

# Tracking Federal Regulatory Initiatives

# Regulatory Affairs

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## Exempt from Pre-Publication and Approved

### Statutory Authority

### **Regulations Amending Certain Department of Transport Regulations (Miscellaneous Program) No. 3 (SOR/98-123, OIC 1998-220)**

The amendments involve non-substantive editorial and administrative changes and deal with issues raised by the Standing Joint Committee for the Scrutiny of Regulations (SJC).

More specifically, the changes are as follows:

- *Ship Station Radio Regulations*: as a result of the transfer of the Canadian Coast Guard from the Department of Transport to the “Department of Fisheries and Oceans”, the definition “VHF coverage area” has been changed.
- *Commercial Vehicle Drivers Hours of Service Regulations, 1994*: corrects a discrepancy in the French version of subsection 7(5) by adding the words “plus de”; as a result of amendments to the *Motor Vehicle Act of British Columbia*, updates the reference in item 6 of Schedule III to read “Senior Vice-President, Operations, Insurance Corporation of British Columbia”.
- *Crew Accommodation Regulations*: replaces the words “greater of the fee set out in columns II and III of that item” in the English version of subsection 13(1) with “greater of the fees set out in columns II and III of that item”.

*Arctic Waters Pollution Prevention Act*, subsection 12(1); *Motor Vehicle Transport Act, 1987*, subsection 3(1); *Canada Shipping Act*, paragraph 231(1)(d), sections 314, 342, 389, 408, 656 to 658; subsections 338(1), 339(1), 562(2) to (4) and 562.1(1); *Department of Transport Act*, section 16

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## Statutory Authority

- *Dangerous Goods Shipping Regulations*: updates the definition “IMO Code” to refer to the current edition of the Code; repeals subsection 19(3).
- *St. Clair and Detroit River Navigation Safety Regulations*: corrects a discrepancy in the French version of section 16 by replacing “dévier” with “éviter”.
- *Oil Pollution Prevention Regulations*: deletes the phrase “in addition to the Oil Record Book mentioned in section 5,” from section 6; replaces the term “miles” by “nautical miles” in paragraph 8(2)(b) and subsection 8(3); repeals paragraphs 19(1)(a) and 19(2)(a) as the requirements set out in those paragraphs are found elsewhere in the regulations; replaces the phrase “no bilge water” by “no oily mixture” in paragraph 31(b); replaces subparagraph 34(d)(ii) to provide clarification as to which of the two standards respecting the quantity of oil permitted to be discharged into the sea applies; replaces the word “reports” by “has reported” in the English version.
- *Government Airport Concession Operations Regulations*: corrects a discrepancy in the French version of paragraph 2(2)(a) by adding the word “principalement”; clarifies the intent of the English and French versions to indicate that the passenger be transported to a place outside the airport; as a result of the repeal of the *Airport Ground Transportation Fees Regulations* by SOR/97-387 of July 28, 1997, reference to the regulations in section 10.1 and subsection 11(1) has been removed.

Contact: Sherill Besser, Senior Counsel, Transport Canada, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel: 613-993-4554.

### **Order Repealing Certain Regulations Made under the Railway Safety Act (Miscellaneous Program) (SOR/98-124, OIC 1998-221)**

This submission repeals the *Locomotive Wheels Regulations*, the *Railway Motive Power Equipment Regulations* and the *Railway Safety Glazing Regulations*.

The new *Railway Locomotive Inspection and Safety Rules*, which come into force March 18, 1998, cover the same subject matter, making the three regulations redundant.

Contact: Ian Naish, Chief, Policy, Regulations and Standards, Transport Canada, 10th Floor, Tower C, Place de Ville, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1926.

### **Order Respecting the Withdrawal of Certain Lands (Bluenose/Tuktut Nogait National Park in the Northwest Territories) (SI/98-36, OIC 1998-224)**

The purpose of this Order is to withdraw certain lands from disposal to establish the proposed Bluenose/Tuktut Nogait National Park in the Northwest Territories.

The lands are withdrawn from disposal from the date of registration of this Order (March 4, 1998) through March 1, 2003.

The withdrawal does not apply in respect of

- existing located or recorded mineral claims or prospecting permits in good standing acquired under the *Canada Mining Regulations*;
- existing rights in good standing created pursuant to section 8 of the *Territorial Lands Act* or under the *Territorial Lands Regulations*;
- rights to obtain surface leases on existing or located or recorded mineral claims acquired pursuant to section 8 of the *Territorial Lands Act* or under the *Territorial Lands Regulations*;

*Railway Safety Act, subsection 119(5)*

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*Territorial Lands Act, paragraph 23(a)*

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## Exempt from Pre-Publication and Approved

Statutory Authority

- existing permits, special renewal permits and leases in good standing acquired under the *Canada Oil and Gas Land Regulations*;
- existing permits in good standing acquired under the *Territorial Quarrying Regulations*;
- existing rights, permits and interests granted under the *Canada Petroleum Resources Act*;
- existing rights issued pursuant to the *Territorial Coal Regulations* or the *Territorial Dredging Regulations* or pursuant to the *Forest Management Act* of the Northwest Territories; and
- interests in lands described in Exhibit 2 of the Acquisition Agreement, dated May 5, 1988, among Her Majesty in Right of Canada, the Northern Canada Power Commission, the Government of the Northwest Territories and the Northwest Power Corporation.

The Order also repeals the Withdrawal from Disposal Order, made by Order in Council P.C. 1995-589 of April 4, 1995.

Contact: Chris Cuddy, Chief, Land & Water Management Division, Department of Indian Affairs and Northern Development, Les Terrasses de la Chaudière, 10 Wellington Street, Ottawa, Ontario, K1A 0H4. Tel: 819-994-7483; Fax: 819-953-2590.

## Pre-Published and Approved With comments or changes

Statutory Authority

### **Motor Vehicle Safety Regulations (Vehicle Overloading), amendment (SOR/98-125, OIC 1998-222)**

The amendments are designed to prevent the overloading of vehicles built in multi-stage stages, as well as to ensure that such vehicles are provided with sufficient cargo-carrying capacity.

The amendment changes the requirements governing how the gross vehicle weight rating is determined.

Previously contained in subsection 6(8) of the general provisions, these requirements are now to be found in section 5.2, which has been added to the Regulations. As before, the gross vehicle weight rating (GVWR) must include the vehicle's unloaded vehicle mass, whose definition remains unchanged, and the mass of its occupants, the calculation of which is also the same. However, the term "rated cargo mass" has been replaced by "cargo-carrying capacity", which is newly defined in the Regulations.

In the case of vehicles with living or sanitary accommodations, such as motor homes and recreational vehicles, this amendment also requires that the GVWR include the mass of the fresh water, hot water, and propane tanks filled to their maximum capacity. The mass of the full waste water tanks is excluded.

More specifically, the term "cargo-carrying capacity" has been defined as the mass that is equal to or less than the result obtained by subtracting from the GVWR the sum of the following: the unloaded vehicle mass; the mass of the occupants; and in the case of vehicles with living or sanitary accommodations, the mass of the fresh water, hot water, and propane tanks filled to their maximum capacity, waste water tanks excluded.

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

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## Pre-Published and Approved With comments or changes

Statutory Authority

This amendment will ensure that the mass of the full fresh water, hot water, and propane tanks does not reduce a vehicle's cargo-carrying capacity.

In order to help prevent vehicle overloading, this amendment also requires that additional information be included on the compliance labels of motor homes, of recreational trailers, and of multipurpose passenger vehicles (REV) buses manufactured from a cutaway chassis.

Subsection 6(8) now requires that the compliance label state the following in both official languages:

- the cargo-carrying capacity of the vehicle;
- the designated seating capacity, except in the case of a recreational trailer;
- for a motor home, the total mass of the occupants that can be accommodated; and in the case of a motor home or a recreational trailer, the mass of the fresh water, hot water, and waste water tanks when full, as well as a statement explaining that the cargo-carrying capacity was determined with the fresh water and hot water tanks full and the waste water tanks empty.

Subsection 6(8.1) allows the above information to be displayed on a separate label “in a conspicuous or readily accessible location”, which would include the inside of a cupboard or closet door. The above requirements also apply to altered motor homes, altered recreational trailers, and altered MPVs, and buses manufactured from a cutaway chassis.

In terms of dealing with the vehicle overloading, Section 8, which governs vehicles completed from a chassis-cab, and section 9, which applies to altered vehicles, have been changed to stipulate that the gross axle weight rating (GAWR) and the GVWR set by the original manufacturer must be respected.

However, in order to permit intermediate- and final-stage manufacturers to increase GAWRs and GVWRs, when necessary, sections 8 and 9 also specify that increases must be done in accordance with the original manufacturer's recommendations or that they must be within the load-carrying capacity of the vehicle's components when the altered or completed vehicle is loaded for its intended use. In the latter instance, the requirements of paragraph 5(1)(g) of the *Motor Vehicle Safety Act* are such that intermediate- and final-stage manufacturers will have to keep records corroborating that any increases to the GAWRs and GVWRs are in fact within the load-carrying capacity of the components of the altered or completed vehicle.

Two additional changes made by this amendment pertain specifically to motor homes. The number of seat belts installed in a motor home may be no less than the number of sleeping positions, and in the case of a motor home with a GVWR greater than 4 536 kg, it is permissible to base the designated seating capacity on the number of sleeping positions.

This amendment also changes the definition of “vehicle capacity mass” to refer to “cargo-carrying capacity” rather than to “rated cargo mass”. In addition, definitions for “cutaway chassis” and “recreational trailer” have been added to the Regulations.

The proposed regulations were prepublished in the Canada Gazette, Part I on October 28, 1995.

One important change made since those proposals is that the amendments exclude trucks manufactured from a cutaway chassis; another change allows the GAWRs and GVWR of an altered vehicle or a vehicle completed from a chassis-cab to be changed whereas the previous proposals did not allow such a change.

## Pre-Published and Approved With comments or changes

Statutory Authority

The amendments come into effect April 1, 1999.  
Contact: Charles Morton, Road Safety and Motor Vehicle Regulation, Department of Transport, 330 Sparks Street, Place de Ville, Tower C, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1958; Fax: 613-998-4831; e-mail: mortonc@tc.gc.ca.

## Ministerial Orders Approved

Statutory Authority

### **Honeybee Importation Prohibition Regulations, amendment (SOR/98-122)**

*Health of Animals Act,*  
section 14

This regulation extends the present prohibition on the importation of honeybees from the mainland United States (U.S.) until December 31, 1999. The importation of honeybees from the U.S. has been prohibited since 1987, when varroa mite was first found in that country. The possibility of importing honeybees that have the aggressive characteristics of Africanized honeybees has also become an issue.

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The varroa mite feeds on the larvae and pupae of the honeybee which can result in increased mortality and lower breeding success. If the beekeeper does not intervene through the use of chemicals, infestation almost always results in the death of infected colonies. The disease has devastated the population of wild colonies of honeybees in the United States.

Since the varroa mite was first found in Canada in 1989, it has spread to apiaries in at least seven provinces. Agriculture and Agri-Food Canada terminated its varroa control program in 1993 because of the continued spread of varroasis across the Canada/U.S. border. The level of varroa mite infestation in Canada is fairly low (e.g., 24% of hives in 1996) and the disease is largely confined to certain areas in affected provinces.

In the U.S., where there are no regulations to prevent its spread, the level of mite infestation is high. Varroasis is found in most states. A new honeybee disease known as Parasitic Mite Syndrome has also been found in the U.S. and has been reported in several mainland states. The disease is suspected to be a viral infection associated with the varroa mite and, possibly, other mites.

The proposed regulations were prepublished in the Canada Gazette Part I on November 8, 1997.

Contact: Dr. W.J. McElheran, Animal Health Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342 ext. 4628; Fax: 613-228-6630.

### **Senate Sessional Allowance (Suspension) Regulations (SOR/98-126)**

*Parliament of Canada Act,*  
section 59

The Regulations reduce a Senator's seasonal allowance by the amount that would be due during the period a Senator is suspended by the Senate.

The reduction in the seasonal allowance is in addition to any deduction that may be made under the *Parliament of Canada Act*.

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The Regulations come into effect February 19, 1998.

# Ministerial Orders Approved

## Statutory Authority

### **Repayment of Receipts Regulations (SOR/98-127)**

The Regulations have been revised as part of a comprehensive review of all the financial regulations made under the *Financial Administration Act*; the amendments are mostly editorial in nature. They do not change the original intent or the underlying substance of the regulations.

The regulations come into effect February 23, 1998.

Contact: Gilles Vézina Project Manager, Financial Management Policy Division, Deputy Comptroller General Branch, Treasury Board Secretariat, L'Esplanade Laurier, 8th Floor, West Tower, Ottawa, Ontario K1A 1E4 (Telephone 613-957-9660) (Fax 613-952-9613)

*Financial Administration Act*, section 20

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### **Receipt and Deposit of Public Money Regulations, 1997 (SOR/98-128)**

The Regulations prescribe the details applicable to the receipt and deposit of public money. It specifies the responsibilities of the persons collecting or receiving public money with respect to the register that must be kept and to the requirements and frequency of deposits. The regulations also allows persons, usually financial institutions, to charge back to the Receiver General any amount in respect of a dishonoured payment instruction.

The proposed Regulations also include the changes required following an amendment to section 1 7(5)(b) of the *Financial Administration Act*. They provide as well a greater flexibility by allowing the Receiver General, where circumstances justify it, to extend the period of time prescribed for the deposit.

The regulations come into effect February 23, 1998.

Contact: Gilles Vézina Project Manager, Financial Management Policy Division, Deputy Comptroller General Branch, Treasury Board Secretariat, L'Esplanade Laurier, 8th Floor, West Tower, Ottawa, Ontario K1A 1E4 (Telephone 613-957-9660) (Fax 613-952-9613)

*Financial Administration Act*, section 17

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### **Electronic Payments Regulations, 1997 (SOR/98-129)**

The new Regulations replace the *Direct Deposit Regulations* and include provisions needed to properly monitor direct deposit and electronic payment orders.

The provisions relating to replacement payments have been simplified and are now similar to those of the *Cheque Issue Regulations*.

The regulations come into effect February 23, 1998.

Contact: Gilles Vézina Project Manager, Financial Management Policy Division, Deputy Comptroller General Branch, Treasury Board Secretariat, L'Esplanade Laurier, 8th Floor, West Tower, Ottawa, Ontario K1A 1E4 (Telephone 613-957-9660) (Fax 613-952-9613)

*Financial Administration Act*, paragraph 10(f)

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### **Payments and Settlements Requisitioning Regulations, 1997 (SOR/98-130)**

The Regulations introduce the use of digital signatures to authorize and authenticate payment requisitions and eliminate the need for the Receiver General to verify in detail the authority of the person authorizing the requisition.

The Regulations prescribe the requirements concerning the payment requisitions submitted to the Receiver General by federal departments and specify the form and manner of the transmission and certification of payment requisitions.

The regulations come into effect February 23, 1998.

Contact: Gilles Vézina Project Manager, Financial Management Policy Division, Deputy Comptroller General Branch, Treasury Board Secretariat, L'Esplanade Laurier, 8th Floor, West Tower, Ottawa, Ontario K1A 1E4 (Telephone 613-957-9660) (Fax 613-952-9613)

*Financial Administration Act*, section 10 and 33

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