

Tracking Federal Regulatory Initiatives

Regulatory Affairs

VOL. 3, No. 41

November 4, 1997

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Trade-marks Regulations (1996), amendment

The proposed regulations would clarify the manner in which documents are submitted to the Registrar of Trade-marks.

The proposed changes also revises references in the Regulations to a registration in a country of the Union, such that they refer to a registration in or for a country of the Union. This change ensures consistent wording between the *Trade-marks Act* and the Regulations.

The requirements for correspondence would be modified as follows:

- correspondence addressed to the Registrar may be submitted electronically at such time as the Office of the Registrar acquires the technical ability to accept receipt;
- an application for the registration of a trade-mark may be submitted to the Registrar by facsimile;
- evidence in opposition and other proceedings cannot be submitted to the Registrar by electronic or facsimile transmission;
- both electronic and facsimile transmissions may be sent to the Office of the Registrar 7 days a week, 24 hours a day;

Trade-marks Act, subsection 46 and 47

Not included in Regulatory Plan

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- documents that are sent by electronic or facsimile transmission will be considered to be received by the Registrar on the date of transmission, at the local time of the place where the Office of the Registrar is located;
- documents that are physically delivered to the Office of the Registrar or another establishment, outside of business hours, will be considered to be received on the next working day of that establishment.

Contact: Barbara Bova, Director, Trade-marks Branch, Canadian Intellectual Property Office, Place du Portage, Phase I, Commercial Level II, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel: 819-997-2423.

Manufacturers in Bond Departmental Regulations, amendment

The proposed changes will incorporate into regulation the requirement for bonded manufacturers to provide data on the monthly return concerning any surplus inventory of spirits and the quantity of any spirits disposed of.

The changes would enable Revenue Canada to track imported alcohol and treat importations in the same manner as domestically manufactured alcohol and would also clarify the requirement for the provision of an annual statement.

Contact: Bill Anderson, Excise Duty and Tax Directorate, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel: 613-957-7593; Fax: 613-954-2226.

Excise Act, subsection 32(2) and sections 127.1 and 186

RC/R-29-L

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Air Services Regulations, amendment

The proposed regulations would increase the general terminal charge by some 29.01% at the Halifax International Airport, in order to recover the costs associated with the transfer of protective policing and security services from the RCMP to the local air authority.

In addition, references to Earlton and Sarnia airports would be removed from the Regulations, now that they are under local control; a typographical error in the English version of section 9 would be corrected.

The changes would come into effect Dec. 1, 1997.

Contact: Dan Cogliati, Director, Cost Recovery, Department of Transport, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Aeronautics Act, subsection 4.4(2); *Ministerial Regulations Authorization Order*, section 2

Not included in Regulatory Plan

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Pre-Published and Approved With comments or changes

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Board of Steamship Inspection Scale of Fees, amendment (SOR/97-486; OIC 1997-1585)

This regulatory amendment introduces a number of new fees for services previously provided free (as a result of policy changes, such as new pollution prevention requirements), as well as standardizing existing fees, increasing some existing fees, and making some editorial modifications to clarify the Regulations.

Not all fees are being increased - e.g., rates under Part II of the Regulations dealing with first and periodical inspections of ships have not been increased.

Canada Shipping Act

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The existing fees would be increased:

- to \$400 from \$338 the fee payable for inspection of a ship outside Canada for each day or part thereof that an inspector is outside Canada to make the inspection (paragraph 9(b) of this amendment);
- to \$25 from \$14 the fee payable for each additional test beyond three that is made at one visit, for the inspection or testing of materials used in the construction of hulls, machinery, equipment or cargo gear (paragraph 20(b) of this amendment); and
- to \$500 from \$462 the standby fee payable for inspectors for each calendar day or portion thereof that the inspector is on call or made available, at the request of a shipyard operator, shipowner or ship operator, or an authorized representative thereof (section 29 of this amendment).

The new fees include:

- a fee for the first inspection and each annual, quadrennial or quinquennial inspection of an unmanned, non-self-propelled ship, including deck cargo barges and barges that carry oil in bulk. The fee consists of a flat fee component plus a component based on gross tonnage (paragraphs 10(1)(c) and 10(2)(c); 12(1)(c) and 12(2)(c)).
- a fee for the re-inspection of a passenger ship, a non-passenger ship or an unmanned, non-self-propelled ship, including deck cargo barges and barges that carry oil in bulk, that was registered in Canada, then registered elsewhere than in Canada and is then again registered in Canada. The fee consists of a flat fee component plus a component based on gross tonnage (section 10.1).
- a fee reduced by 90 per cent for the inspection of a non-Canadian ship which is authorized to operate in the coasting trade and is in full compliance with the requirements of the International Maritime Organization (IMO) Conventions to which Canada is a signatory, where the inspection is requested for the issuance of a letter of compliance and where the period of operation for that ship is seven days or less (subsection 14(2)).
- a fee of \$400 payable for a second and each subsequent visit made by an inspector, where the inspection is required to verify that a defect that was identified during a Canadian Port State Control Inspection and that did not warrant the issuance of a detention order has been corrected, so that a non-Canadian ship can proceed on a voyage from any place in Canada (subsection 17.2).
- a fee of \$400 payable for each visit made by an inspector where the inspection is required to verify that a defect identified in a Port State Control Inspection Report has been corrected in accordance with the time provisions set out in that Report (subsection 17.3).
- a fee of \$400 payable for the initial issuance, and a fee of \$200 payable for each renewal, of a certificate of approval for structural or outfitting components or for safety equipment (section 21.1).

A fee of \$100 for each of the following services is being introduced:

- the attendance by an inspector at an overload suspension test of a davit-launched life raft or a gas inflation test or pressure test on an inflatable life raft (item 1 of the Table to section 30);
- the renewal of a Safe Manning Document (item 5 of the Table to section 30);
- each test or examination of a lifting, loading discharging appliance or accessory (item 6 of the Table to section 30); and

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- the cancellation or postponement by a shipyard operator, shipowner or ship operator, or an authorized representative thereof, of an inspection while the inspector is en route to, or when the inspector has arrived at, the inspection site (item 10 of the Table to section 30).

A fee of \$400 for each of the following services is being introduced:

- the reissuance of an inspection certificate required because of a change in the ship's voyage classification (item 2 of the Table to section 30);
- the issuance of a certificate where an authorized authority has inspected a Canadian registered ship on behalf of the Minister (item 3 of the Table to section 30);
- the issuance of a Safe Manning Document (item 4 of the Table to section 30);
- the issuance of a letter of compliance for standby ships for the oil industry (item 7 of the Table to section 30);
- the issuance of a letter of compliance for a mobile offshore drilling unit (item 8 of the Table to section 30);
- the issuance of an Exemption Certificate, in accordance with the requirements of the Safety Convention or the Load Line Convention (item 9 of the Table to section 30); and
- the attendance by an inspector at a light ship survey or a reinclining test (item 11 of the Table to section 30)

Fees for pollution prevention (Part VIII) include:

- in addition to any other fees, a fee payable for the first, periodical, intermediate or annual inspection of a ship leading to the issuance of an International Oil Pollution Prevention Certificate, a Canadian Oil Pollution Prevention Certificate or a Certificate of Compliance (Oil), based on a ship's gross tonnage (section 31);
- a fee payable for the examination of a first, second and each subsequent submission of a plan or technical document, based on the plan or technical document (section 32);
- a \$100 fee payable for the inspection during construction or manufacture of components of a piece of a ship's operational pollution prevention equipment (subsection 33(1));
- a \$300 fee payable for the issuance of a Certificate of Approval of a ship's operational pollution prevention equipment, when inspected, tested and approved by an inspector in accordance with an International Maritime Organization (IMO) Standard (subsection 33(2));
- for Dangerous Chemical and Noxious Liquid Substance under Annex II to the Pollution Convention, in addition to any other fees, a fee payable for an inspection leading to the issuance of an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk, a Canadian Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk, an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or a Certificate of Compliance (Noxious Liquid Substances), based on the gross tonnage of a ship (section 34 of this amendment); and a \$10 fee payable for the inspection of a ship in respect of each dangerous chemical or noxious liquid substance specified in Annex II to the Pollution Convention and Chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) and listed for carriage in the Procedures and Arrangement Manual of the ship (subsection 34(2)).

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- a \$400 fee payable for the issuance of a Certificate of Approval of a ship's operational pollution prevention equipment, when approved by another recognized Administration, in accordance with an International Maritime Organization (IMO) Standard (subsection 33(3));

New fees for Great Lakes Sewage Pollution Prevention, Inspection of Marine Sanitation Devices include:

- a \$100 fee payable for an inspection during construction or manufacture of components of each piece of a ship's operational marine sanitation device (subsection 35(1));
- a \$300 fee payable for the issuance of a Certificate of Approval of a ship's operational marine sanitation device, when inspected, tested and approved by an inspector in accordance with the Regulations (subsection 35(2)); and
- a \$400 fee payable for the issuance of a Certificate of Approval of a ship's operational marine sanitation device, when approved by another recognized Administration, in accordance with these Regulations (subsection 35(3)).

The amendments would also revise to \$100 from \$90:

- the fee payable for the extension of a short-term certificate or letter of compliance (section 8);
- the minimum fee payable for each visit of an inspector for an inspection during construction or manufacture of components for use on a ship (subsection 19(2));
- the fee payable for inspection during construction or manufacture of each life raft or for each visit by an inspector to inspect any other item not separately listed in the Table to section 19 of these Regulations (items 17 and 21 of the Table to section 19);
- the fee payable for each visit of an inspector for the inspection or testing of materials used in the construction of hulls, machinery, equipment or cargo gear (paragraph 20(a));
- the fee payable for each visit by an inspector for inspection during installation of machinery or equipment that was not previously inspected, that was built outside Canada and that is required to be inspected but is not separately listed in the Table to section 21 of these Regulations (item 8 of the Table to section 21);
- the fee payable for the examination or approval of a first submission of the plans and related technical documents for an unfired pressure vessel (item 3 of the Table to section 22.1);
- the fee payable for the second and each subsequent visit, made by an inspector for the purposes of each annual Load Line survey of a ship (subsection 25(1)); and
- the fee payable per visit for any service not otherwise listed in the Table to section 30.
- revise to \$125 from \$120, the fee payable for inspection during construction or manufacture of each of the following components: propulsion control console, or motor starter or switchgear with a rating of 75kW or over (items 12 and 14 of the Table to section 19).
- revise to \$240 from \$239, the fee payable for inspection during construction or manufacture of each lifeboat other than an oar propelled lifeboat (item 16 of the Table to section 19).

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- revise to \$325 from \$323 the fee payable for inspection during construction or manufacture of each of the following components: engine, gearing, propulsion electric motor, propulsion electric generator, or auxiliary electric generator (items 4-6, 8 and 9 of the Table to section 19);
- revise to \$325 from \$323 the fee payable for inspection during installation of each of the following machinery or equipment: engine, gearing, propulsion electric motor or propulsion electric generator, where that machinery or equipment was not previously inspected, was built outside Canada and is required to be inspected (items 4-7 of the Table to section 21 of this amendment);
- revise to \$325 from \$323 the fee payable for the examination or approval of a first submission of the plans and related technical documents for a propulsion electric motor or a propulsion electric generator (items 6 and 7 of the Table to subsection 22.1 of this amendment).
- reduce to \$400 from \$403, the fee payable for inspection during construction or manufacture of each main or auxiliary boiler (item 1 of the Table to section 19); inspection of each main or auxiliary boiler during installation where that boiler was not previously inspected, was built outside Canada and is required to be inspected (item 1 of the Table to section 21); the examination or approval of a first submission of the plans and related technical documents for a main or auxiliary boiler (item 1 of the Table to section 22.1); and the annual Load Line survey of a ship, or the fee for the renewal of a Load Line Certificate for a classed ship, for a ship between 500 and 1 000 tons (item 2 of the Table to section 24).
- reduce to \$600 from \$603, the fee payable for the annual Load Line survey of a ship, or the fee for the renewal of a Load Line Certificate for a classed ship, for a ship between 1 000 and 2 000 tons (item 3 of the Table to section 24). and
- reduce to \$800 from \$806, the fee payable for the annual Load Line survey of a ship, or the fee for the renewal of a Load Line Certificate for a classed ship, for a ship of 2 000 tons or over (items 4-12 of the Table to section 24).

The amendment was prepublished in the Canada Gazette, Part I, on August 2, 1997 (see *Regulatory Affairs*, Vol. 3, No. 29, pp. 6-7, August 9, 1997); nine letters were received generally reflecting the wish that the proposed increases would be reduced or delayed. The approved regulations are the same as those prepublished.

The changes come into effect December 1, 1997.

Contact: Dan Cogliati, Director, Cost Recovery, Department of Transport, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Ports Wardens Tariff, amendment (SOR/97-487; OIC 1997-1586)

The amendments increase fees for port warden services and introduce new fees. These fees were last increased on July 1, 1995.

The changes:

- increase from \$90 to \$135 per visit the fee for the grain survey of the condition of any ship before the loading of cargo and any statement made in respect thereof,
- increase from \$20 to \$40 per tank surveyed the fee for a grain survey or examination described in items 6, 7, or 8 of the Tariff; for a tanker loading grain or a bulk carrier loading grain in wing tanks, which is in addition to the fees set out under those items;
- for Timber Deck Cargo Surveys, introduce a fee of \$135 for each issuance of a certificate in relation to timber deck cargoes; and

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- for Concentrate Surveys, introduce a fee of \$135 for a certificate of approval of the stowage of concentrates on board a ship.

The amendment was prepublished in the Canada Gazette, Part I, on August 2, 1997 (see *Regulatory Affairs*, Vol. 3, No. 29, p. 9, August 9, 1997); nine letters were received generally reflecting the wish that the proposed increases would be reduced or delayed. The approved regulations are the same as those prepublished.

The changes come into effect December 1, 1997.

Contact: Dan Cogliati, Director, Cost Recovery, Department of Transport, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Ships Registry Fees Tariff, amendment (SOR/97-488; OIC 1997-1587)

The amendments increase fees for port warden services and introduce new fees.

The amendments would introduce new fees, including:

- a fee of \$125, payable in advance, for each additional period of 12 months or less where a ship is not registered within 12 months after the date of the application;
- a fee of \$200 payable on application, for the processing of an application for registry a new of a ship;
- a fee of \$200 payable on application, for the processing of an application for the registry of a ship that was registered in Canada, then registered elsewhere than in Canada and is about to be registered in Canada again;
- a fee of \$125 for the transfer of registry of a Canadian ship to a new port of registry;
- a fee of \$25 for the recording of a vessel that is about to be built, or is being built or equipped in Canada;
- a fee of \$100 for the granting of a pass for an unregistered ship;
- a fee of \$150 payable on the recording, for the recording of a builder's mortgage and its discharge;
- a fee of \$150 payable on the production of the instrument effecting the transfer, for the transfer of a registered mortgage of a ship;
- a fee of \$40 for a dispensation under section 77 of the Canada Shipping Act or a special direction of the Minister under subsection 83(2) of the Act;
- a fee of \$10 for the witnessing of a declaration, referred to in subsection 78(1) of the Canada Shipping Act, before a registrar who is a commissioner for oaths;
- for fees pertaining to change of name, revise the fee for the change of name of a Canadian ship from one based on gross tonnage to a flat rate of \$250.

In addition to any other fee payable under this Tariff, and subject to the minimums set out, a fee per hour or fraction of an hour ranging from \$70 to \$99 where a service referred to in this Tariff, including the travelling time related to the service, is provided by a registrar outside core hours.

The amendment was prepublished in the Canada Gazette, Part I, on August 2, 1997 (see *Regulatory Affairs*, Vol. 3, No. 29, pp. 8-9, August 9, 1997); nine letters were received generally reflecting the wish that the proposed increases would be reduced or delayed. The approved regulations are the same as those prepublished.

The changes come into effect December 1, 1997.

Contact: Dan Cogliati, Director, Cost Recovery, Department of Transport, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Canada Shipping Act

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Ship's Tonnage Survey and Measurement Fees Regulation, amendment (SI/97-129; OIC 1997-1588)

The amended Regulations set out the fees for the survey, measurement, and verification of calculations of the tonnage of ships. These fees were last increased on July 1, 1995.

More specifically, the amendments would:

- make editorial changes to clarify sections 3 and 5, and the headings of the columns to Schedule I of these Regulations, regarding the charging for the survey and measurement of the tonnage of a ship (section 3) and the charging for the survey and remeasurement of the tonnage of the ship where a ship undergoes alterations above or below the upper deck
- where a ship undergoes alterations above the upper deck, decrease in the fee payable for the survey and remeasurement of the tonnage of the ship to the lesser of \$400 (from \$425), and the fee set out in the relevant table.
- delete the \$90 fee for the inspection of minor alterations to a ship, as all alterations are now included in the revised wording of section 5.
- increase to the full fee from 4/5 of the fee, based on the gross tonnage of a ship, for the issuance of a Suez Canal Special Tonnage Certificate.
- increase from \$40 to \$100 of the fee for the issuance of a statement of limitation of liability tonnage for a Canadian or a British ship.

In addition, because the Panamanian Canal Authority has adopted the International Conference on Tonnage Measurement of Ships, 1969, the Regulations have been revised to delete the appropriate references to Panama Canal documentation. The regulatory amendment also makes editorial changes for consistency of English and French.

The amendment was prepublished in the Canada Gazette, Part I, on August 2, 1997 (see *Regulatory Affairs*, Vol. 3, No. 29, p. 8, August 9, 1997); nine letters were received generally reflecting the wish that the proposed increases would be reduced or delayed. The approved regulations are the same as those prepublished.

The changes come into effect December 1, 1997.

Contact: Dan Cogliati, Director, Cost Recovery, Department of Transport, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Canada Shipping Act

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Tariff of Fees of Shipping Masters, amendment (SOR/97-489)

This amendment doubles the fees for a number of services performed by shipping masters.

More specifically, the fees for the following increase from \$5 to \$10: for every seaman engaged or discharged, for every desertion certified, for every death recorded, for the endorsement of Articles or logbooks and for the inspection and registry of Articles.

The fee for the preparation of new Articles is increased from \$10 to \$20.

The changes are effective December 1, 1997.

Canada Shipping Act,
subsections 143(1) and
144(3)

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Ministerial Orders Approved

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The proposed amendments were prepublished in the Canada Gazette on Aug. 2, 1997; no comments were received.

Contact: Dan Cogliati, Director, Cost Recovery, Department of Transport, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

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