped with an electric brake system. In this connection, section 135 of the Regulations, entitled "Passenger Car Brake Systems", must also be amended to clarify its applicability.

The amendment is being proposed in order to improve the braking performance of vehicles equipped with an air brake system, and vehicles having a gross vehicle weight rating (GVWR) over 4 536 kg which are equipped with a hydraulic brake system. Improved braking performance helps to reduce collisions, casualties and property damage involving these vehicles. The changes proposed in this amendment will harmonize with those requirements in the United States which have been introduced in their Federal Motor Vehicle Safety Standards (FMVSS) 105 and 121.

The proposed amendment introduces numerous changes including the major requirements regarding antilock brake systems and stopping capability that were promulgated by the U.S. National Highway Traffic Safety Administration (NHTSA) in March 1995. All the U.S. modifications to FMVSS 105 and FMVSS 121, subsequent to the March 1995 final rules, are incorporated in this proposed amendment.

In order to fully harmonize the vehicle braking standards in Canada with those in the United States, this proposed amendment revokes the current CMVSS 105 and 121, replacing them with much simpler versions that refer to Technical Standards Documents (TSD), Number 105 - Hydraulic and electric brake systems, and Number 121 - Air brake systems, which incorporate, respectively, FMVSS 105 and FMVSS 121.

This proposed amendment introduces a number of equipment and test requirements which do not exist in the current CMVSS 121.

As proposed, the new requirements would come into effect six months after the Regulations are approved.

Contact: Winson Ng, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1949; Fax: 613-990-2913; e-mail: NGWK@tc.gc.ca.

## Canadian Nuclear Safety Commission Rules of Procedure

These proposed Regulations would establish the rules of procedure for the new future Canadian Nuclear Safety Commission (the Commission).

In many respects, the proposed rules reflect the AECB's current practice as described in the Board's *Regulatory Policy P-76, Policy and Procedures for Making Submissions and Appearances Before the Atomic Energy Control Board*.

Included are rules for carrying out and participating in public hearings of the Commission, licence appeals, orders of inspectors, and court orders.

Contact: Ross Brown, Manager, New Act Implementation Group, Atomic Energy Control Board, 280 Slater Street, P.O. Box 1046, Ottawa, Ontario, K1P 5S9. Tel: 613-995-1357; Fax: 613-995-5086; e-mail: brown.r@atomcon.gc.ca.

*Nuclear Safety and Control Act*, section 44

Published in Canada Gazette February 13, 1999

# Proposed Regulations

## for Pre-Publication in Part I, Canada Gazette

## Statutory Authority

### **Food and Drug Regulations, amendment (Schedule 1054)**

This proposed amendment will provide for the use of annatto, caramel, cochineal and sunset yellow FCF as colouring agents in sausage casings at levels of 1.0 percent, 15 percent, 0.75 percent and 0.15 percent, respectively. The proposal will also provide for the use of caramel as a colouring agent in microwavable cooked sausages at a level of 0.057 percent.

Contact: Director, Bureau of Food, Regulatory, International and Interagency Affairs, Health Canada, A.L.: 0702C, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.

*Food and Drugs Act*, sub-section 30(1)

Published in Canada Gazette February 20, 1999

### **Food and Drug Regulations, amendment (Schedule 1126)**

This proposed amendment would establish a Maximum Residue Limit (MRL) for prosulfuron in eggs, meat and meat by-products at 0.05 parts per million (ppm) and in corn and milk at 0.01 ppm.

Contact: The Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, Address Locator 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0K9. Tel: 613-736-3520/736-3671; Fax: 613-736-3505.

*Food and Drugs Act*, sub-section 30(1)

Published in Canada Gazette February 20, 1999

### **Food and Drug Regulations, amendment (Schedule 1127)**

This proposed amendment would establish a Maximum Residue Limit (MRL) for cyprodinil in raisins at 3 parts per million (ppm), in stone fruit and grapes at 2 ppm, in pome fruit at 0.1 ppm and in almonds at 0.02 ppm.

Contact: The Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, Address Locator 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0K9. Tel: 613-736-3520/736-3671; Fax: 613-736-3505.

*Food and Drugs Act*, sub-section 30(1)

Published in Canada Gazette February 20, 1999

### **Port Authorities Works Interim Regulations**

This proposed Regulations would preserve, on an interim basis, the current regulatory regime for wharves, dredging and other marine works when the new *Canada Marine Act* (CMA) comes into effect.

The port administrations that will be affected are Halifax, Montreal, Prince Rupert, Quebec, Saguenay, Saint John, Sept-Îles, St. John's, Trois-Rivières and Vancouver.

The Interim Regulations would require port authorities for the above-mentioned ports, prior to undertaking marine works, to assess the impact of the works on navigation in the port and prepare a report. The Interim Regulations also require the port authority to take all appropriate measures if the report indicates that the works would have an adverse effect on safety or navigation.

The Interim Regulations would preserve the status quo and provide greater certainty to port authorities until new permanent operations regulations under the CMA can be completed. The operations regulations are currently being prepared by Transport Canada and are expected to be completed later this year. It is expected that the operations regulations will deal with marine works in more detail.

Contact: Bruce Bowie, Executive Director, Marine Policy Reform, Place de Ville, Tower C, 20th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel: 613-998-0702; Fax: 613-993-7001.

*Canada Marine Act*, sub-section 30(1)

Published in Canada Gazette February 20, 1999

## Exempt from Pre-Publication and Approved

### Statutory Authority

#### **Income Tax Regulations, amendment (SOR/99-81, OIC 1999-133)**

These amendments expand the list of qualified investments for a plan trust under Part XLIX of the Income Tax Regulations by adding debts issued by the African Development Bank; and debts issued by certain Canadian corporations without share capital that are exempt from income tax under Part I of the Income Tax Act.

Part XLIX of the Income Tax Regulations lists a number of qualified investments for registered retirement savings plans, registered retirement income funds and deferred profit sharing plans.

The expansion of the list of qualified investments to include the African Development Bank is consistent with a recent amendment to section 206 of the Act that relates to the 20% limit for foreign property, under which debt issued by the African Development Bank is not treated as “foreign property”. The African Development Bank is one of a number of multilateral development banks in which Canada participates that are provided with similar tax treatment.

The expansion of the list of qualified investments to include certain debt issued by an arm's length non-profit corporation recognizes the increasingly important role of non-profit corporations in the Canadian economy.

Contact: Simon Thompson, Tax Legislation Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel: 613-992-0049.

#### **National Energy Board Electricity Regulations, amendment (SOR/99-83, OIC 1999-155)**

This non-substantive amendment changes the address for the National Energy Board in the Regulations to “444 - 7th Avenue S.W., Calgary, Alberta, T2P 0X8”.

Contact: S. Gudgeon, Paralegal National Energy Board, 444 - 7th Avenue S.W., Calgary, Alberta, T2P 0X8. Tel.: 403-299-2704; Fax: 403-292-5503; e-mail: sgudgeon@neb.gc.ca

#### **Hydro Quebec Turbine Remission Order (SOR/99-90, OIC 1999-194)**

This Order remits the customs duties on four 84 MW gas turbines imported by Hydro Québec for use in the manufacture of generator sets for the Bécancour power station.

Tariff relief on the imported gas turbines eliminates a tariff anomaly wherein, at the time, certain generator sets could have been imported duty-free whereas the components imported to produce them were subject to a tariff. The turbines could not be sourced from Canadian production.

The Order involves foregone duties of some \$2-million.

Contact: Megan Clifford, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-6890.

#### **Income Tax Regulations, amendment (SOR/99-91, OIC 1999-195)**

The amendments generally adopt the accounting standards for the recognition and measurement of impaired loans.

These amendments also provide for certain types of financial instruments that will not be considered to be a lending asset for the purpose of the reserve deduction under subsection 20(1) of the Income Tax Act.

*Income Tax Act*, section 221

To be published in Canada Gazette February 17, 1999

*National Energy Board Act*, sections 58.39a and 119.09

To be published in Canada Gazette February 17, 1999

*Customs Tariff*, section 115

To be published in Canada Gazette March 3, 1999

*Income Tax Act*, section 221

To be published in Canada Gazette March 3, 1999

## Exempt from Pre-Publication and Approved

Statutory  
Authority

These amendments apply to a taxpayer that is a financial institution or other person whose ordinary business includes the lending of money. First, the amendments to Part LXXX give effect to the amendments to the *Income Tax Act* dealing with the recognition and measurement of impaired loans. Secondly, the amendments to Part LXXX provide that Mexico will continue to be treated as a designated country in respect of the so-called Mexican Brady Par and Discount Bonds issued in 1992 due in 2019. These loans were substituted for Mexican loans and securities that were previously covered by the reserve provisions in Part LXXX.

Part LXXX of the *Income Tax Regulations* provides rules for determining the amount that may be deducted by a taxpayer in computing the taxpayer's income for a taxation year under paragraph 20(1)(l) of the *Income Tax Act* as a reserve in respect of impaired loans.

Contact: Davine Roach, Tax Legislation Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel: 613-992-4852.

### **Income Tax Regulations, amendment (SOR/99-92, OIC 1999-196)**

*Income Tax Act*, section 221

The amendments implement a 1996 budget measure on flow-through shares.

Under the new measure, a corporation can renounce on the same basis the resource expenditures it expects to incur throughout a calendar year, not just the first 60 days of the year as was previously the case.

The new measure contemplated that there would be some cases where a corporation would renounce a resource expenditure in a calendar year but would fail to incur the expenditure by the end of the year. In these circumstances, it would be unreasonable to charge investors interest on unpaid tax installments resulting from the required retroactive reduction of the amount a corporation has renounced to the investors. The amendments to Part LIII of the *Income Tax Regulations* ensure that investors will not be liable for such interest. At the same time, Part LIII of the *Regulations* has been amended to remove references to the *Income Tax Act* which are no longer relevant.

An amendment to Part LXII of the *Regulations* has been made in order that the language in subsection 6202.1(5) relating to flow-through shares is consistent with the amended text of the *Act* that implemented the new measure.

Contact: Simon Thompson, Tax Legislation Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel: 613-992-0049.

To be published in Canada Gazette March 3, 1999

### **Yukon Territory Fishery Regulations, amendment (SOR/99-98, OIC 1999-230)**

*Fisheries Act*, sections 8 and 43

The amendments improve the administration of the fishery, to provide for more effective enforcement of the *Regulations* and to promote increased compliance with the *Regulations*.

More specifically, the changes include:

- prohibition of fish farming without a licence issued under the *Regulations* and the establishment of a fee for such a licence;
- the addition of border waters straddling Yukon and British Columbia. Persons licensed under British Columbia *Regulations* will not require a Yukon licence to fish border waters and catch limits under both sets of *Regulations* will apply to those waters.

To be published in Canada Gazette March 3, 1999

## Exempt from Pre-Publication and Approved

Statutory  
Authority

- establishment of a salmon catch reporting system and corresponding fees by way of a Salmon Conservation Catch Card issued as an attachment to the Yukon Territory Angling Licence. Anglers will be required to record the date, location, species, sex, presence of tags and gear type used for all salmon caught in Yukon waters. The salmon conservation fee will be \$10 for a Yukon resident, \$20 for a Canadian resident and \$50 for a non-resident.
- a requirement that any non-resident under 16 years who wants to fish must have either a fishing licence or to fish with a licence holder. Since this amendment would require a fishery officer to be able to ascertain the age of a young person, an amendment is also being added to require that young persons present proof of age upon request.
- establishment of a schedule of ticketable offences for contraventions of provisions of these Regulations.
- splitting the current daily catch and possession limit for all species of salmon into catch and possession limits for each species. Also, aggregate daily catch and possession limits for all salmon will be added.
- prohibition of the possession of live fish for use as bait to catch other fish, to help prevent introduction of new fish species into Yukon waters.
- prohibition of the use of treble hooks on certain salmon rivers and a restriction allowing only the use of single barbless hooks on other salmon rivers.
- expansion of the schedule of waters in which only barbless hooks or single barbless hooks may be used.
- three minor housekeeping changes to comply with the recommendations of the Standing Joint Committee for the Scrutiny of Regulations.

Contact: Steve Smith, Fishery Officer, Fisheries and Oceans, Yukon/NBC Division, 100-419 Range Road, Whitehorse, YT, Y1A 3V1. Tel.: 867-393-6724; Fax: 867-393-6738; e-mail: SmithSteve@DFO-MPO.gc.ca.

### **Export Control List, amendment (SOR/99-99, OIC 1999-231)**

The amendments adds blinding laser weapons to the export control list.

Although Canada does not use or possess such weapons now, adding them to the Export Control List will allow any future export of any unit procured from outside the country or of units manufactured in Canada to be controlled.

Goods contained in the Export Control List are prohibited from export without an export permit. Export of goods on the Export Control List without the required export permit can result in prosecution and conviction.

Contact: Thomas E. Jones, Deputy Director (Technology), Export Controls Division, Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel: 613-996-0197; Fax: 613-996-9933.

### **Order Amending Schedule I to the Federal-Provincial Fiscal Arrangements Act (SOR/99-100, OIC 1999-245)**

The purpose of this Order is to add the Halifax Port Authority, the Montreal Port Authority and the Vancouver Port Authority to Schedule I of the *Federal-Provincial Fiscal Arrangements Act* to ensure that, as Crown agents, the port authorities be obliged to pay provincial sales tax where applicable as well as other provincial taxes and fees in the participating provinces as part of the federal government's commitment to the provinces.

Contact: Bruce Bowie, Executive Director, Marine Policy Reform, Department of Transport, Ottawa, Ontario, K1A 0N5. Tel: 613-998-0702.

*Export and Import Permits Act*, paragraph 3(d) and section 6

To be published in Canada Gazette March 3, 1999

*Federal-Provincial Fiscal Arrangements Act*, paragraph 31(2.2)(a)

To be published in Canada Gazette March 3, 1999

## Exempt from Pre-Publication and Approved

### Statutory Authority

#### **Port Authorities Management Regulations (SOR/99-101, OIC 1999-246)**

The Regulations deal with the corporate affairs of port authorities governed by the *Canada Marine Act (CMA)*.

The initial port authorities will operate ports at Fraser River, Halifax, Hamilton, Montreal, Nanaimo, North Fraser, Port Alberni, Prince Rupert, Quebec, Saguenay, Saint John, Sept-Îles, St. John's, Thunder Bay, Toronto, Trois-Rivières, Vancouver and Windsor. They replace local port corporations and non-corporate ports operating under the *Canada Ports Corporation Act* and harbour commissions operating under various statutes. The Regulations replace similar, but less extensive, administrative by-laws currently applicable to local port corporations and non-corporate ports.

Part 1 of the Regulations deals with general administrative matters, particularly trade names, the maintenance of, and access to, corporate records. Port authority records are also subject to public access in accordance with the *Access to Information Act*.

Part 2 deals with port authority directors and officers, including the conduct of directors' meetings, directors' liability for wages of port authority employees, and port authority indemnification of directors and officers. Other requirements pertaining to directors and officers are found in sections 14 to 22 of the CMA.

Part 3 regulates port authority financial matters, particularly investments which may be made by port authorities, restrictions on financial assistance which may be given by port authorities, contents of financial statements, audits, auditors and audit committees. Other provisions relating to financial matters are found in sections 32 and 36 to 43 of the CMA.

Part 4 requires the port authorities to carry out periodic risk assessments and to maintain property and liability insurance.

Part 5 requires a port authority to indemnify the federal government in respect of most liabilities incurred when the authority is acting as an agent of the government. Related provisions are found in sections 7 and 23 of the CMA.

Part 6 details the process for liquidation and dissolution of port authorities. Other provisions relating to liquidation and dissolution are found in section 55 of the CMA.

Part 7 specifies offences relating to financial statements of port authorities.

Contact: Bruce Bowie, Executive Director, Marine Policy Reform, Department of Transport, Ottawa, Ontario, K1A 0N5. Tel: 613-998-0702.

#### **Income Tax Regulations, amendment (SOR/99-102, OIC 1999-249)**

The amendment to Part XLIX of the Regulations so that shares issued by community endorsed venture capital corporations registered under the law of the Northwest Territories are qualifying investments.

Part XLIX and section 6700 of the Regulations are also amended so that arm's length investments in employee venture capital corporations and labour-sponsored venture capital corporations registered under the same law are also qualifying investments.

These amendments are consequential to the recent enactment of the *Risk Capital Investment Tax Credits Act (Northwest Territories)*.

*Canada Marine Act*, sub-section 27(1)

To be published in Canada Gazette March 3, 1999

*Income Tax Act*, section 221

To be published in Canada Gazette March 3, 1999

## Exempt from Pre-Publication and Approved

Statutory  
Authority

Subsection 5100(1) of the Regulations defines the expression “eligible corporation”. This expression is relevant principally for the purpose of the “3 for 1” rule. Under this rule, each \$1 invested in an eligible corporation can generate up to \$3 of additional foreign property room for the purposes of the 20% foreign property limit. The definition is amended to clarify that a mutual fund corporation (including a labour-sponsored venture capital corporation) is not among the types of corporations excluded from the definition because of paragraph (c) of the definition. It is also amended to explicitly list the types of corporations so excluded.

Sections 6700 and 6701 of the Regulations are amended by expanding the lists in each section to include labour-sponsored venture capital corporations registered under Part II of the *Risk Capital Investment Tax Credits Act (Northwest Territories)*. Part LXVII is also amended so that the favourable treatment of tax assistance applies to employee venture capital corporations registered under Part III of that Act.

Additionally, Part LXVII is amended so that references to the *Labour Sponsored Venture Capital Corporation Act, 1992 (Ontario)* are changed to the *Community Small Business Funds Act (Ontario)*. These amendments are strictly consequential to the change in name of the Ontario legislation.

Subsection 204.82(5) of the *Income Tax Act* provides a new tax under Part X.3 of the Act on certain labour-sponsored venture capital corporations (LSVCCs) that have been prescribed under the Regulations for the purpose of the federal LSVCC tax credit. However, tax under this subsection is generally not payable where an amount is payable as a consequence of a provision of the law of a province and the provision is prescribed. New section 6707 of the Regulations is introduced to provide a list of prescribed provisions in respect of a law of a province for the purpose of this subsection. For now, the only provision to be prescribed is section 25.1 of the *Community Small Business Funds Act (Ontario)*.

Contact: Simon Thompson, Tax Legislation Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel: 613-992-0049.

### **Crown Corporation General Regulations, 1995, amendment (SOR/99-103, OIC 1999-251)**

The amendments clarify some parts of the Regulations and streamline real property disposals.

More specifically, the amendments:

- permit the corporate planning and approval process to grant authority to agent Crown corporations to dispose of real property if the disposal is at fair market value;
- clarify the definition and reporting of remuneration for directors, chairpersons and chief executive officers; and
- clarify that forwarding new by-laws by a Crown corporation to the responsible Minister and President of Treasury Board shall occur within 15 days from when the by-laws are approved by the board of directors of the corporation.

These amendments come into force on February 18, 1999.

Contact: David Salie, Crown Corporation Policy and Information Division, Service and Innovation, Treasury Board of Canada, Ottawa, Ontario, K1A 0R5. Tel: 613-957-0144.

*Financial Administration Act*, subsections 99(4), 108(3) and 114(4)

To be published in Canada Gazette March 3, 1999

## Pre-Published and Approved No comments or changes

### Statutory Authority

#### **Immigration Regulations, 1978, amendment (SOR/99-74, OIC 1999-109)**

These amendments renew Schedule XII of the *Immigration Regulations, 1978* for an additional two years, i.e. the country list to which the regulations apply, as well as the sunset clause contained in the Regulations.

Somalia and Afghanistan remain on Schedule XII since little has changed in either country that would warrant their removal.

A sunset clause was included in the Regulations to ensure that Canada continues to respond effectively to refugee concerns.

Unless extended, the sunset clause automatically excludes a country from Schedule XII two years after the Regulations come into effect. The Schedule may be amended by the Governor in Council at any time as circumstances warrant. A decision not to renew a country will happen only when there is an objective basis for concluding that a citizen of that country has an adequate opportunity to obtain proper identity documents from the governmental authorities there.

These amendments also provide criteria for inclusion in Schedule XII of the *Immigration Regulations, 1978*; extreme political turmoil, and lack of any legitimate authority in the country to issue documents. These criteria are being incorporated into the Regulations so as to ensure that the criteria and any subsequent assessment are appropriately objective and transparent.

The Undocumented Convention Refugees in Canada Class (UCRCC) allows for the grant of permanent residence to undocumented refugees from specified countries - currently Somalia and Afghanistan. Special provision has been made for citizens of these countries in recognition of the fact that extreme turmoil exists within both countries and that turmoil has prevented and continues to prevent refugees who are citizens or nationals of Somalia and Afghanistan from complying with the current legislative requirement for a passport, travel document or other satisfactory identity document before being granted permanent residence in Canada. In both these cases, the lack of an effective central government has meant that, for some time, no reliable identity documents, in any official form, have been available to citizens or nationals of the two countries.

These Regulations come into force on January 30, 1999.

The regulatory impact analysis statement was prepublished in the *Canada Gazette Part I* on December 12, 1998 for a period of 30 days. No public comments were received by the Department during this period.

Contact: Director, Asylum Division, Citizenship and Immigration Canada 17th Floor, Jean Edmonds Towers South 365 Laurier Avenue West, Ottawa, Ontario, K1A 1L1. Tel: 613-957-5867; Fax: 613-957-5869.

#### **Related Party Transactions (Trust and Loan Companies) Regulations, amendment (SOR/99-82, OIC 1999-139)**

The amendments permit a trust or loan company to enter into prescribed transactions with its foreign bank parent or with a financial institution controlled by that foreign bank.

The regulatory amendment contains a section, similar to that in the *Related Party Transactions (Banks) Regulations*, which permits foreign bank subsidiaries to enter into prescribed transactions, such as deposits, with its foreign bank parent or with a financial institutions controlled by that foreign bank.

*Immigration Act*, subsection 6(5) and paragraph 114(1)(e)

To be published in *Canada Gazette* February 17, 1999

*Trust and Loan Companies Act*, sections 488 and 531

To be published in *Canada Gazette* February 17, 1998

## Pre-Published and Approved No comments or changes

Statutory  
Authority

The main purpose of the amendment is to ensure that trust and loan companies controlled by a foreign bank are on a level playing field with Canadian foreign bank subsidiaries.

These Regulations come into force on February 4, 1999

Contact: Charles P. Johnston, Regulations Officer, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel: 613-990-7472; Fax: 613-998-6716.

### **Wildlife Area Regulations, amendment (SOR/99-95; OIC 1999-205)**

This amendment raises the admission fees currently charged for visitors to the Cap Tourmente National Wildlife Area in Quebec.

The one-day admission fees, in each category, is raised by \$1. Annual access rates are raised from \$9 to \$15 for adults, from \$8 to \$12 for students, and from \$6 to \$10 for local residents. The fee charged for use of a bird identification guidebook or binoculars is being eliminated. Finally, as a result of numerous requests from individuals and groups, this amendment makes available the personalized service of a naturalist, if requested.

This amendment also streamlines the admission fees by modifying certain categories of users. The number of individuals admitted under group rates will increase from five persons or more, to groups of 10 persons or more. In addition, certain categories of visitors are being eliminated because they have proven, over time, to be under-utilized (such as the resident fee charged for one-day access, and the senior fee for one-day and one-year access).

Cap Tourmente National Wildlife Area, located approximately 50 kilometres east of Québec, is the most significant migratory stop-over in North America for the greater snow goose population. This National Wildlife Area (NWA) provides public awareness programs for the tens of thousands of people who visit each year.

The amendments, which were prepublished in the Canada Gazette Part I on Aug. 1, 1998, come into force on February 11, 1999.

Contact: Serge Labonté, Manager, Cap Tourmente National Wildlife Area, Saint-Joachim, Quebec, G0A 3X0. Tel: 418-827-3776; Terry Mueller, Regulatory Analyst, Program Analysis and Coordination, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel: 819-997-1272.

### **Food and Drug Regulations, amendment (Schedule 1072) (SOR/99-96; OIC 1999-207)**

This amendment will permit the use of iron oxide as a colouring agent in edible collagen film, at levels consistent with "Good Manufacturing Practice".

This use will be beneficial for allowing an easier and more economical production of the traditional black coating on black forest ham.

The amendment was published in the Canada Gazette, Part I, on November 29, 1997. Interested parties were invited to make representations concerning the proposed amendment. No responses were received.

An Interim Marketing Authorization (IMA) was issued and published in the Canada Gazette, Part I, on April 18, 1998, to permit the immediate use of iron oxide, for the purpose outlined above until the regulations could be approved.

Contact: Director, Bureau of Food, Regulatory, International and Interagency Affairs, Health Canada, A.L.: 0702C, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.

*Canada Wildlife Act; section 12; Financial Administration Act, paragraphs 19(1)(a)*

To be published in Canada Gazette March 3, 1999

*Food and Drugs Act, sub-section 30(1)*

To be published in Canada Gazette March 3, 1999

## Pre-Published and Approved No comments or changes

### Statutory Authority

#### **Food and Drug Regulations, amendment (Schedule 1096) (SOR/99-97; OIC 1999-208)**

*Food and Drugs Act*, sub-section 30(1)

This amendment will allow the use of glycerol ester of wood rosin as a density adjusting agent in citrus-flavoured and spruce-flavoured beverages at a maximum level of 100 ppm.

This use of glycerol ester of wood rosin in beverages will benefit both consumers and the beverage industry by providing an alternative density adjusting agent in these food products. This amendment is also advantageous because it permits harmonization of Canadian regulations with those of the U.S. and the EU in regard to the use of glycerol ester of wood rosin.

The schedule of amendment was published in the Canada Gazette, Part I, on February 7, 1998.

Contact: Director, Bureau of Food, Regulatory, International and Interagency Affairs, Health Canada, A.L.: 0702C, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.

To be published in Canada Gazette March 3, 1999

## Pre-Published and Approved With comments or changes

### Statutory Authority

#### **Tobacco (Access) Regulations (SOR/99-93, OIC 1999-197)**

*Tobacco Act*, section 14

These Regulations continue the provisions respecting the form, size, content, number and placement of the signs that are currently set out at section 5 of the *Tobacco Sales to Young Persons Regulations* and the exemption from those requirements for retailers in provinces with legislation that prohibits sales of tobacco to young person and requires signs to that effect to be posted in retail premises selling tobacco products.

A section repeals the *Tobacco Sales to Young Persons Regulations*.

These Regulations also set out the documentation that may be used to verify age for the purposes of subsection 8(2) of the *Tobacco Act* and exempt duty-free shop operators from section 11 of the Act. Section 11 of the Act prohibits the sale of tobacco products by means of a self-service display unless exempted by the Regulations. While duty-free operators retail tobacco products to consumers, their situation is historically unique and distinguishable from that of other retail operations. Duty-free operators service a unique client group, i.e., persons leaving Canada. Duty-free purchases of tobacco products are made by the carton (the expense of which is a deterrent to young persons) in unique circumstances that require, in the case of air travel, the tendering of a boarding pass and passport or, in the case of land transportation, immediate entry into the United States. Finally, the volume of tobacco products sold through duty-free shops is minimal in comparison to consumer sales by other retail operations and does not pose the same degree of pervasive promotion.

Duty-free operators, like all other retailers, have the continued responsibility for refusing to sell tobacco products to young persons and to require valid proof of age identification.

Following the publication of these Regulations in the Canada Gazette, Part I, on March 29, 1997, manufacturers and wholesalers, who sell tobacco products to persons other than consumers (e.g. to retailers only) and at a location to which consumers do not have access, are also exempt from section 11 of the Act.

To be published in Canada Gazette March 3, 1999

## Pre-Published and Approved With comments or changes

Statutory  
Authority

Duty-free operators, like all other retailers, have the continued responsibility for refusing to sell tobacco products to young persons and to require valid proof of age identification.

Following the publication of these Regulations in the Canada Gazette, Part I, on March 29, 1997, manufacturers and wholesalers, who sell tobacco products to persons other than consumers (e.g. to retailers only) and at a location to which consumers do not have access, are also exempt from section 11 of the Act. This exemption is required to allow self-service displays of tobacco products to facilitate intra-industry transactions with respect to tobacco products.

These Regulations are one of five sets of Regulations under the Tobacco Act. In addition to these Regulations, other Regulations dealing with labelling, with promotional matters and with reporting of information will follow after consultations with stakeholders have been completed. Regulations dealing with the content of tobacco products and their emissions will be considered as toxicological and social science knowledge about tobacco products and their use develops.

Contact: Director, Office of Tobacco Control, Environmental Health Directorate, Health Protection Branch, Health Canada, 7th Floor, Brooke Claxton Building, Tunney's Pasture, Address Locator 0907D1, Ottawa, Ontario, K1A 0K9. Tel: 613-941-2423; Fax: 613-941-1551.

### **Tobacco (Seizure and Restoration) Regulations (SOR/99-94, OIC 1999-198)**

*Tobacco Act*, section 42

These Regulations set out the information that must be provided to the Minister and the time and manner in which it is to be served on the Minister, when the owner of goods seized by an inspector applies to a court for restoration of the seized product or thing.

To be published in Canada Gazette March 3, 1999

The Regulations also require that the inspector give the owner or person in charge of the place from which a product or thing is seized a copy of these Regulations at the time of seizure. The latter requirement is intended to ensure that a person from whom a tobacco product or other thing is seized is aware of restoration procedure under the Act.

The *Tobacco Act*, which received Royal Assent on April 25, 1997, contains enforcement powers at sections 35 to 41 that can be exercised by inspectors designated under section 34 of the Act. Where in the lawful exercise of those enforcement powers, an inspector seizes a tobacco product or other thing to which the Act applies, its owner may apply to a court for restoration of the seized product or thing. Section 40 provides that the owner shall commence this process by sending a notice "containing the prescribed information to the Minister within the prescribed time and in the prescribed manner".

These Regulations contain the same procedures for restoration orders that have been set out in section 25 of the *Hazardous Products Act* since 1988.

Contact: Director, Office of Tobacco Control, Environmental Health Directorate, Health Protection Branch, Health Canada, 7th Floor, Brooke Claxton Building, Tunney's Pasture, Address Locator 0907D1, Ottawa, Ontario, K1A 0K9. Tel: 613-941-2423; Fax: 613-941-1551.

# Ministerial Orders Approved

## Statutory Authority

### **Canadian Chicken Marketing Quota Regulations, 1990, amendment (SOR/99-77)**

*Farm Products Agencies  
Act, paragraph 22(1)(f)*

This amendment establishes the periodic allocation, for the period from March 14, 1999 and ending on May 8, 1999 for producers who market chicken in interprovincial or export trade.

To be published in Canada  
Gazette February 17, 1999

The new limits are as follows:

- production subject to federal and provincial quotas (in live weight, kilograms), for Ontario, 57,400,000; for Quebec, 47,324,205; for Nova Scotia, 5,888,836; for New Brunswick, 4,746,961; for Manitoba, 7,237,162; for P.E.I., 660,797; for Saskatchewan, 3,965,111; for Alberta, 16,600,000; and for Newfoundland, 2,557,370.
- production subject to periodic export quotas (in live weight, kilograms), for Ontario, 1,760,000 kg; Quebec, 4,301,500; Nova Scotia, 100,000; Manitoba, 490,000 and for Alberta, 546,000.

These Regulations come into force on March 14, 1999.

Contact: Canadian Chicken Marketing Agency, 377 Dalhousie Street, Ottawa, Ontario, K1N 9N8. Tel: 613-241-2800; Fax: 613-241-5999.

### **Domestic Substances List, amendment (SOR/99-78); Domes- tic Substances List, amendment (SOR/99-79)**

*Canadian Environmental  
Protection Act, subsection  
30(1)*

The first amendment adds 36445-84-8, 54272-29-6, 67923-67-5, 68299-17-2 to Part I of the Domestic Substances List and deletes 36445-84-8, 54272-29-6, 67923-67-5, 68299-17-2 from Part I, and adds 11655-0 Alkyl butanedioic acid, magnesium salt to Part II of the Non-domestic Substances List, effective February 1, 1999.

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Gazette February 17, 1999

The second amendment adds 106-09-2 N, 1326-82-5 N, 6362-79-4 T, 13939-25-8 N, 106-09-2 N, 1326-82-5 N, 6362-79-4 T, 13939-25-8 N, 28571-95-1 N, 50862-31-2 T, 57833-28-0 T, 62478-33-5 N, 28571-95-1 N, 50862-31-2 T, 57833-28-0 T, 62478-33-5 N, 65700-33-6 N, 68092-20-6 N, 68527-37-7 T, 68991-71-9 T, 65700-33-6 N, 68092-20-6 N, 68527-37-7 T, 68991-71-9 T, 69029-43-2 N, 88995-51-1 N, 103819-35-8 T, 120232-16-8 N, 69029-43-2 N, 88995-51-1 N, 103819-35-8 T, 120232-16-8 N, 127519-17-9 T, 128218-63-3 T, 131794-66-6 N, 151006-60-9 T, 127519-17-9 T, 128218-63-3 T, 131794-66-6 N, 151006-60-9 T, 155552-11-7 N, 163149-26-6 T, 163149-27-7 T, 165526-46-5 T, 155552-11-7 N, 163149-26-6 T, 163149-27-7 T, 165526-46-5 T, 172201-26-2 N, 182970-15-6 N, 213629-15-3 T, 172201-26-2 N, 182970-15-6 N, and 213629-15-3 T to Part I of the Domestic Substances List and deletes 6362-29-4 T and 6362-29-4 T from Part I and adds 23 substances to Part II of the Non-domestic Substances List, effective February 1, 1999.

Contacts: Martin Sirois, A/Head, New Substances Notification Section, New Substances Division, Commercial Chemicals Evaluation Branch, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-953-9348; Arthur Sheffield, A/Director, Regulatory and Economic Assessment, Regulatory Affairs and Program Integration Directorate, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-953-1172.

# Ministerial Orders Approved

## Statutory Authority

### **Canadian Chicken Licensing Regulations, amendment (SOR/99-80)**

*Farm Products Agencies Act, subsection 16(1)*

These amendments modify the period during which chicken may be exported and provide for a monthly report of inventory of stocks for export held in storage to be forwarded to the Agency.

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More specifically:

“1. (1) Paragraph 6(3)(d) of the Canadian Chicken Licensing Regulations is replaced by the following:

(d) the licensee shall, during the quota allocation period referred to in paragraph (b) or during the quota allocation period immediately before or after that period, export the total live weight equivalent of the amount of chicken indicated in section 1 of the export commitment form, as calculated with the coefficients set out in column II of Schedule II;

(2) Subsection 6(3) of the Regulations is amended by striking out the word “and” at the end of paragraph (h), by adding the word “and” at the end of paragraph (i) and by adding the following after paragraph (i):

(j) the licensee shall prepare and forward to the Agency on a monthly basis and in the form approved by the Agency, a report of inventory of stocks for export held in storage by that licensee.”

These Regulations come into force on February 3, 1999.

Contact: Canadian Chicken Marketing Agency, 377 Dalhousie Street, Ottawa, Ontario, K1N 9N8. Tel: 613-241-2800; Fax: 613-241-5999.

### **Rules of Practice in Criminal Matters in the Court of Appeal in Quebec (SI/99-10)**

*Criminal Code, section 482*

These new rules, which replace an earlier set of rules, covers all aspects of matters relating to pursuing criminal matters in the court of appeal in Quebec, including proceedings, notices, rules for preparing an appeal, service and filing of motions, preparation of factums, arguments and conclusions, hearings, appeals, special dispositions.

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Appendix A provides the format for a Certificate of Readiness; Appendix B sets out a Questionnaire concerning sentence.

The new rules are effective 10 days after publication in the Canada Gazette, Part II.

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