

Tracking Federal Regulatory Initiatives

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<p>Humanitarian Designated Classes Regulations, amendment</p> <p>The proposed amendments would extend the “sunset” date for the Regulations to December 31, 1999, and bring the Source Country Schedule up to date considering present world conditions.</p> <p>Cambodia has been removed from the Source Country list since it no longer meets all the criteria for inclusion, namely the requirement that general conditions in the country be such that applicants would likely meet the definition of the class. The amended Schedule now includes Bosnia-Herzegovina, Colombia, Croatia, El Salvador, Guatemala, Liberia and Sudan.</p> <p>No new countries are being added to the list for 1999.</p> <p>The changes follow a recently completed review of conditions in more than 30 countries. While conflict and human rights violations exist in a number of other countries at the present time, only the seven countries on the Source Country Schedule meet all of the requirements for inclusion in the Source Country Class.</p> <p>Contact: Rick Herring, Director, Refugee Resettlement, Citizenship and Immigration Canada, Jean Edmonds Tower South, 17th Floor, 365 Laurier Avenue W, Ottawa, Ontario, K1A 1L1. Tel: 613-957-5854; Fax: 613-957-5836.</p>	<p><i>Immigration Act</i>, subsections 114(1) and (10)</p> <p>Published in Canada Gazette November 7, 1998</p>
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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority

Income Tax Regulations, amendment

Most of these proposed amendments implement measures relating to retirement savings announced in the 1995, 1996 and 1997 federal budgets. The remaining amendments are minor modifications to the existing regulatory framework.

Part LXXXIII of the Income Tax Regulations provides rules for calculating pension adjustments (PAs), past service pension adjustments (PSPAs) and other prescribed amounts, which reduce an individual's RRSP deduction room. The amounts are a measure of the benefits provided to an individual under registered pension plans (RPPs), deferred profit sharing plans (DPSPs) and certain unregistered retirement arrangements. Part LXXXIV sets out the reporting requirements for RPPs, DPSPs and certain unregistered retirement arrangements. Part LXXXV sets out conditions that must be satisfied in order for a pension plan to be registered under the Income Tax Act.

Most of the amendments to Parts LXXXIII to LXXXV relate to retirement savings measures announced in the 1995, 1996 and 1997 federal budgets. The remaining amendments are technical refinements to the existing regulatory framework and are made in response to specific concerns raised by pension plan administrators, pension consultants and Revenue Canada. For the most part, these technical changes are relieving in nature.

The amendments to Parts LXXXIII and LXXXIV deal primarily with the introduction of the pension adjustment reversal (PAR) and the associated reduction in the PA offset from \$1,000 to \$600. PAR restores RRSP deduction room for individuals who receive termination benefits from an RPP or DPSP that are less than the RRSP room given up over the years because of their participation in the RPP or DPSP. The lower PA offset reduces the annual RRSP deduction room of members of defined benefit RPPs by \$400. These amendments, which relate to retirement savings measures announced in the 1997 federal budget, were released in draft form in June 1998. Several changes were made to the draft amendments as a result of consultations with the pension industry. These were announced in October 1998.

Most of the amendments to Part LXXXV relate to retirement savings measures that were announced in the 1995 and 1996 federal budgets. Some of these amendments were released in draft form in July 1995. Others were released in draft form in February 1997. The draft amendments were also incorporated into the June 1998 release. The most significant amendments: reduce, from 71 to 69, the age at which an individual's pension must begin under an RPP; defer until 2005 the indexing of the \$1,722 defined benefit limit; and allow an individual to transfer a single amount from a defined benefit RPP to a registered retirement income fund after turning 72 years of age.

Contact: Catherine Cloutier, Tax Legislation Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel: 613-996-0598.

Income Tax Act, 147.1(18) and section 221

Published in Canada Gazette November 7, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

Schedule to the Act, amendment (SOR/98-523, OIC 1998-1857)

This Order adds an international financial institution, the "Inter-American Investment Corporation", to the schedule to the Act.

International Development (Financial Institutions) Assistance Act, paragraph 4(a)
To be published in Canada Gazette November 11, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

Regulations Amending the Extra-Provincial Truck Undertaking Licensing Regulations (Miscellaneous Program) (SOR/98-525, OIC 1998-1865)

The amendment replaces item 6 of the Schedule to the Regulations with the following: "Senior Vice-President, Operations, Insurance Corporation of British Columbia".

The amendment comes into effect October 22, 1998.

Motor Vehicle Transport Act, 1987, paragraph 9(1)(f)

To be published in Canada Gazette November 11, 1998

Royal Canadian Mounted Police Superannuation Regulations, amendment (SOR/98-531, OIC 1998-1875)

The amendments to the Regulations will limit periods of leave without pay which can be counted as pensionable service; amend the definition of "child"; require certification from Revenue Canada for the purchase of elective service occurring after 1989; disallow the purchase of past service in a pension plan that was not registered under the ITA; discontinue pensionable service accruals after age 71; limit the amount of pension benefits payable in cases of early involuntary retirement; and limit the amount of survivor benefits payable.

These regulations are part of a RCMP Superannuation Act tax compliance exercise which is being implemented in stages. In December 1994, the Treasury Board gave its approval to limit normal plan retirement pensions under the federal pension plans to the maximum provided in the *Income Tax Act* and Regulations. The amendments now being implemented represent a second phase in the tax compliance exercise, to modify the employer-sponsored pension plan for the RCMP in order to limit benefits in accordance with the requirements of the *Income Tax Act* and Regulations.

Other technical amendments cover language discrepancies and concerns noted by the Standing Joint Committee for the Scrutiny of Regulations are also being implemented. The Regulations come into force on October 22, 1998.

Contact: Inspector Kevin M. Mole, Officer in Charge, National Compensation Policy Centre, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2. Tel: 613-993-1418.

Royal Canadian Mounted Police Act, section 41

To be published in Canada Gazette Nov. 11, 1998

Rules Amending the Public Inquiry (Banks) Rules (SOR/98-532, OIC 1998-1880); Rules Amending the Public Inquiry (Cooperative Credit Associations) Rules (SOR/98-533, OIC 1998-1881); Rules Amending the Public Inquiry (Insurance Companies) Rules (SOR/98-534, OIC 1998-1882); Rules Amending the Public Inquiry (Trust and Loan Companies) Rules (SOR/98-535, OIC 1998-1883)

The amendments resulted from a request by the Standing Joint Committee for the Scrutiny of Regulations (SJC) to amend the definition of "objection" be amended to mean "an objection to a proposed incorporation, a proposed continuance or a proposed amalgamation" rather than simply being defined as "an objection to an application".

The definition of "objection" found in the *Public Inquiry (Cooperative Credit Associations) Rules* was amended to mean "an objection to a proposed incorporation" given that the continuance and amalgamation situations are not applicable in this case.

These Regulations come into force on October 22, 1998.

Contact: Charles P. Johnston, Legislation 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.

Bank Act, subsection 26(5); Cooperative Credit Associations Act, subsection 26(5); Insurance Companies Act, subsection 26(5); Trust and Loan Companies Act, subsection 25(5)

To be published in Canada Gazette Nov. 11, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

Charitable Food Donations Anti-dumping and Countervailing Duty Remission Order (SOR/98-536, OIC 1998-1889)

This Order authorizes the remission of anti-dumping and countervailing duties otherwise payable on food donations.

The *Customs Tariff* provides for the exemption from tariffs of charitable donations by non-residents of Canada to charitable institutions in Canada. However, this exemption does not extend to anti-dumping or countervailing duties imposed on such goods under the Special Import Measures Act (SIMA).

These Regulations come into force on October 22, 1998.

Contact: Charles P. Johnston, Legislation 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.

Customs Tariff, section 115

To be published in Canada Gazette Nov. 11, 1998

Order Amending the Customs Tariff for the Purpose of Eliminating the Customs Duties for Certain Goods Originating in Chile, 1998 (SOR/98-542, OIC 1998-1922)

This Order implements a Free rate of duty for imports from Chile for Chilean fresh cherries, vegetable juices, and certain preparations for use in the manufacture of beverages.

The Canada-Chile Free Trade Agreement (CCFTA), which came into effect on July 5, 1997, provides for either the immediate or progressive elimination of customs duties on most originating goods traded between the two parties. Under the Agreement, Canada committed to implementing a reduced tariff rate prior to January 1, 2003, on certain Chilean products only if Chile eliminated its "simplified duty drawback" scheme, a form of export subsidy for these products or on confirmation that the goods were no longer eligible for "simplified duty drawback". The Chilean "simplified duty drawback" scheme will cease to exist on January 1, 2003.

The Government of Chile has advised Canada that the "simplified duty drawback" no longer applies to Chilean fresh cherries, vegetable juices, and certain preparations for use in the manufacture of beverages.

These Regulations come into force on October 30, 1998.

Contact: Paul Robichaud, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-2510.

Customs Tariff, section 115

To be published in Canada Gazette Nov. 11, 1998

Order Amending the Schedule to the Customs Tariff (Certain Periodicals) (SOR/98-543, OIC 1998-1923)

This Order removes the prohibition on the importation into Canada of foreign split-run magazines (Canadian editions of foreign magazines) and foreign magazines with more than 5% of their advertising specifically directed at the Canadian market.

The import prohibition is contained in tariff item 9897.00.00 of the Canadian Customs Tariff (formerly tariff Code 9958, prior to January 1, 1998). This Order repeals the relevant portion of tariff item No. 9897.00.00.

The amendment follows an appeal by the United States of America, a dispute settlement panel and the Appellate Body of the World Trade Organization (WTO) which ruled that certain measures contained in the Canadian *Customs Tariff* were inconsistent with Canada's obligations under the WTO. The measures in question prohibit the importation into Canada of foreign split-run magazines (Canadian editions of foreign magazines) and foreign magazines with more than 5% of their advertising specifically directed at the Canadian market.

Customs Tariff, paragraph 14(1)(c)

To be published in Canada Gazette Nov. 11, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

As a consequence of the WTO rulings, in July of 1997, the Dispute Settlement Body (DSB) of the WTO requested that Canada bring these measures into conformity with its WTO obligations within 15 months. In subsequent meetings of the DSB, Canada indicated that it would comply with the WTO ruling by October 30, 1998. This requires that Canada repeal the import prohibition by that date.

These Regulations come into force on October 30, 1998.

Contact: Susan Spencer, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-4246.

Order Repealing the Exportation and Re-importation of Tires and Tubes Remission Order (SI/98-110, OIC 1998-1925)

Financial Administration Act, section 109

This instrument repeals Order P.C. 1966-23/2179 of November 24, 1966, the "Exportation and Re-importation of Tires and Tubes Remission Order".

To be published in Canada Gazette Nov. 11, 1998

The Order has not been used for a number of years. As well, the automotive tires and tubes are duty-free when they originate and are imported from the United States, Mexico, Chile or Israel or another CIFTA beneficiary.

The Order comes into force on November 11, 1998.

Employment Insurance Regulations, amendment (SOR/98-551, OIC 1998-1997)

Employment Insurance Act, subsection 23(2)

This amendment permits a pilot project to be established, to continue evaluating the impact on work patterns associated with reducing the effect of small weeks of earning on the Employment Insurance benefits.

To be published in Canada Gazette Nov. 25, 1998

The pilot project is the extension of one of two earlier temporary adjustment projects established in 29 economic regions with high unemployment rates: one ignored small weeks (less than \$150) from the averaging process upon which weekly EI benefits are based ("excluding"); the other consolidated small weeks into other weeks with higher earnings attributed to them before the averaging process ("bundling").

Since the "bundling" experience was hard to explain and costly to administer, it was decided to continue to "excluding" pilot, and extend it to all of the 29 original participating economic regions. Two other regions, Hull, Quebec and Sudbury, Ontario, are being added.

The new pilot will start November 15 and run to three years.

The Order comes into force on November 15, 1998.

Contact: Sue Fowler, Senior Policy Advisor, Policy and Legislation Development Insurance, Human Resources Development Canada, 140 Promenade du Portage, Phase IV, 9th Floor, Ottawa, Ontario, K1A 0J9. Tel: 819-997-8628; Fax: 819-953-9381.

Pre-Published and Approved No comments or changes

Statutory Authority

Migratory Bird Sanctuary Regulations, amendment (SOR/98-522, OIC 1998-1855)

Migratory Birds Convention Act, 1994, section 12

The amendment to Part I of the Schedule to the Regulations establishes a new sanctuary near Inkerman, New Brunswick.

To be published in Canada Gazette November 11, 1998

Pre-Published and Approved

No comments or changes

Statutory Authority

The Inkerman sanctuary is an area of 15 hectares on Pointe aux Musques, two kilometres northeast of the Village of Inkerman. The property is owned by a sole proprietor.

The creation of the sanctuary will protect and enhance the breeding population and habitat of a colony of 381 pairs of Black-crowned Night Herons and 50 pairs of Great Blue Herons.

The Inkerman Black-crowned Night Heron colony is the largest and most significant in the Atlantic Region, and the Great Blue Heron colony is one of the largest in New Brunswick. Herons require undisturbed habitat in which to raise their young.

Contact: Colin MacKinnon, Atlantic Region, Canadian Wildlife Service, P.O. Box 6227, 17 Waterfowl Lane, Sackville, New Brunswick, E4L 1G6. Tel: 506-364-5039; Fax: 506-364-5062; e-mail: Colin.MacKinnon@ec.gc.ca; Ed Wiken, Chief, Habitat Conservation Division, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel: 819-994-9533; Fax: 819-994-4445; e-mail: Ed.Wiken@ec.gc.ca.

Migratory Birds Regulations, amendment (SOR/98-527; OIC 1998-1867)

The amendment permits falconry hunting across Canada where the area is designated by a province or territory as an area in which persons may hunt with the aid of raptors.

Previously, the Migratory Birds Regulations permitted the hunting of migratory birds with raptors in Prince Edward Island, Saskatchewan, Alberta and British Columbia. This method of hunting has had little impact on bird populations in these provinces.

The amendment will enable the provinces and territories to designate zones within their jurisdictions in which hunting with raptors may occur. For example, the government of Ontario has replaced its *Game and Fish Act* with the *Fish and Wildlife Conservation Act*, which permits the designation of areas for hunting with raptors, in order to be able to provide for this method of hunting when the proposed amendment to the federal Regulations is finalized. Similarly, in March 1998, the government of Manitoba amended its *Wildlife Act* to provide for hunting with raptors.

The amendment was prompted by requests from hunters and other interested parties, including the Ontario Hawking Club.

Contact: Susan Masswohl, Regulatory Analyst, Program Analysis and Coordination Division, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel: 819-953-8582; Fax: 819-953-6283; e-mail: Susan.Masswohl@ec.gc.ca. Stephen Wendt, Chief, Migratory Birds Conservation Division, Canadian Wildlife Service, Environment Canada Ottawa, Ontario, K1A 0H3 Tel: 819-953-1422; Fax: 819-994-4445; e-mail: Steve.Wendt@ec.gc.ca

CES Grant Regulations (SOR/98-528, OIC 1998-1868)

The Regulations establish the rules for the new Canada Education Savings (CES) Grant.

The CES Grant is designed to make Registered Education Savings Plans (RESPs) more attractive as vehicles for saving for children's post secondary education.

The highlights of the new grant program include:

- beginning January 1, 1998, the Government will pay a Canada Education Savings Grant of 20 percent on the first \$2,000 of annual contributions made to RESPs in each year, on behalf of eligible beneficiaries, up to the year of their 17th birthday. The maximum CES Grant will be \$400 per beneficiary, per year.

Migratory Birds Convention Act, 1994, section 12

To be published in Canada Gazette Nov. 11, 1998

Department of Human Resources Development Act, Part III.1

To be published in Canada Gazette Nov. 11, 1998

Pre-Published and Approved No comments or changes

Statutory Authority

- a family that has been unable to make contributions for one or more years may catch up in later years on missed contributions. In this case, the CES Grant will be paid on contributions up to \$4,000 per year, with the maximum CES Grant payable in any particular year being \$800.
- the Government will pay the CES Grant to the trustee of the RESP, to be invested in the subscriber's plan. The CES Grant itself will not be included in calculating the beneficiary's annual and lifetime RESP contribution limits.
- the CES Grant, and the investment income it generates, will be paid to the beneficiary when he or she enrolls in eligible full-time, post-secondary education or training programs. - If the beneficiary does not pursue education or training, the CES Grant must be repaid to the Government. Investment income from the CES Grant may be transferred to the subscriber's RRSP, if certain conditions are met.
- contributions for beneficiaries aged 16 or 17 will receive a grant only where \$2,000 of RESP contributions were made before the year in which the beneficiary attained 16 years of age, or where a minimum of \$100 in annual RESP contributions were made in any four years before the year in which the beneficiary attained 16 years of age. During the transitional years of 1998 and 1999, a grant will be payable on behalf of 16 and 17 year-olds who were beneficiaries under an RESP for at least four years before 1998.

There were approximately 700,000 Registered Education Savings Plans in existence at the time the CES Grant Program was announced in the Budget. This number has already increased significantly, due to widespread interest generated by publicity surrounding the announcement of the CES Grant.

The current estimated cost for the grants to be paid in 1998 is \$200 - \$300 million. It is expected that more and more individuals will be encouraged to open RESPs. As this happens, more and more Canadians will have a savings base to finance their post-secondary education, thereby reducing their reliance on other forms of funding.

These Regulations were pre-published in the Canada Gazette, Part I on September 26, 1998 and no comments were received. They come into force on October 22, 1998.

Contact: Mary Flynn-McRae, Manager, Operations Strategy and Support, Canada Education Savings Grant Program, Learning and Literacy Directorate, Human Resources Investment Branch, Human Resources Development Canada, 15 Eddy Street, 10th Floor, Hull, Quebec, K1A 0M5. Tel: 819-953-3836; Fax: 819-953-6500.

Canadian Aviation Regulations (Part IV), amendment (SOR/98-530, OIC 1998-1871)

The amendments add CARs 400.06 (Extension of Validity Period), to provide the Minister with the authority to extend the validity period of a medical certificate, instrument rating or flight instructor rating. The accompanying Standards (421.49 — Renewal of Instrument Rating, 421.66 — Renewal of Flight Instructor Rating, 421.85 — Period of Validity, 421.89 — Period of Validity and 424.04 — Extension of Medical Validity) will establish the conditions under which such an extension shall be granted.

An amendment to CARs 401.10 (Crediting of Flight Time Acquired by a co-pilot) and the associated Standard re-establishes regulations governing limitations on crediting of co-pilot time toward total flight time requirements.

Aeronautics Act, section 4.9

To be published in Canada Gazette Nov. 11, 1998

Pre-Published and Approved No comments or changes

Statutory Authority

CARs 401.11 (Airline Transport Licence — Training Program and Recording of Time) and its associated Standard are being amended to include provisions relating to the recording of the flight time acquired by a co-pilot while acting as pilot-in-command under supervision currently in CARs 401.10 and to ease requirements for the acquisition of pilot-in-command under supervision flight time.

These Regulations come into force on December 1, 1998.

Contact: The Chief, Regulatory Affairs, AARBH, Transport Canada Safety and Security, Place de Ville, Tower C, Ottawa, Ontario, K1A 0N8. Tel: 613-993-7284 or 1-800-305-2059; Fax: 613-990-1198.

Immigration Regulations, 1978, amendment (SOR/98-544, OIC 1998-1927)

The amendments introduce a minimum age, 16 years, for spouses accompanying immigrants to Canada.

This age will be added to the definition of “accompanying dependant”. The same minimum age will apply as well to spouses sponsored as immigrants by Canadian citizens and permanent residents.

Spouses less than this minimum age will be excluded from the Family Class prescribed in the Regulations.

These changes are designed to prevent the immigration of married couples in which one member is less than 16 years old and of people less than 16 years old who are married to Canadian citizens or permanent residents eligible to sponsor their spouses as immigrants.

Quebec only allows marriage with parental consent if the parties are both at least 16 years old. The Immigration Department felt that this higher age requirement, based on the provincial legislation governing the solemnization of marriages, would be a more suitable model for the amendments because it recognizes marriage as a relationship that is not strictly sexual.

Contact: Joan Atkinson Director General, Selection Branch Citizenship and Immigration Canada Jean Edmonds Tower North, 7th Floor 300 Slater Street Ottawa, Ontario, K1A 1L1. Tel: 613-954-1147; Fax: 613-941-9323.

British Columbia Sport Fishing Regulations, 1996, amendment (SOR/98-545, OIC 1998-1928)

These amendments repeal the prohibition on fishing for halibut with more than one line, reduce the fee for a five-day non-resident sport fishing licence, change the requirement to record salmon on a sport fishing licence, and amend the daily quota for shrimp.

More specifically, the changes are as follows:

- the definition of “tidal waters” is being amended in the English version only, to correct a reference to the *Pacific Fishery Management Areas Regulations*.
- the prohibition against any person angling with more than one fishing line for halibut is being lifted and the offence of fishing for halibut with more than one line is also being removed from Schedule VIII.
- the licence fee for a five-day non-resident sport fishing licence is being reduced from \$36 to \$31. Previously, the cost of a five-day licence was greater than the cost of two one-day licences and one three-day licence combined. This anomaly resulted in the sale of multiple licences to one fisher for a single five-day trip and additional costs to DFO for payment of commissions to licence vendors.

Immigration Act, section 114

To be published in Canada Gazette November 11, 1998

Fisheries Act, section 43

To be published in Canada Gazette November 11, 1998

Pre-Published and Approved No comments or changes

Statutory Authority

- an error in the Regulations is corrected by requiring that only catches of chinook salmon, and not all catches of salmon, be recorded on the licence. Only chinook salmon has an annual limit and thus it is the only species of salmon that needs to be recorded on the sport fishing licence.
- Schedule VIII is being amended to accurately reflect the wording of subsection 13(2) of the Regulations, which is referred to in item 20. In accordance with that subsection, the offence should be for possessing more than three halibut, not for possessing more than the daily quota.
- the description of the daily quota for partly shelled shrimp is being amended to read "2.5 kg with the head and the thorax removed". The daily quota for shrimp in the shell remains unchanged at 5 kg.

The amendments come into effect October 29, 1998.

Contact: Terry Gjernes, Acting Chief, Recreational Fisheries Division, Operations Branch, Department of Fisheries and Oceans, 300 - 555 West Hastings Street, Vancouver, British Columbia, V6B 5G3. Tel: 604-666-3271; Fax: 604-666-7369.

Food and Drug Regulations (Schedule 1087), amendment (SOR/98-546, OIC 1998-1929)

The amendment establishes Maximum Residue Limits (MRLs) for fluazuron in the fat of cattle at 7.0 parts per million (ppm) and in meat by-products of cattle at 0.5 ppm.

Residues of fluazuron, a tick development inhibitor used to control the cattle tick *Boophilus microplus* which is present in Australia and other tropical areas, will be covered under the general tolerance of 0.1 ppm specified in subsection B.15.002(1) of the Regulations.

Contact: 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; Fax: 613-736-3505.

Leamy Lake Navigation Channel Regulations (SOR/98-547, OIC 1998-1930)

The Regulations, in conjunction with the *Boating Restriction Regulations* made under the *Canada Shipping Act*, govern activities in a navigation channel for motorized vessels that is located on the west side of the Leamy Lake in Gatineau Park, near Ottawa.

More specifically, the Regulations prohibit the following activities in the navigation channel:

- operating a vessel other than a motorboat or shuttle boat;
 - swimming;
 - interfering with another person's use of the channel or behaving in a manner that endangers public safety;
 - stopping or anchoring a vessel;
 - dumping sewage or other waste, fuel or oil; and
- selling or supplying fuel or oil or fuelling a vessel with fuel or oil.

In addition, the following rules would apply:

- a person operating a motorized vessel would be required to wait for permission from the control booth operator before entering the channel;
- if the condition of a vessel is such that it may endanger public safety or delay or obstruct navigation, the vessel would not be permitted in the channel;

Food and Drugs Act, subsection 30(1)

To be published in Canada Gazette November 11, 1998

National Capital Act, section 20

To be published in Canada Gazette November 11, 1998

Pre-Published and Approved No comments or changes

Statutory Authority

- the operator of a vessel in the channel would be required to obey instructions issued by the control booth operator or any other person charged with enforcing the safe operation of the channel, and obey the traffic signals in the channel;
- the operator of a vessel in the channel would be required to operate the vessel in a manner that avoids endangering public safety or causing damage to the shoreline, another vessel or other object;
- only 20 motorboats would be permitted in the channel, and only 25 motorboats in total would be permitted in the channel and Lac de la Carrière at any one time; and
- only one shuttle boat would be permitted in the channel, and only two shuttle boats would be permitted in total in the channel and Lac de la Carrière at any one time.

Finally, the Regulations require the control booth operator to deny permission to enter the channel to a person operating a vessel where

- the control booth operator believes, on reasonable grounds, that the person is impaired by drugs or alcohol;
- the person is behaving in a manner that endangers public safety;
- the channel is blocked by a disabled vessel; or
- an emergency exists in the channel or in Lac de la Carrière.

The Regulations come into effect October 29, 1998.

Contact: Karen McNeil, Legal Counsel, National Capital Commission, 40 Elgin Street, Suite 202, Ottawa, Ontario, K1P 1C7. Tel: 613-239-5477; Fax: 613-239-5404.

Food and Drug Regulations, amendment (Schedule No. 1066) (SOR/98-550, OIC 1998-1980)

This amendment requires fortification of flour and enriched pasta with folic acid and harmonizes the Canadian levels of nutrient addition to flour and enriched pasta to the U.S. levels.

The required level of added nutrients is specified as a single level per 100 grams of flour rather than a range as part of the harmonization.

Contact: The Director, Bureau of Food Regulatory, International and Interagency Affairs, Department of Health, Address Locator 0702C, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.

Food and Drugs Act, subsection 30(1); *Hazardous Products Act*, section 15

To be published in Canada Gazette November 25, 1998

Pre-Published and Approved With comments or changes

Statutory Authority

Regulations Amending Certain Regulations Made under the Motor Vehicle Safety Act (Miscellaneous Program) (SOR/98-524, OIC 1998-1864)

The amendments make non-substantive changes to three Regulations in order to deal with issues raised by the Standing Joint Committee for the Scrutiny of Regulations (SJC).

Changes to the *Motor Vehicle Safety Regulations*:

- replace the expressions "clé", "clé de contact" and "contact d'allumage" in the French version of the definition "dispositif de stationnement" and in the provisions referred to in section 4 of the Schedule with "commutateur d'allumage", to make the terminology consistent throughout the French Regulations.

Motor Vehicle Safety Act, sections 5, 10 and 11

To be published in Canada Gazette November 11, 1998

Pre-Published and Approved With comments or changes

Statutory Authority

- amend subsection 10(1) to prescribe the form and manner that a company shall use to maintain records in writing or in a readable electronic or optical form, to show that vehicles that it manufactures or imports conform to applicable standards. The amendment also clarifies that a record need not be kept for each individual vehicle.
- amend subsection 15(2) to set 60 days as the precise period within which a company who has issued a notice of defect, shall submit to the Minister a report referred to in the Act.

Changes to the *Motor Vehicle Tire Safety Regulations, 1995*:

- amend subsection 11(1) to prescribe the form and manner that a company shall use to maintain records in writing or in a readable electronic or optical form, to show that tires that it manufactures or imports conform to applicable standards. The amendment also clarifies that a record need not be kept for each individual tire.
- amend subsection 15(2) to set 30 days as the precise period within which a company who has issued a notice of defect, shall submit to the Minister a report referred to in the Act.

Changes to the *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations*:

- amend subsection 14(1) to prescribe the form and manner that a company shall use to maintain records in writing or in a readable electronic or optical form, to show that restraint systems or booster cushions that it manufactures or imports conform to applicable standards. The amendment also clarifies that a record need not be kept for each individual restraint system or booster cushion.
- amend subsection 18(2) to set 30 days as the precise period within which a company who has issued a notice of defect, shall submit to the Minister a report referred to in the Act.

General Motors of Canada commented on the amendments when they were pre-published in the Canada Gazette Part I on June 27, 1998. General Motors is concerned that in occasional situations, the proposed 60-day period within which a company shall submit a report to the Minister is inadequate. The Government decided to leave this provision unchanged.

Contact: Sherill Besser, Senior Counsel, Legal Services, Transport Canada, Place de Ville, Ottawa, Ontario, K1A 0N5. Tel: 613-993-4554.

Canadian Aviation Regulations, amendment (Part V) (SOR/98-526, OIC 1998-1866)

The regulations, which were still under development when the *Canadian Aviation Regulations* (CARs) were first implemented in October 1996, update existing airworthiness provisions.

In general terms, these Regulations and their associated standards cover the requirements which must be met by an applicant (either domestic or foreign) for Canadian approval of an aeronautical product.

There are no substantive changes from existing requirements.

The format of existing regulations, standards and other airworthiness documents has been changed to conform to that of the other Parts of the CARs.

Aeronautics Act

TC/95-33-L

To be published in Canada Gazette November 11, 1997

Pre-Published and Approved With comments or changes

Statutory Authority

The technical content of the revised regulations and standards has been clarified. Various departmental policy statements and advisory material, which were treated as if having the force of a regulation, have been directly and formally incorporated by reference in these Regulations. Also, in accordance with joint agreement of Industry and Transport Canada representatives, the harmonization of Canadian airworthiness regulations and standards with those in use internationally has been pursued as much as possible.

More specifically, Part V (Airworthiness), Subpart 11 (Approval of the Type Design of an Aeronautical Product), Subpart 13 (Approval of Modification and Repair Designs), Subpart 16 (Aircraft Emissions), Subpart 22 (Gliders and Powered Gliders), Subpart 23 (Normal, Utility, Aerobatic and Commuter Category Aeroplanes), Sub-part 25 (Transport Category Aeroplanes), Subpart 27 (Normal Category Rotorcraft), Subpart 29 (Transport Category Rotorcraft), Subpart 31 (Manned Free Balloons), Subpart 33 (Aircraft Engines), Subpart 35 (Aircraft Propellers), Subpart 37 (Aircraft Appliances and Other Aeronautical Products), Subpart 41 (Airships), Subpart 49 (Amateur-Built Aircraft) and Subpart 51 (Aircraft Equipment) of the Canadian Aviation Regulations will replace Subpart 11 (Design).

Subpart 11 (Design) contained provisions bringing Chapters 511, 513, and 516 to 549 of the Airworthiness Manual and Chapter 551 which included the relevant portions of the Engineering and Inspection Manual into the Canadian Aviation Regulations (CARs) as Standards associated with Subpart 11.

The above Subparts of Part V were prepublished in the Canada Gazette, Part I, on September 13, 1997. Subsequent to the pre-publication of these proposed amendments comments were received addressing requirements for clarification of intentions and for some explicit definitions of commonly used terminology.

The above Subparts of Part V were prepublished in the Canada Gazette, Part I, on September 13, 1997. Subsequent to the pre-publication of these proposed amendments comments were received addressing requirements for clarification of intentions and for some explicit definitions of commonly used terminology.

In terms of changes, the majority of these requests for clarification have been handled through the medium of advisory material (called "Information Notes") throughout the associated Standards (the relevant chapters of the Airworthiness Manual). Information Notes comprise statements of policy accepted by both Transport Canada and the regulated industry; they are not binding on either party.

The definitions of "limited supplemental type certificate", "supplemental type certificate" and "type certificate" in CAR 101 (Interpretations) have been expanded.

New definitions of "acoustical change" and "change in the emissions" have been introduced in a new CAR 500.01 (Interpretations).

The definition of "rotorcraft" has been removed from Subpart 27 (Normal Category Rotorcraft), CAR 527.01 (Interpretation) and from Sub-part 29 (Transport Category Rotorcraft) CAR 529.01 (Interpretation) and placed in CAR 500.01.

Minor changes to CAR 511.05 (Application for a Type Certificate), CAR 511.12 (Changes to a Type Design), CAR 513.05 (Application for a Certificate) and CAR 513.07 (Applicable Standards) are outlined in the specific discussions of Subparts 11 and 13.

Pre-Published and Approved With comments or changes

Statutory Authority

Additionally, subsequent to prepublication in the Canada Gazette Part I, section 551.106 (Thunderstorm Detection and Weather Radar Equipment), Subchapter D (Electrical Systems), section 551.400 (Hand-held Fire Extinguisher), section 551.405 (Protective Breathing Equipment) and section 551.406 (Seat Belt and Shoulder Harness) have been added to Chapter 551 (Aircraft Equipment and Installation Standard) of the Airworthiness Manual. Although the mandating regulation, Subpart 51 (Aircraft Equipment), has not been altered, these amendments to the Standard must be satisfied when designing and installing on-board equipment and will be reviewed in this Regulatory Impact Analysis Statement.

Subsequent to the pre-publication of the proposed amendments comments were received addressing requirements for clarification of intentions and for some explicit definitions of commonly used terminology. The majority of these requests for clarification have been handled through the medium of advisory material (called "Information Notes") throughout the associated Standards (the relevant chapters of the Airworthiness Manual). Information Notes comprise statements of policy accepted by both Transport Canada and the regulated industry; they are not binding on either party.

Contact: Chief, Regulatory Affairs, AARBH Transport Canada Safety and Security, Place de Ville, Tower "C", Ottawa, Ontario, K1A 0N8. Tel: 613-990-1198; e-mail: carrac@tc.gc.ca

Canadian Aviation Regulations (Part I), amendment (SOR/98-529, OIC 1998-1870)

These Regulations establish monetary penalties which may be assessed, by the Minister, for regulatory noncompliance with the regulations governing aircraft fire-fighting services at airports and aerodromes.

These provisions are added to the existing schedule in Subpart 103 (Administration and Compliance) of Part I (General Provisions) of the *Canadian Aviation Regulations* (CARs). They follow Subpart 102 (Airports) of Part III (Aerodromes and Airports) of the schedule.

The maximum penalty for individuals ranges from \$1,000 to \$5,000, for corporations from \$5,000 to \$25,000, depending on the relevant subsection.

The Aircraft Fire Fighting at Airports and Aerodromes regulations introduced requirements for the provision of fire-fighting services at Canadian airports and aerodromes; they came into force on December 1, 1997.

The amendments come into force on October 22, 1998.

Contact: Chief, Regulatory Affairs, AARBH, Transport Canada Safety and Security, Place de Ville, Tower C, Ottawa, Ontario, K1A 0N8. Tel: 613-993-7284 or 1-800-305-2059; Fax: 613-990-1198.

Aeronautics Act, subsection 4.4(2)

To be published in Canada Gazette November 11, 1997

Ministerial Orders Approved

Statutory Authority

Canadian Chicken Marketing Levies Order, amendments (SOR/98-538)

The amendment, which comes into force on October 22, 1998, provides that no levy shall be payable in respect of eggs marketed in export trade under an export quota.

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

To be published in Canada Gazette Nov. 11, 1998

Ministerial Orders Approved

Statutory Authority

By-law Amending the Halifax Harbour Dues By-law (SOR/98-537)

This Order approves of Halifax Port Corporation making minor changes to the wording of the Halifax Harbour Dues By-law.

This includes replacing the term "règlement" by "règlement administratif" in a number of parts of the French text.

These Regulations come into force on October 22, 1998.

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

Canada Ports Corporation Act, section 13

To be published in Canada Gazette Nov. 11, 1998

Canadian Broiler Hatching Egg Marketing Agency Quota Regulations, amendment (SOR/98-539)

These amendments provide for the allocation of export quotas on behalf of the Agency by provincial commodity boards for the 12-month period commencing on December 28, 1997.

More specifically, the limits to Federal Quotas (Number of Dozens of Eggs) are as follows: Ontario, 181,682,253; Quebec, 79,183,545; Nova Scotia, 18,426,496; New Brunswick, 9,905,516; Manitoba, 54,263,991; British Columbia, 58,631,147; Prince Edward Island, 3,079,945; Saskatchewan, 22,547,221; Alberta, 40,918,777; and Newfoundland 7,944,278.

The limits to Export Quotas (Number of Dozen of Eggs) for the period are: Manitoba, 683,854.

These Regulations come into force on October 22, 1998.

Farm Products Agencies Act, paragraph 22(1)(f); subsection 5(1) of the schedule to the *Canadian Broiler Hatching Egg Marketing Agency Proclamations*

To be published in Canada Gazette Nov. 11, 1998

Maximum Amounts for Destroyed Animals Regulations, 1992, amendments (SOR/98-540)

This amendment to the Regulations raises the maximum amounts which may be paid to \$600 for sheep and to \$50 for turkeys, as compensation for animals ordered destroyed.

The change no longer differentiates between purebred and grade sheep.

Compensation is paid to owners of animals required to be destroyed to encourage owners to report diseases and to actively participate in eradication efforts. Compensation awards are based on a determination of market value up to the maximum amounts established by regulation. It is not an insurance plan intended to provide full replacement value for all animal. The Regulations already contain provisions to pay costs related to the disposal of animals.

An estimated \$1,000,000 in additional funds will be needed to compensate owners for animals required to be destroyed for diseases such as scrapie and tuberculosis for the balance of the fiscal year 1998-1999 and an estimated \$1,500,000 for 1999-2000.

Contact: Dr. Claude Lavigne, A/Director, Animal Health Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9.

Health of Animals Act, paragraph 55(b)

To be published in Canada Gazette Nov. 11, 1998

Technical Amendments Order (Customs Tariff) 1998-8 (SOR/98-541)

This Order corrects a number of clerical, typographical and transposition errors and omissions in the nomenclature and rate structure of the new Customs Tariff (e.g. to align the French and English versions of the tariff); and maintains duty-free entry for certain equipment that is unavailable domestically and that benefited in the past from the provisions of the Machinery Program.

Contact: Deborah Hoeg, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-996-7099.

Customs Tariff, section 138

To be published in Canada Gazette Nov. 11, 1998

Ministerial Orders Approved

Statutory Authority

Canadian Chicken Marketing Quota Regulations, 1990, amendment (SOR/98-549)

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

This amendment establishes the 1998-99 periodic allocation, for the period from November 22, 1998 to January 16, 1999 for producers who market chicken in inter-provincial or export trade.

To be published in Canada Gazette Nov. 25, 1998

The new limits are as follows:

- production subject to federal and provincial quotas (in live weight, kilograms), for Ontario, 53,519,000; for Quebec, 42,431,367; for Nova Scotia, 5,488,334; for New Brunswick, 4,377,210; for Manitoba, 6,603,628; for P.E.I., 642,619; for Saskatchewan, 3,547,966; for Alberta, 13,974,663; and for Newfoundland, 2,450,346.
- production subject to periodic export quotas (in live weight, kilograms), for Ontario, 1,675,000 kg; Quebec, 3,391,150; Nova Scotia, 100,000; Manitoba, 240,000 and for Alberta, 652,838.

These Regulations come into force on November 22, 1998.

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

By-law Amending the Pacific Harbour Dues By-law (SOR/98-552)

Canada Ports Corporation Act, section 13

This Order approves of Canada Ports Corporation making minor changes to the wording of the Pacific Harbour Dues By-law.

This includes replacing the term "règlement" by "règlement administratif" in a number of parts of the French text.

To be published in Canada Gazette Nov. 25, 1998

These Regulations come into force on November 6, 1998.

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

Regulatory Affairs

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