



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 86 ST. JOHN'S, FRIDAY, MAY 6, 2011 No. 18

MINERAL ACT

NOTICE

Published in accordance with section 62 of CNLR 1143/96 under the *Mineral Act*, cM-12, RSNL 1990 as amended.

Mineral rights to the following mineral lands have reverted to the Crown:

Mineral License 010726M
Held by Aurora Energy Ltd.
Situates near Otter Lake
On map sheet 13K/03

Mineral License 011682M
Held by Buchans River Ltd
Situates near Barasway de Cerf, Southern NL
On map sheet 01M/13

Mineral License 010558M
Held by Buchans Minerals Corporation
Situates near Betts Cove, Baie Verte Peninsula
On map sheet 02E/13

Mineral License 018754M
Held by P. Walsh Jr., Joseph
Situates near Mortier Bay, Burin Peninsula
On map sheet 01M/03

Mineral License 012994M
Held by Metals Creek Resources Corp.

Situates near Birchy Lake, Central NL
On map sheet 12H/07

Mineral License 013007M
Held by Metals Creek Resources Corp.
Situates near Jacksons Arm, White Bay
On map sheet 12H/15

Mineral License 014148M
Held by 61716 Newfoundland and Labrador Limited
Situates near Upper Humber River, Central NL
On map sheet 12H/11

Mineral License 014504M
Held by Budgegells Equipment & Rentals Ltd.
Situates near Randall Point, Central NL
On map sheet 02E/12

Mineral License 014513M
Held by Sceviour, John
Situates near West of Paradise River
On map sheet 13H/04

Mineral License 014519M
Held by Lannon, George
Situates near Great Rattling Brook, Central NL
On map sheet 02D/12

Mineral License 014521M
Held by Mercer, William
Situates near Catamaran Brook, Central NL
On map sheet 12H/01

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Mineral License Held by Situates near On map sheet	016778M Golden Dory Resources Corp. Island Pond, Central NL 02D/13	On map sheet more particularly described in an application on file at Department of Natural Resources	01M/10 01M/15
Mineral License Held by Situates near On map sheet	015766M Eagleridge Minerals Ltd. Baie Verte Area 12H/16	Mineral License Held by Situates near On map sheet	017074M Keats, Fred Southwest Gander River, Central NL 02D/11
Mineral License Held by Situates near On map sheet	015784M Sweetapple, Walter Alexander Bay, Eastern NL 02D/09 02D/16	Mineral License Held by Situates near On map sheet	017075M Keats, Wesley Southwest Gander River, Central NL 02D/11
Mineral License Held by Situates near On map sheet	015785M Sweetapple, Walter Glovertown, Eastern NL 02D/09	Mineral License Held by Situates near On map sheet	017076M Rowell, Brian Southwest Gander River, Central NL 02D/11
A portion of license Held by Situates near On map sheet more particularly described in an application on file at Department of Natural Resources	015925M Altius Resources Inc. Northwest Gander River, Central NL 02D/11 02D/14	Mineral License Held by Situates near On map sheet	017097M 10565 Nfld Inc Fig River 13E/03
Mineral License Held by Situates near On map sheet	017005M Vale Exploration Canada Inc. Plate Cove, Eastern NL 02C/06 02C/05 02C/11 02C/12	Mineral License Held by Situates near On map sheet	017099M Metals Creek Resources Corp. Red Indian Lake , Central NL 12A/10
Mineral License Held by Situates near On map sheet	017006M Vale Exploration Canada Inc. World Pond, Eastern NL 02C/06	Mineral License Held by Situates near On map sheet	017100M Roche, Vincent D. Little Barachois River, Avalon Peninsula 01N/04
Mineral License Held by Situates near On map sheet	017007M Vale Exploration Canada Inc. Lockston Path, Eastern NL 02C/06 02C/05	Mineral License Held by Situates near On map sheet	017102M Power, Raymond J. Great Gull Pond, Avalon Peninsula 01N/04
Mineral License Held by Situates near On map sheet	017008M Vale Exploration Canada Inc. Lockston Path, Eastern NL 02C/06	Mineral License Held by Situates near On map sheet	017108M Courtney, Stephen Grand Falls, Central NL 02D/13
Mineral License Held by Situates near On map sheet	017010M Vale Exploration Canada Inc. Port Rexton, Eastern NL 02C/06	Mineral License Held by Situates near On map sheet	017109M Lannon, George Grand Falls, Central NL 02D/13
Mineral License Held by Situates near On map sheet	017011M Vale Exploration Canada Inc. Catalina, Eastern NL 02C/06 02C/11	Mineral License Held by Situates near On map sheet	017110M Lannon, George Grand Falls, Central NL 02D/13
Mineral License Held by Situates near On map sheet	017012M Vale Exploration Canada Inc. Catalina, Eastern NL 02C/06 02C/11	Mineral License Held by Situates near On map sheet	017112M Roche, Vincent D. Great Gull Pond, Avalon Peninsula 01N/04
Mineral License Held by Situates near On map sheet	017013M Vale Exploration Canada Inc. Birchy Cove, Eastern NL 02C/11	Mineral License Held by Situates near On map sheet	017113M Mercer, David Island Pond, Central NL 02D/13
A portion of license Held by Situates near	017063M Newfoundland Fluorspar Exploration Ltd. Grand Le Pierre Area, Fortune Bay	Mineral License Held by Situates near On map sheet	017116M Brown Co Investments Inc. Northwest Brook, Eastern NL 01N/13 01M/16 02C/04 02D/01

The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in CNLR 1143/96 and NLR 71/98, 104/98, 97/2000, 36/2001, 31/2004, 78/2006, 8/2008 and 28/2009 and outlined on 1:50 000 scale digital maps maintained by the Department of Natural Resources, will be open for staking after the hour of 9:00 a.m. on the 32nd clear day after the date of this publication.

DEPARTMENT OF NATURAL RESOURCES
JIM HINCHEY, P.Geo
Manager - Mineral Rights

File #'s 774:5173, 5866, 5877, 7833, 7853, 7866, 8948, 9242, 9250, 9256, 9258, 9259, 9984; 775:0053, 0060, 0061, 0156, 0522, 0721, 0722, 0723, 0724, 0726, 0727, 0728, 0729, 0733, 0736, 0737, 0738, 0739, 0741, 0742, 0744, 0746, 0747, 0748, 0750, 0751, 0754

May 6

URBAN AND RURAL PLANNING ACT, 2000

**NOTICE OF REGISTRATION
ST. JOHN'S DEVELOPMENT
REGULATIONS AMENDMENT
NUMBER 505, 2011**

TAKE NOTICE that the St. John's Development Regulations Amendment Number 505, 2011, adopted on the 18th day of April, 2011, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Development Regulations Amendment Number 505, 2011 is to introduce Multiple Dwellings as a Discretionary Use in the Residential Medium Density Pleasantville Zone.

The amendment comes into effect on the date that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the amendment may do so at the Department of Planning, St. John's City Hall during regular business hours.

CITY OF ST. JOHN'S
Cheryl Kearney, Department of Planning

May 6

**NOTICE OF REGISTRATION
ST. JOHN'S DEVELOPMENT
REGULATIONS AMENDMENT
NUMBER 506, 2011**

TAKE NOTICE that the St. John's Development Regulations Amendment Number 506, 2011, adopted on the 26th day of April, 2011, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Development Regulations Amendment Number 506, 2011 is to repeal the definition for "Tavern" and replace it with a definition for "Lounge".

The amendment comes into effect on the date that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the amendment may do so at the Department of Planning, St. John's City Hall during regular business hours.

CITY OF ST. JOHN'S
Cheryl Kearney, Department of Planning

May 6

QUIETING OF TITLES ACT

**2011 01G 1415
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION (GENERAL)**

IN THE MATTER of the *Quieting of Titles Act*, RSNL, 1990, cQ-3, as amended.

AND IN THE MATTER of an Application by MICHAEL MARTIN.

AND IN THE MATTER of all that piece or parcel of land situated and being situate at Edward's Place, in the Town of Flatrock, in the Province of Newfoundland and Labrador, Canada.

Notice of Application Under the *Quieting of Titles Act* RSNL, 1990, cQ-3, as amended

NOTICE is hereby given to all parties that MICHAEL MARTIN, of Flatrock, in the Province of Newfoundland and Labrador, has applied to the Supreme Court of Newfoundland and Labrador, Trial Division, in the Judicial Centre of St. John's, to have the title to ALL THAT piece or parcel of land situate, lying and being at Edward's Place, in the Town of Flatrock, in the Electoral District of Cape St. Francis, in the Province of Newfoundland and Labrador, and being more particularly described in Schedule "A" hereto annexed, of which the said MICHAEL MARTIN claims on his own behalf to be the owner, investigated and for a declaration that the said MICHAEL MARTIN is the absolute owner thereof, free from those exceptions or qualifications contained in Paragraphs 22(1)(c) and (d) of the *Quieting of Titles Act*. All persons having a claim adverse to this title claimed by the said MICHAEL MARTIN should file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, Judicial Centre of St. John's, at the Courthouse Building, Duckworth Street, St. John's, Newfoundland and Labrador, Canada, A1C 5M3, particulars of such adverse claim and serve same, together with an Affidavit verifying same, on the undersigned solicitors for the Applicant on or before the 27th day of May, 2011 after which date no party having any claim shall be permitted to file same or to be heard except

by special leave of the Court subject to such conditions as the Court may deem just.

All such adverse claims shall then be investigated in such manner as the said Supreme Court may direct.

DATED at St. John's, Newfoundland and Labrador this 28th day of April, 2011.

COX & PALMER
Solicitors for the Applicant
PER: William T. Cahill

ADDRESS FOR SERVICE:

Suite 1000, Scotia Centre
235 Water Street,
St. John's, NL A1C 1B6
Tel: (709) 570-5577
Fax: (709) 576-3156

May 6

SCHEDULE "A"

ALL THAT piece or parcel of land situate and being on the northeastern side of Edward's Place, at Flatrock, in the Electoral District of Cape St. Francis, in the Province of Newfoundland and Labrador, Canada, being bounded and abntted as follows, that is to say:

COMMENCING at a point in the northeastern limit of Edward's Place, the said point having NAD 83 Grid Coordinates of North 5 286 067.346 metres and East 326 355.999 metres;

THENCE running along the said northeastern limit of Edward's Place North thirty degrees six minutes twenty-five seconds West a distance of twenty-one decimal five five zero metres;

THENCE running by land of Jerome Martin North fifty-three degrees forty-six minutes twenty-four seconds East a distance of ninety-nine decimal three six zero metres;

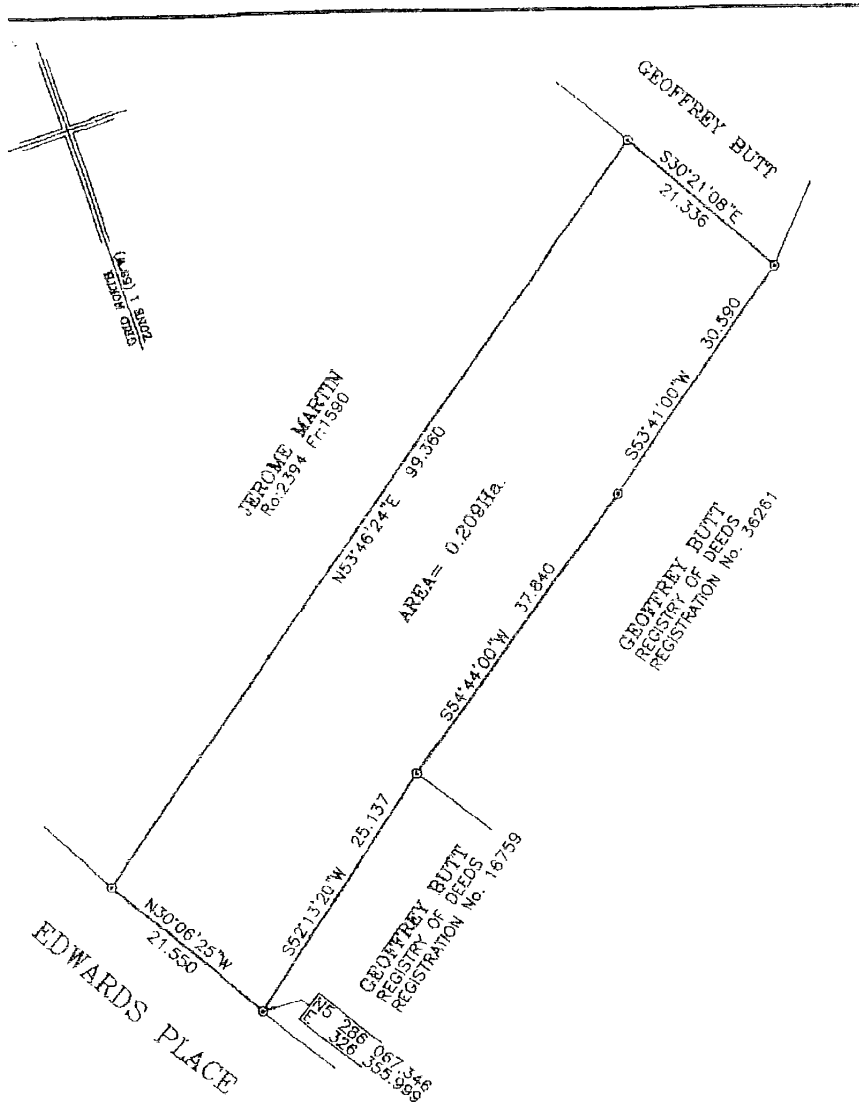
THENCE running by land of Geoffrey Butt South thirty degrees twenty-one minutes eight seconds East a distance of twenty-one decimal three three six metres;

THENCE running by other land of Geoffrey Butt South fifty-three degrees forty-one minutes zero seconds West a distance of thirty decimal five nine zero metres;

THENCE South fifty-four degrees forty-four minutes zero seconds West a distance of thirty-seven decimal eight four zero metres;

THENCE running by other land of Geoffrey Butt South fifty-two degrees thirteen minutes twenty seconds West a distance of twenty-five decimal one three seven metres; more or less to the point of beginning and containing an area of 0.209 hectares and being more particularly described on plan no. AI77 hereto annexed.

ALL BEARINGS being referred to the meridian of fifty-three degrees west longitude of the modified Transverse Mercator Projection.





NOTES

- COORDINATES ARE NAD 83
- CONTROL MONUMENTS USED D29289 AND 83C3322
- SCALE FACTOR OF 0.998802
- ALL LINEAR MEASUREMENTS ARE HORIZONTAL GROUND
- ◊ - FENCE POST
- ⊙ - FOUND IRON BAR
- - PLACED IRON BAR
- x-x- FENCE LINE

THIS PLAN AND THE ACCOMPANYING DESCRIPTION FORM AN INTEGRAL PART OF THE WHOLE AND ARE NOT SEPARABLE.

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BOOK NO. H20-64		LARRY J. SQUIRES NEWFOUNDLAND LAND SURVEYOR 234 PRECKER DRIVE, ST. JOHN'S, NF PHONE: (709) 384-6910	
JOB NO. 08-A177			
SURVEYED BY: L.S.	- PLAN OF PROPERTY -		
DRAWN BY: N.S.	EDWARDS PLACE, FLATROCK,		
DATE: OCT. 2006	NEWFOUNDLAND AND LABRADOR		
SCALE: 1 : 500			
A177-01	FOR: MICHAEL MARTEN		

TRUSTEE ACT

ESTATE NOTICE

In the Estate of MAXWELL EUGENE EDISON, Late of the Town of Kippens, in the Province of Newfoundland and Labrador, deceased: February 2, 2006.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of MAXWELL EUGENE EDISON, late of the Town of Kippens, in the Province of Newfoundland and Labrador, deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 6th day of June, 2011, after which date the said Executor will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

DATED at Stephenville, Newfoundland and Labrador, this 26th day of April, 2011.

ROXANNE PIKE LAW OFFICE
Solicitor for the Executor
PER: Roxanne Pike

ADDRESS FOR SERVICE:

P O Box 272
43 Main Street
Stephenville, NL
A2N 2Z4

May 6



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 86

ST. JOHN'S, FRIDAY, MAY 6, 2011

No. 18

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 43/11

NLR 44/11

NLR 45/11

NLR 36/11 (Reprint)



**NEWFOUNDLAND AND LABRADOR
REGULATION 43/11**

Engineers and Geoscientists Regulations, 2011
under the
Engineers and Geoscientists Act, 2008

(Filed May 3, 2011)

Under the authority of section 38 of the *Engineers and Geoscientists Act, 2008*, the board of directors of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador, with the approval of the Minister of Government Services, makes the following regulations.

Dated at St. John's, April 27, 2011.

Chairperson, Board of Directors
Association of Professional Engineers and
Geoscientists of Newfoundland and Labrador

Harry Harding
Minister of Government Services

REGULATIONS

Analysis

1. Short title
2. Definitions

- | | |
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PROFESSIONAL
MEMBERS</p> <p>4. Categories of registration of professional members</p> <p>5. Registration as a professional engineer or geoscientist - unrestricted licence</p> <p>6. Registration as professional member - limited licensee</p> <p>7. Conditions for continuing registration of professional members</p> <p>8. Control and use of a stamp and seals</p> <p>PART II
REGISTRATION OF
PERMIT HOLDERS</p> <p>9. Requirements for registration of permit holders</p> <p>10. Association to be kept informed</p> <p>11. Conditions for continuing registration of permit holders</p> <p>12. Control and use of stamps and seals</p> <p>PART III
REGISTRATION OF
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Short title

1. These regulations may be cited as the *Engineers and Geoscientists Regulations, 2011*.

Definitions

2. In these regulations

- (a) "Act" means the *Engineers and Geoscientists Act, 2008*;
- (b) "Canadian jurisdiction" has the meaning assigned to that term in the *Labour Mobility Implementation Act*;
- (c) "confirmatory examination" means an examination required by the registration committee for the purpose of assessing an engineering or geoscience degree or equivalent academic qualifications held by an applicant and not an examination for the completion of perceived specific academic deficiencies;
- (d) "examination candidate" means a person referred to in section **20**;
- (e) "executive committee" means the executive committee of the registration committee referred to in subsection **24(3)**;
- (f) "limited licensee" means a person issued a special license by the registration committee to practise either engineering or geoscience within a specified and limited scope;
- (g) "professional good standing" means
 - (i) evidence of the applicant's professional good character satisfactory to the registration committee, which evidence may include letters of reference from employers and other persons familiar with the professional practice of an applicant,
 - (ii) evidence of the applicant's currency of continuing competence requirements satisfactory to the registration committee, and
 - (iii) the applicant is not subject to discipline actions or sanctions in a jurisdiction where he or she has practised or held registration;
- (h) "professional member" means a person holding one of the categories of registration referred to in section **4**;
- (i) "professional member in responsible charge" means a professional member who in the normal day to day work routine

of that professional member directly supervises and is responsible for all work performed by a permit holder in the engineering or geoscience discipline of the permit;

- (j) "reciprocal jurisdiction" means jurisdiction covered by an agreement to which the association or the province is party, whether or not that jurisdiction is in Canada, and which provides for the mobility of engineers and geoscientists between that jurisdiction and the province, or which may be otherwise recognized by the board as a jurisdiction which has registration standards equivalent to those established under the Act;
- (k) "registration authority" means
 - (i) a regulatory authority of a Canadian jurisdiction, or
 - (ii) an association or other authority or body responsible for the registration or licensure of persons in the practice of engineering or geoscience in a reciprocal jurisdiction;
- (l) "registration committee" means the committee referred to in section 24 and includes the executive committee of the registration committee;
- (m) "regulatory authority" has the meaning assigned to that term in the *Labour Mobility Implementation Act*;
- (n) "required fees" means fees that may be prescribed by the board, and "required fees, dues and levies" shall have like meaning; and
- (o) "required form" means a form that may be prescribed by the registrar.

Applications for registration and renewal of registration

3. (1) Applications for registration and renewal of registration as a professional member, permit holder, member-in-training or examination candidate shall be made to the registrar in the required form and accompanied by the required fees.

(2) An application for registration made in accordance with subsection (1) shall be referred by the registrar to the registration committee.

(3) The registrar or the registration committee may require the applicant to consent to the registrar, the registration committee or their designate obtaining confirmation or verification from the relevant person, authority or body of documentation and information submitted as part of an application made under subsection (1).

(4) The registrar or the registration committee may require an applicant to provide evidence of being in professional good standing.

**PART I
REGISTRATION OF PROFESSIONAL
MEMBERS**

Categories of registration of professional members

4. (1) There are established the following categories of registration of professional members:

- (a) professional engineer - unrestricted licence;
- (b) professional geoscientist - unrestricted licence;
- (c) professional member in the practice of engineering - limited licensee; and
- (d) professional member in the practice of geoscience - limited licensee.

(2) A person who has been issued a limited licence may use the respective designation of either "Eng. L." or "Geo. L."

Registration as a professional engineer or geoscientist - unrestricted licence

5. (1) In order to be eligible for registration as a professional engineer-unrestricted licence or professional geoscientist-unrestricted licence, an applicant shall, in addition to other applicable requirements of the Act, the regulations and the by-laws,

- (a) make application for registration in accordance with section **3** including payment of required fees;
- (b) have knowledge of the Act, the regulations and by-laws, satisfactory to the registration committee;
- (c) have communication abilities in the English language satisfactory to the registration committee demonstrating the abil-

ity to competently practise engineering or geoscience in the province;

- (d) have general knowledge of the practice of the professions demonstrated by successfully completing an examination in professional practice or by those other means that the registration committee may require;
- (e) demonstrate good character in the education, training and work experience and other matters applicable to entry into the profession; and
- (f) satisfy all academic and applicable experience requirements.

(2) In order to satisfy all academic and practical experience requirements referred to in paragraph (1)(f), an applicant shall have either

- (a) a degree in engineering or geoscience from a university program approved by the registration committee and at least 4 years of applicable work experience satisfactory to the registration committee in the practice of engineering or geoscience 3 years of which shall be gained subsequent to the conferral of the degree;
- (b) academic qualifications equivalent to a degree in engineering or geoscience demonstrated by successful completion of the confirmatory examinations that may be required by the registration committee and at least 4 years of applicable work experience satisfactory to the registration committee in the practice of engineering or geoscience subsequent to the attainment of those academic qualifications; or
- (c) successfully completed the examinations that may be prescribed by the registration committee and have a total of at least 6 years of applicable work experience satisfactory to the registration committee in the practice of engineering or geoscience, one year of which shall be obtained subsequent to successful completion of the prescribed examinations.

(3) The registration committee shall waive the requirements for registration provided in paragraphs (1)(d) and (1)(f) and subsection (2) where

- (a) an applicant holds a registration and is in professional good standing with a registration authority; and
- (b) the category of registration held by the applicant is recognized by the registration committee as equivalent to that of a professional engineer-unrestricted licence or professional geoscientist-unrestricted licence.

Registration as
professional mem-
ber - limited licen-
see

6. (1) To be eligible for registration as a professional member - limited licensee, an applicant shall, in addition to other applicable requirements of the Act, the regulations and the by-laws,

- (a) meet the requirements specified in paragraphs 5(1)(a), (b), (c), (d), and (e); and
- (b) satisfy all academic and applicable experience requirements.

(2) In order to satisfy all academic and applicable experience requirements referred to in paragraph (1)(b), an applicant shall have either

- (a) a science degree in a discipline and from a university program approved by the registration committee and at least 8 years applicable work experience in engineering or geoscience satisfactory to the registration committee;
- (b) a degree or diploma in engineering technology or geoscience technology from an institution approved by the registration committee in a program approved by the registration committee and at least 8 years applicable work experience in engineering or geoscience satisfactory to the registration committee; or
- (c) other academic qualifications acceptable to the registration committee and at least 8 years applicable work experience in engineering or geoscience satisfactory to the registration committee.

(3) The registration committee may develop a policy for the waiver of the registration requirements for professional member-limited licensee provided in paragraphs 5(1)(b) and (d) and subsection (2), to be based on an assessment of whether a category of registration with a

registration authority is equivalent to that of professional member-limited licensee.

(4) Upon the development of the policy referred to in subsection (3) and the adoption of that policy by the board, the registration committee may waive the requirements for registration as professional member-limited licensee provided in paragraphs 5(1)(b) and (d) and subsection (2) for applicants who meet the requirements set out in the policy.

Conditions for continuing registration of professional members

7. (1) The registration of a professional member shall expire annually on December 31.

(2) The registrar shall annually renew the registration of a professional member who

- (a) makes application for renewal of registration in accordance with section 3 including payment of required fees;
- (b) is in professional good standing;
- (c) meets the requirements of the professional development program established by the board; and
- (d) continues to satisfy the applicable requirements of the Act, the regulations and the by-laws for eligibility for registration as a professional member.

(3) A professional member who has not met the requirements for registration renewal set out in subsection (2) before the expiry date provided in subsection (1) shall be considered not to be registered under the Act, starting from that expiry date and continuing until the professional member meets the requirements for registration renewal.

(4) Notwithstanding subsections (2) and (3), a professional member who has not renewed his or her registration in two consecutive calendar years shall no longer have the right to apply for registration renewal, and shall be required to re-apply for eligibility for registration.

Control and use of a stamp and seals

8. (1) When a professional member is registered under the Act and the regulations, the registrar shall provide the professional member with a stamp or seal.

(2) A stamp or seal issued to a professional member shall at all times remain under the direct control of the professional member and shall be applied by that professional member or by another person acting under that professional member's immediate and direct control, to all plans, specifications, reports or documents of a professional nature which that person has authored or which have been prepared under that person's supervision and for which that person assumes professional responsibility.

(3) A stamp or seal shall not be physically located in a manner that would allow its use by a person other than the professional member to whom it was issued or a person under that professional member's immediate and direct control.

(4) A stamp or seal shall be accompanied by the signature of the professional member to whom it was issued and the date on which it is applied.

(5) A stamp or seal may be applied to the cover page or final page of reports and specifications in a manner which clearly indicates acceptance of professional responsibility for the reports and specifications without being applied to each page.

(6) The stamp or seal referred to in subsection (1) shall remain the property of the association and shall be surrendered to the association when demanded by the registrar.

PART II REGISTRATION OF PERMIT HOLDERS

Requirements for
registration of
permit holders

9. (1) To be eligible for registration as a permit holder, a sole proprietor shall, in addition to other applicable requirements of the Act, the regulations and the by-laws,

- (a) make application for registration in accordance with section **3** including payment of required fees;
- (b) be a currently registered professional member in professional good standing;
- (c) satisfy the registration committee that all aspects of the practice of the applicant in each discipline of professional engi-

neering or professional geoscience are performed by the sole proprietor; and

- (d) provide proof to the registrar of professional liability insurance coverage in the form and amount prescribed and published by the board.

(2) To be eligible for registration as a permit holder, a partnership, limited partnership or other association of persons or corporation shall, in addition to other applicable requirements of the Act, the regulations and the by-laws,

- (a) make application for registration in accordance with section 3 including payment of required fees;
- (b) satisfy the registration committee that all aspects of the practice in each discipline of professional engineering or professional geoscience of the applicant are directly supervised by a professional member who is
 - (i) a professional member in responsible charge,
 - (ii) an employee of the partnership, limited partnership or other association of persons or corporation, and
 - (iii) currently registered and in professional good standing; and
- (c) provide proof to the registrar of professional liability insurance coverage in the form and amount prescribed and published by the board.

(3) The practice of professional engineering or geoscience of a permit holder shall be restricted to the discipline or disciplines specified in the permit.

Association to be kept informed

10. (1) A permit holder shall keep the registrar advised at all times of the names of professional members who are in responsible charge and shall immediately notify the registrar of changes, whether temporary, indefinite or permanent, in the status of a professional member in responsible charge for the permit holder.

Conditions for continuing registration of permit holders

(2) The professional member in responsible charge shall, on relinquishing that responsibility whether temporarily, indefinitely or permanently, immediately notify the registrar to that effect.

11. (1) The registration of a permit holder shall expire annually on December 31.

(2) The registrar shall annually renew the registration of a permit holder which

- (a) makes application for renewal of registration in accordance with section 3 including payment of required fees;
- (b) continues to meet the requirements of subsection 9(1) or (2); and
- (c) continues to satisfy the applicable requirements of the Act, the regulations and the by-laws for eligibility for registration as a permit holder.

(3) A permit holder which has not met the requirements for registration renewal set out in subsection (2) before the expiry date provided in subsection (1) shall be considered to not be registered under the Act, starting from that expiry date and continuing until the permit holder meets the requirements for registration renewal.

Control and use of stamps and seals

12. (1) When a permit is issued under the Act and the regulations, the registrar shall provide the permit holder with a stamp or seal.

(2) A permit holder shall inscribe the stamp or seal issued to the permit holder with the year for which the permit is valid.

(3) The stamp or seal issued to the permit holder shall be under the control of and only used by the professional member in responsible charge of the professional practice in which the permit holder is engaged.

(4) When the practice of professional engineering or geoscience is carried on by a permit holder, all plans, specifications, reports and documents shall

- (a) in the case of a sole proprietorship, be signed by and sealed with the stamp or seal of the professional member who is the

sole proprietor and who is responsible for and has supervised their preparation;

(b) in the case of a partnership, limited partnership or other association of persons or a corporation, be signed by and sealed with the stamp or seal of the professional member who is responsible for and has supervised their preparation; and

(c) in all cases, carry the permit holder stamp or seal issued to the permit holder.

(5) The stamp or seal referred to in subsection (1) shall remain the property of the association and shall be surrendered to the association when demanded by the registrar.

**PART III
REGISTRATION OF MEMBERS-IN-
TRAINING**

Qualifications

13. (1) An application to become registered as a member-in-training may be made by a person who has acquired the academic qualifications required for registration but who has not yet fulfilled other requirements for registration as a professional engineer or professional geoscientist.

(2) The academic qualifications of an applicant to become a member-in-training shall be appraised by the registration committee.

Registration as a member-in-training

14. In order to be eligible for registration as a member-in-training, engineering, or a member-in-training, geosciences, an applicant shall, in addition to other applicable requirements of the Act, the regulations and the by-laws,

(a) make application for registration in accordance with section **3** including payment of required fees;

(b) have demonstrated good character in the education, training, work experience and other matters applicable to entry into the profession; and

(c) satisfy the registration committee that he or she has the academic qualifications referred to in section **13**.

Register of mem-
bers-in-training
Conditions for
continuing registra-
tion of members-in-
training

15. The registrar shall keep a register of all members-in-training who are in good standing.

16. (1) The registration of a member-in-training shall expire annually on December 31.

(2) The registrar shall annually renew the registration of a member-in-training who

(a) makes application for renewal of registration in accordance with section 3 including payment of required fees;

(b) is in professional good standing;

(c) meets the requirements of the professional development program established by the board; and

(d) continues to satisfy the applicable requirements of the Act, the regulations and the by-laws for eligibility for registration as a member-in-training.

(3) A member-in-training who has not met the requirements for registration renewal set out in subsection (2) before the expiry date provided in subsection (1) shall be considered not to be registered under the Act, starting from that expiry date and continuing until the member-in-training meets the requirements for registration renewal.

(4) Notwithstanding subsections (2) and (3), a member-in-training who has not renewed his or her registration in two consecutive calendar years shall no longer have the right to apply for registration renewal, and shall be required to re-apply for eligibility for registration.

Suspension or
cancellation of
registration

17. The registration committee may, upon notice, suspend or cancel the registration of a member-in-training for failure to comply with the Act, regulations or by-laws.

Time limits

18. A person shall not remain on the register as a member-in-training for a period of more than 6 years unless the registration committee in its discretion extends that period.

Professionally
qualified persons
inadmissible

19. A person shall not be registered as a member-in-training where at the time of application the applicant is qualified to become a professional member.

**PART IV
REGISTRATION OF EXAMINATION
CANDIDATES**

Registration as
examination candi-
date

20. An applicant for registration as a professional member, who is required by the registration committee to take either confirmatory examinations or examinations due to academic deficiencies, shall be registered in the association as an examination candidate.

Register of exami-
nation candidates

21. The registrar shall keep a register of the names of all examination candidates in good standing.

Cancellation and
suspension

22. (1) The registration committee upon registration of an examination candidate may establish an annual expiry date for that registration and that registration shall expire annually, without notice, where application for renewal is not made in the required form before the expiry date.

(2) The registration committee may, upon notice, suspend or cancel the registration of an examination candidate for failure to comply with the Act, regulations or by-laws.

(3) Notwithstanding subsections **22**(1) and (2), the registrar may, upon notice, suspend or cancel the registration of an examination candidate for

- (a) failure to pay a required fee; or
- (b) failure to satisfy the conditions for writing examinations specified by the registration committee.

Time limit

23. A person shall not remain on the register as an examination candidate for more than 3 years.

**PART V
REGISTRATION COMMITTEE**

Registration com-
mittee

24. (1) The board shall establish a registration committee and appoint members to the committee.

- (2) The registration committee shall consist of
 - (a) not fewer than 5 professional members; and

(b) those other persons that the board considers necessary.

(3) The executive committee of the registration committee shall consist of

- (a) a chairperson, who shall also serve as chairperson of the registration committee, appointed by the board from among the members of the registration committee;
- (b) 2 vice-chairpersons appointed by the board from among the members of the registration committee; and
- (c) those other members of the registration committee that the executive committee considers necessary to consider specific applications.

Action by registration committee

25. (1) The executive committee of the registration committee and, where considered appropriate by the executive committee, the registration committee shall appraise an application for registration as a professional member, permit holder, member-in-training or examination candidate which is received through the registrar.

(2) On considering an application submitted to it by the registrar, the registration committee or its executive committee may

- (a) approve the registration of the applicant;
- (b) not approve registration on the grounds that the applicant fails to meet one or more of the requirements for registration in the Act and the regulations; or
- (c) defer approval until, in the case of an applicant as professional member, the applicant has successfully completed one or more examinations or completed a further term and type of experience that the registration committee or its executive committee may require, or in the case of an applicant as professional member or a permit holder, the applicant has met one or more requirements for registration or has provided additional information required by the registration committee or its executive committee.

(3) The registration committee may, with the approval of the board, delegate to the registrar the approval of applicants for registra-

tion in circumstances where the evaluation of academic qualifications and experience requirements of applicants is not required.

Terms of reference

26. The registration committee shall meet when necessary to consider applications for registration and at least twice annually to consider matters of policy, significant changes in procedure, examination results and other matters referred to it by its executive committee or the board.

Review by the Board

27. (1) The registrar shall send a written notice of a decision made by the registration committee, its executive committee or the registrar under this Part to the applicant.

(2) Where a decision is made to not approve or to defer registration of the applicant, reasons for the decision shall be sent in writing to the applicant.

(3) Where a decision is made to approve the registration, the registrar shall publish a notice of approval in accordance with the by-laws.

(4) An applicant whose application for registration as a professional member or permit holder has not been approved by the registration committee may, within 30 days of receiving a notice of the decision and the reasons for the decision, request the board to review the application by serving on the registrar a written request for review by the board setting out the reasons why, in his or her or its opinion, his or her or its registration as a professional member or permit holder should be approved.

(5) Notwithstanding subsection (4), where approval of an application has been deferred under paragraph 25(2)(c), the applicant shall have no right to request review of the application by the board.

(6) The board or a committee of the board, other than the registration committee or a member of that committee, shall, after receipt of a request for review under this section, review the application.

(7) The applicant for registration

(a) shall be notified in writing by the board or committee of board of the place, date and time it shall consider the matter; and

(b) is entitled to appear with counsel and make representations to the board or committee of board when it considers the matter.

(8) For purpose of hearing a review under this Part, a quorum of the board or committee of board shall be 3 members.

(9) On hearing a review under this section, the board or committee of board may make a decision which the registration committee is authorized to make under this Part.

PART VI DISCIPLINE

Filing of an allegation

28. (1) Within 30 days of receipt of an allegation the respondent shall be notified in writing that an allegation has been received.

(2) A respondent shall have 30 days from the notification of the allegation to respond to the complainant's allegation.

(3) Notwithstanding subsection (2), the complaints authorization committee, or a person appointed by the complaints authorization committee, may request and accept from a respondent a further reply to an allegation.

(4) The chairperson of the complaints authorization committee shall inform the respondent and the complainant within 120 days of receipt of the allegation whether the committee intends to conduct an investigation of the allegation under section 24 of the Act.

(5) Where the complaints authorization committee suspends the registration of a respondent under subsection 24(4) of the Act, the committee shall publish a notice of the suspension in a newspaper of general circulation in or near the community where the respondent practices.

(6) In addition to the notice given under subsection (5) the committee may also give notice to those persons or by another means the committee considers appropriate.

Mediation

29. (1) Where the complaints authorization committee refers an allegation back to the registrar for mediation under paragraph 24(1)(a)

of the Act, the registrar shall take the steps required for the mediation to take place.

(2) The complainant and the respondent must agree to participate in the mediation and to accept the result.

(3) The mediator shall conduct the mediation in accordance with a mediation agreement acceptable to the complainant, the respondent and the complaints authorization committee.

(4) Where the complaints authorization committee, the complainant and the respondent accept the result of the mediation, the disciplinary process is concluded.

(5) Where the complaints authorization committee does not accept the result of the mediation, it may exercise one or more of the powers given it under section 24 of the Act.

(6) Where a mediation has not been concluded within 3 months of its commencement or, where, during the 3 month period, the mediator concludes there is no reasonable prospect that the mediation will be concluded satisfactorily, the mediator shall refer the allegation back to the complaints authorization committee and, in that case, the committee may exercise one or more of the powers given it under section 24 of the Act.

(7) The association shall bear the costs of the mediator and the place where the mediation is conducted, and the complainant and the respondent shall bear their costs.

Appointment of an adjudication tribunal

30. An adjudication tribunal shall be appointed within 30 days of the receipt of the charges by the disciplinary panel.

Adjudication tribunal hearing date

31. (1) An adjudication tribunal shall set a hearing date at the later of

(a) 120 days after the decision of the complaints authorization committee that grounds exist to start a disciplinary proceeding; or

(b) 90 days after the complaint is referred to the disciplinary panel.

(2) The chairperson of the adjudication tribunal may extend a period referred to in subsection (1) after first seeking the opinions of the respondent and the board regarding the extension.

Decision of the
adjudication tribu-
nal

32. The written decision and orders of an adjudication tribunal shall be provided to the board and the respondent within 90 days of the completion of the hearing of the complaint by the adjudication tribunal.

PART VII GENERAL

Expiry and cancel-
lation of registration

33. (1) The registration of a professional member, permit holder or member-in-training who is in default of payment of required fees for renewal of registration, or who has not met another requirement for annual renewal of registration, shall expire on the date of the annual expiry of the registration.

(2) The registration of a professional member, permit holder or member-in-training who is in default of payment of required fees, dues or levies, other than required fees for renewal of registration, may be cancelled after the expiration of 30 days following personal service or service by certified mail on the professional member, limited licensee, permit holder or member-in-training of a written notice by the Registrar under this section unless the person on whom the notice is served complies with the notice.

(3) A notice under subsection (2) shall state that the registrar may cancel the registration or revoke the permit, without further notice, unless the fees, dues or levies are paid as indicated in the notice.

(4) The board or the registration committee may direct the registrar to cancel a registration or revoke a permit which was entered or issued in error.

(5) The registration of a professional member, permit holder, member-in-training or examination candidate under the Act and the regulations may, on notice, be suspended, cancelled or its renewal withheld by the board or the registration committee for failure of the professional member, the permit holder, the professional member in responsible charge of a permit holder, member-in-training or examination candidate to meet the requirements set out in the Act or the regulations for continuing registration.

(6) The registrar, upon direction from the board, may give notice to the profession and to the public of an action taken under this section.

Development program required

34. (1) A professional member or member in training shall comply with the requirements of the association's professional development program policies established by the board.

(2) The registrar shall cancel the registration of a professional member or member in training who fails to comply with subsection (1).

(3) Notwithstanding subsections (1) and (2), a professional member who files with the association a declaration in writing stating that that person is not actively engaged in the practice of a profession is exempt from the requirements of subsection (1).

(4) Notwithstanding subsections (1) and (2), the board may, in the association's professional development program policies, establish circumstances other than those set out in subsection (3) under which a professional member or member in training would be exempt from the requirements of subsection (1).

(5) An exemption under this section is only effective for the calendar year in which a declaration is filed under subsection (3) or an exemption granted under subsection (4) but may be renewed annually by the registrar for additional yearly periods where renewal is in accordance with the professional development program policies established by the board.

(6) A professional member shall not engage in the practice of a profession while an exemption under this section is in effect.

(7) A professional member who has been exempted from the requirements of the association's professional development program policies under this section, and who intends to resume the practice of the profession

(a) shall before resuming practice notify the registrar in writing of that intention;

(b) shall be notified by the registrar in writing of whether the professional member shall comply with conditions to resume

practice within 30 days of the registrar receiving the notice given under paragraph (a); and

- (c) shall not resume practice until receiving notice from the registrar of whether conditions apply to the resumption of practice under paragraph (b), and where conditions do apply, shall only resume practice in accordance with those conditions.

Substitution for registrar

35. Where reference is made to the registrar in these regulations, and where the registrar is temporarily unable to fulfil the functions contemplated by these regulations due to illness or other reason, those functions may be carried out by another person designated by the board.

Association publications

36. The association may issue newsletters, guides, statements of policies and standards, and other publications for the purpose of

- (a) promoting high standards of professional services and adequate remuneration for those services and for the maintenance and improvement of the competence of members;
- (b) outlining the scope of professional services which shall define for clients the services to be expected from a consulting engineer or geoscientist;
- (c) assisting clients in the selection of professional engineers and geoscientists for professional services; and
- (d) informing and generally notifying members on the affairs of the association and the profession generally.

Repeal

37. The *Engineers and Geoscientists Regulations, Consolidated Newfoundland and Labrador Regulation 1107/96*, are repealed.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 44/11**

Proclamation bringing Act into force
(SNL 2006 cH-1.2) (in force July 1, 2011)
under the
Health Research Ethics Authority Act
(O.C. 2011-109)

(Filed May 3, 2011)

*ELIZABETH THE SECOND, by the Grace of God of the
United Kingdom, Canada and Her Other Realms and Territories
QUEEN, Head of the Commonwealth, Defender of the Faith.*

JOHN C. CROSBIE
Lieutenant Governor

FELIX COLLINS
Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 30 of “*An Act to Establish a Health Research Ethics Authority for the Province*”, SNL2006 cH-1.2 (the “Act”) it is provided that the Act shall come into force on a day to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall now come into force.

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation direct that “*An Act to Establish a Health Research Ethics Authority for the Province*”, SNL2006 cH-1.2, shall come into force on July 1, 2011

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable John Carnell Crosbie, Member of the, Privy Council of Canada, Officer of the Order of Canada, Chancellor of the Order of Newfoundland and Labrador, and one of Her Majesty's Counsel learned in the law, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE in Our City of St. John's this 26th day of April in the year of Our Lord two thousand and eleven in the sixtieth year of Our Reign.

BY COMMAND,

KEVIN O'BRIEN
Registrar General



NEWFOUNDLAND AND LABRADOR REGULATION 45/11

Rules of the Supreme Court, 1986 (Amendment)
under the
Judicature Act

(Filed May 3, 2011)

Under the authority of section 55 of the *Judicature Act*, the Rules Committee of the Trial Division makes the following Rules.

Dated at St. John's, April 21, 2011.

Darlene Wells
Senior Deputy Registrar of the Supreme Court
Secretary, Rules Committee

REGULATIONS

Analysis

- | | |
|--|-------------------------|
| 1. Rule 55.04 R&S
Party and party costs | 3. Rule 55 Appendix R&S |
| 2. Rule 55.34 Amdt.
Special allowances | 4. Commencement |

1. (1) Rule 55.04 of the *Rules of the Supreme Court, 1986* is repealed and the following substituted:

Party and party
costs

55.04. (1) Unless otherwise ordered, the costs between parties shall be determined by a taxing officer according to Column 1 of the Scale of Costs in the Appendix to this Rule, where

(a) default judgment is entered in a claim for a liquidated demand only, under rule 16.01(2)(a); or

(b) an uncontested order is entered under Rule 56A.

(2) Where paragraph (1) does not apply, the costs between parties, unless otherwise ordered, shall be determined by a taxing officer according to Column 3 of the Scale of Costs in the Appendix to this Rule.

(3) The Court may award costs to be taxed in accordance with any column or combination of columns under the Scale of Costs in the Appendix to this Rule.

(4) In exercising its discretion under this Rule, the Court may consider

(a) the amounts claimed and the amounts recovered;

(b) the importance of the issues;

(c) the complexity, difficulty or novelty of the issues;

(d) the manner in which the proceeding was conducted, including any conduct that tended to shorten or unnecessarily lengthen the duration of the proceeding;

(e) the failure by a party to admit anything that should have been admitted;

(f) the proportion of the services rendered prior to the date the amendment to this paragraph introducing a Scale of Costs where costs are taxed according to a column or combination of columns came into force;

(g) seniority at the bar of counsel; and

(h) any other relevant matter.

(5) A taxing officer may

(a) disallow individual items in a bill of costs; and

(b) allow an item of costs not provided for, either expressly or by implication, by the Scale of Costs in the Appendix to this Rule.

(6) Where a service provided in an appeal to the Court of Appeal is not listed in the Appendix to this Rule under "F. Appeals to the Court of Appeal", costs of that service shall be determined in accordance with the other provisions of this Rule with the necessary changes.

(7) This rule applies to orders for costs made on or after July 1, 2011.

2. Rules 55.34(1), (3), (7) and (8) of the rules are repealed.

3. The Appendix to Rule 55 of the rules is repealed and the following substituted:

Appendix

Scale of Costs

(Rule 55)

I. General

1. A party seeking an assessment of costs shall prepare a bill of costs, indicating the service, the column and the number of units, and where the service is based on days or half days, shall indicate the number of days or half days.

2. A bill of costs may include a list of disbursements, which shall be verified by invoice or by affidavit.

3. In this Scale of Costs:

(a) a "day" or "half day" includes a part thereof; and

(b) where services are provided more than once for the same listed item, for example, attendance on more than one examination for discovery, the services for each item on each occasion may be assessed separately in a bill of costs.

4. The total value of services allowed shall be calculated by the taxing officer by multiplying the total number of units by the unit value in effect on the date of the assessment.

5. The unit value is \$100.00 effective on the day this revised Scale of Costs in which costs are taxed according to a column or combination of columns came into force.

6. The unit value may be adjusted by amendment of this Rule.

II. Services

Services	Number of Units				
	Column 1	Column 2	Column 3	Column 4	Column 5
<i>A. Originating documents and other pleadings</i>					
1. Preparation and filing of statement of claim, originating application, petition, or other originating document	1.	1.5	2.0	2.5	3.0
2. Preparation and filing of defence, counterclaim, third party notice including statement of claim, defence to third party proceeding, answer to petition including counter petition, response or reply under Rule 56A or any other pleading required by law	1.0	1.5	2.0	2.5	3.0
3. Preparation and filing of a financial statement or property statement under Rule 56A	1.0	1.5	2.0	2.5	3.0
4. Preparation and filing of amendment to any pleading	0.5	0.75	1.0	1.25	1.5
<i>B. Applications</i>					
5. Preparation and filing of interlocutory application	1.0	1.5	2.0	2.5	3.0
6. Preparation and filing of affidavit	1.0	1.5	2.0	2.5	3.0
7. Preparation of memorandum of authorities	1.0	1.5	2.0	2.5	3.0
8. Preparation of memorandum of fact and law for application	2.0	3.0	4.0	5.0	6.0
9. Counsel fee on uncontested application	1.0	1.5	2.0	2.5	3.0
10. Counsel fee on contested application, per half day	2.5	5.0	8.5	11.5	15.0

Services	Number of Units				
	Column 1	Column 2	Column 3	Column 4	Column 5
<i>C. Discovery and Examinations</i>					
11. Preparation and filing list of documents	1.0	1.5	2.0	2.5	3.0
12. Preparation of demand for particulars, interrogatories, notice to disclose under Rule 56A, notice to reply to written questions under Rule 56A or similar documents	1.0	1.5	2.0	2.5	3.0
13. Preparation of reply to demand for particulars, answer to interrogatories, answer to notice to disclose under Rule 56A, answer to notice to reply to written questions under Rule 56A or similar documents	1.0	1.5	2.0	2.5	3.0
14. Preparation for and attendance at examination for discovery or similar procedure for the purpose of production or inspection of documents	0.5	0.75	1.0	1.25	1.5
15. Preparation for and attendance at examination for discovery, or similar procedure, per half day	2.0	3.0	4.0	5.0	6.0
<i>D. Pre-Trial and Pre-Hearing Procedures</i>					
16. Preparation of brief for pre-trial conference, settlement conference, mini-trial, Court ordered mediation, case management meeting or similar conference	2.0	3.0	4.0	5.0	6.0
17. Preparation for and attendance at pre-trial conference, settlement conference, mini-trial, Court ordered mediation, case management meeting, summary judgment hearing under Rule 56A, judicial case conference under Rule 56A or similar conference, per half day	2.0	3.0	4.0	5.0	6.0
18. Attendance at case management meeting under Rule 56A or trial readiness inquiry under Rule 56A	0.25	0.35	0.5	1.0	1.5
<i>E. Trial or Appeal Hearing in the Trial Division or Hearing under Rule 56A</i>					
19. Preparation of trial brief and when directed by the Court, written argument	2.0	3.0	4.0	5.0	6.0

Services	Number of Units				
	Column 1	Column 2	Column 3	Column 4	Column 5
20. Counsel fee					
(a) first counsel, first day	7.5	15.0	25.0	35.0	45.0
(b) first counsel, second and subsequent days	3.75	7.5	12.5	17.5	22.5
(c) additional counsel, where the Court approves, first day	5.0	10.0	17.0	23.0	30.0
(d) additional counsel, where the Court approves, second and subsequent days	2.5	5.0	8.5	11.5	15.0
<i>F. Appeals to the Court of Appeal</i>					
21. Preparation and filing of notice of appeal or cross appeal	1.0	1.5	2.0	2.5	3.0
22. Applications in the Court of Appeal					
(a) Preparation and filing application	1.0	1.5	2.0	2.5	3.0
(b) Preparation and filing of affidavit	1.0	1.5	2.0	2.5	3.0
(c) Preparation of memorandum of fact and law for application	2.0	3.0	4.0	5.0	6.0
(d) Counsel fee on uncontested application	1.0	1.5	2.0	2.5	3.0
(e) Counsel fee on contested application, per half day	2.5	5.0	8.5	11.5	15.0
23. Preparation and filing of appeal book	1.0	1.5	2.0	2.5	3.0
24. Preparation of factum for appeal hearing	2.0	3.0	4.0	5.0	6.0
25. Preparation for and attendance at prehearing conference or similar conference, per half day	1.5	2.25	3.0	3.75	4.5
26. Counsel fee on hearing of appeal:					
(a) first counsel, first day	7.5	15.0	25.0	35.0	45.0
(b) first counsel, second and subsequent days	3.75	7.5	12.5	17.5	22.5
(c) additional counsel, where the Court approves, first day	5.0	10.0	17.0	23.0	30.0

Services	Number of Units				
	Column 1	Column 2	Column 3	Column 4	Column 5
(d) additional counsel, where the Court approves, second and subsequent days	2.5	5.0	8.5	11.5	15.0
<i>G. Miscellaneous</i>					
27. Where the Court approves, counsel fee for travel by counsel exceeding 40 kilometres one way from the counsel's ordinary place of business for return travel to attend any appeal, trial, hearing, application, examination, conference or similar proceeding	1.0	1.5	2.0	2.5	3.0
28. Preparation of order	0.5	0.75	1.0	1.25	1.5
29. Preparation of bill of costs	0.5	0.75	1.0	1.25	1.5
30. Attendance on taxation, per half day	0.5	0.75	1.0	1.25	1.5

III. Witnesses

1. In order to compel the attendance of a witness by subpoena, notice of examination or similar process there shall be paid to each witness, in advance of the attendance of that witness, the following:

- (a) a fee of \$100.00 if the witness is to testify as an expert witness or to testify in relation to matters pertaining to his or her profession, trade or calling and \$50.00 in every other case;
- (b) the estimated reasonable travel expenses, including meals and lodging, where the necessity of same may be reasonably anticipated; and
- (c) the estimated fee to testify, including costs of preparing to testify, upon request by the witness, if the witness is to testify as an expert witness or to testify in relation to matters pertaining to his or her profession, trade or calling, subject to direction by the Court.

2. In addition to the sum payable to a witness under paragraph (1)(a) above, should a witness be required to attend beyond one day, there shall be paid to each witness for each additional day or part day of required attendance a fee of \$100.00 per day if the witness testifies as an expert witness or in matters pertaining to his or her profession, trade or calling and \$50.00 in every other case.

3. In addition to the sum payable to a witness in paragraph (1)(b) above, a witness shall also be paid the difference between the sum paid under paragraph (1)(b) and the actual reasonable travel expenses, including meals and lodging, to attend the proceeding.

4. In addition to the sum payable to a witness in paragraph (1)(c) above, a witness shall be paid the difference between the sum paid under paragraph (1)(c) and the actual fee to testify, including costs of preparing to testify, subject to direction by the Court.

5. Paragraphs 1(a), 1(c), 2 and 4 do not apply to a party who testifies on his or her own behalf.

6. Paragraphs 1(c), 2 and 4 do not apply to a person who testifies on behalf of a party at a time when that person is employed by that party on matters relating to such employment.

7. Where the provisions of this Rule conflict with the *Interprovincial Subpoena Act*, the latter shall prevail.

IV. Examiners

1. Fee chargeable for attending on examination for discovery or other examination, per hour: 0.75 units

V. Masters and Taxing Officers

1. Fee chargeable by Masters in examination, taxation or other work, per hour: 2.5 units

2. Fee chargeable by Taxing Officers (other than Masters) for taxing a bill of costs: 0.15 units

VI. Commissioners

1. Fee chargeable on taking a recognizance or bond, whether one or more recognizor or obligor, and whether entered into by all at one time or not: 0.5 units

2. Fee chargeable for every oath, affidavit, declaration, affirmation or attestation: 0.5 units

3. Fee chargeable for every acknowledgment and certificate of same: 0.5 units

4. Fee chargeable for issuing a Statement of Claim: 0.5 units

5. In the case of Commissioners outside Newfoundland and Labrador, the taxing officer shall allow such fees as the taxing officer may consider reasonable.

VII. Court Fees

1. Actual fees

VIII. Other

1. Disbursements, including:

(a) cost of service of documents;

(b) cost of expert reports;

(c) fees charged by mediators, and third party expenses incurred, for Court ordered mediation;

(d) fees and expenses charged by interpreters;

(e) copies at \$0.25 per printed page;

(f) cost of transcription services and copies of transcript;

(g) costs of electronic conferencing, including teleconference and video conference;

(h) cost of electronic filing and electronic discovery;

(i) reasonable travel expenses of counsel, including meals and lodging, where counsel fee is allowed under Part II, item 27; and

(j) other reasonable disbursements.

2. Law Society Levy

3. HST as applicable

Commencement

4. These rules come into force on July 1, 2011.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 36/11 - REPRINT**

Mining and Mineral Rights Tax Regulations, 2003 (Amendment)
under the
Revenue Administration Act
(O.C. 2011-076)

(Filed March 30, 2011)

Under the authority of section 110 of the *Revenue Administration Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, March 22, 2011.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

1. S.8 Amdt.
Interest on sum due
2. Commencement

NLR 19/03

1. Subsection 8(1) of the *Mining and Mineral Rights Tax Regulations, 2003* is repealed and the following substituted:

Interest on sum due

8. (1) Interest shall be levied upon a sum due to the Crown under the Act and these regulations at a rate of 1.2% compounded each month

or part of a month from the date the sum is required to be paid to the date of payment.

Commencement

2. This regulation shall be considered to have come into force on March 7, 2003.

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(Reprint due to error in commencement date)

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Engineers and Geoscientists Act, 2008			
Engineers and Geoscientist Regulations, 2011	NLR 43/11	R & S CNLR 1107/96	May 6/11 p. 181
Health Research Ethics Authority Act			
Proclamation bringing Act into force (In force July 1, 2011)	NLR 44/11	New	May 6/11 p. 203
Judicature Act			
Rules of the Supreme Court, 1986 (Amdt.) (July 1, 2011)	NLR 45/11	Rule Ss.04 R&S Rule Ss.34 Amdt Rule Ss Appendix R & S	May 6/11 p. 205
Revenue Administration Act			
Mining and Mineral Rights Tax Regulations, 2003 (Amdt.)	NLR 36/11	Reprint Original publication April 1, 2011	May 6/11 p. 215

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