



**Executive
Council**

*A certified copy of an Order in Council dated
February 26, 2016*

2016-47

The Governor in Council on the report and recommendation of the Minister of Energy dated January 29, 2016, and pursuant to Section 199B of Chapter 3 of the Acts of 1987, *the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, is pleased to make regulations respecting administrative monetary penalties, in the manner set forth in Schedule “A” attached to and forming part of the Report and Recommendation, effective on and after February 26, 2016.

Certified to be a true copy

Catherine Blewett
Clerk of the Executive Council

Schedule "A"

**Regulations Respecting Administrative Monetary Penalties
made by the Governor in Council under Section 199B
of Chapter 2 of the Acts of 1987, the
*Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia)
Act***

Citation

- 1 These regulations may be cited as the *Canada-Nova Scotia Offshore Petroleum Administrative Monetary Penalties Regulations*.

Definitions

- 2 In these regulations, "Act" means the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*.

Designated provisions

- 3 (1) The contravention of a provision of Part III of the Act or of a regulation made under that Part that is set out in Column 1 of a Part of Schedule 1 is designated as a violation that may be proceeded with in accordance with Sections 199B to 199V of the Act.
- (2) The contravention of a direction, requirement, decision or order made under Part III of the Act is designated as a violation that may be proceeded with in accordance with Sections 199B to 199V of the Act.
- (3) The contravention of a term or condition of an operating licence or authorization that is issued, or of an approval or exemption that is granted, under Part III of the Act is designated as a violation that may be proceeded with in accordance with Sections 199B to 199V of the Act.

Classification

- 4 (1) The contravention of a provision that is set out in Column 1 of a Part of Schedule 1 is a Type A or Type B violation as set out in Column 2 of that Part.
- (2) The contravention of a direction, requirement, decision or order referred to in subsection 3(2) or of a term or condition referred to in subsection 3(3) is a Type B violation.

Penalties

- 5 (1) The penalty for a violation with a total gravity value set out in Column 1 of Schedule 2 is, in the case of a Type A violation, the corresponding amount set out in Column 2 and, in the case of a Type B violation, the corresponding amount set out in Column 3.
- (2) The total gravity value in respect of a violation is to be established by
- (a) considering each of the criteria in Column 1 of the table to this Section;
 - (b) ascribing to each criterion an appropriate gravity value as set out in Column 2, having regard to the circumstances of the violation, with a lower gravity value representing a lower level of gravity and a higher gravity value representing a higher level of gravity; and
 - (c) adding the values obtained.

Table

Item	Column 1 Criteria	Column 2 Gravity Value
1.	Whether the person who committed the violation was finally found or was considered to have committed a previous violation set out in a notice of violation issued by the Board, the National Energy Board or the Canada-Newfoundland and Labrador Offshore Petroleum Board	0 to +2
2.	Whether the person derived any competitive or economic benefit from the violation	0 to +2
3.	Whether the person made reasonable efforts to mitigate or reverse the violation's effects	-2 to +2
4.	Whether there was negligence on the person's part	0 to +2
5.	Whether the person provided all reasonable assistance to the Board with respect to the violation	-2 to +2
6.	Whether the person, after becoming aware of the violation, promptly reported it to the Board	-2 to +2
7.	Whether the person has taken any steps to prevent a recurrence of the violation	-2 to +2
8.	For Type B violations, whether the violation was primarily related to a reporting or record-keeping requirement	-2 to 0
9.	Whether the violation increased a risk of harm to people or the environment or a risk of waste	0 to +3

Service of documents

- 6 (1)** The service of a document that is authorized or required by Section 199G or 199O of the Act is to be made
- (a) if the person to be served is an individual, by
 - (i) leaving a copy of it with that individual,
 - (ii) leaving a copy of it with someone who appears to be an adult member of the same household at the individual's last known address or usual place of residence, or
 - (iii) sending a copy of it by registered mail, courier, fax or other electronic means to the individual's last known address or usual place of residence; and
 - (b) if the person to be served is not an individual, by
 - (i) leaving a copy of it at the person's head office or place of business with an officer or other individual who appears to manage or be in control of the head office or place of business,
 - (ii) sending a copy of it by registered mail, courier or fax to the person's head office or place of business, or
 - (iii) sending a copy of it by electronic means other than by fax to an officer or other individual referred to in subclause (i).
- (2)** A document that is not personally served is considered to be served
- (a) in the case of a copy that is left with a person referred to in subclause (1)(a)(ii), on the day on which it is left with that person;
 - (b) in the case of a copy that is sent by registered mail or courier, on the 10th day after the date indicated in the receipt issued by the postal or courier service; and
 - (c) in the case of a copy sent by fax or other electronic means, on the day on which it is transmitted.

**Schedule 1: Violations
(Subsections 3(1) and 4(1))**

Part 1

**Canada-Nova Scotia Offshore Petroleum Resources Accord
Implementation (Nova Scotia) Act**

Item	Column 1 Provision	Column 2 Classification
1.	134	Type B
2.	134A	Type B
3.	136A(3)	Type B
4.	136B(2)	Type B
5.	136B(5)	Type B
6.	158(1)	Type B
7.	158(2)	Type B
8.	158(3)	Type B
9.	160(1C)	Type B
10.	160(3)	Type B
11.	168(1)	Type B
12.	169(1)	Type B
13.	178	Type B
14.	188	Type B
15.	190(9)	Type B
16.	190B(1)	Type B
17.	191(1)(d)	Type B

Part 2

Nova Scotia Offshore Area Petroleum Geophysical Operations Regulations

Item	Column 1 Provision	Column 2 Classification
1.	6	Type B
2.	7	Type A
3.	8	Type B
4.	9	Type B

5.	10(a)	Type B
6.	10(b)	Type B
7.	10(c)	Type B
8.	11(a)	Type B
9.	11(b)	Type B
10.	11(c)	Type B
11.	11(d)	Type B
12.	11(e)	Type B
13.	11(f)	Type B
14.	12(1)	Type B
15.	12(2)(a)	Type B
16.	12(2)(b)	Type B
17.	12(2)(c)	Type B
18.	12(2)(d)	Type B
19.	12(2)(e)	Type B
20.	12(2)(f)	Type B
21.	12(3)	Type B
22.	12(4)	Type B
23.	13(a)	Type B
24.	13(b)	Type B
25.	13(c)	Type B
26.	13(d)	Type B
27.	13(e)	Type B
28.	13(f)	Type B
29.	13(g)	Type B
30.	14(a)	Type B
31.	14(b)	Type B
32.	14(c)	Type B
33.	15(a)	Type B
34.	15(b)	Type B
35.	16	Type B
36.	17	Type B
37.	18(a)	Type B
38.	18(b)	Type B
39.	18(c)	Type B
40.	18(d)	Type B

41.	19	Type B
42.	20(1)	Type B
43.	20(2)	Type B
44.	21(1)	Type B
45.	22(1)(a)	Type B
46.	22(1)(b)	Type B
47.	22(1)(c)	Type B
48.	22(1)(d)	Type B
49.	22(3)	Type B
50.	23	Type A
51.	24	Type A
52.	25(1)	Type A
53.	25(2)	Type A
54.	25(4)	Type A
55.	25(5)	Type A
56.	25(6)	Type A
57.	25(7)	Type A
58.	25(8)	Type A
59.	25(9)	Type A
60.	26(1)(a)	Type A
61.	26(1)(b)	Type A
62.	26(1)(c)	Type A
63.	26(1)(d)	Type A
64.	26(1)(e)	Type A
65.	26(1)(f)	Type A
66.	26(2)	Type B
67.	26(4)	Type B
68.	26(7)	Type B
69.	27	Type B

Part 3

Nova Scotia Offshore Area Petroleum Installations Regulations

Item	Column 1 Provision	Column 2 Classification
1.	3(a)	Type B
2.	3(b)	Type B
3.	3(c)	Type B
4.	4(1)	Type B
5.	5(1)	Type B
6.	6	Type B
7.	7	Type B
8.	8(2)	Type B
9.	8(3)	Type B
10.	8(4)	Type B
11.	8(5)	Type B
12.	8(6)	Type B
13.	8(7)(a)	Type B
14.	8(7)(b)	Type B
15.	8(8)	Type B
16.	9(1)	Type B
17.	9(6)	Type B
18.	10(1)	Type B
19.	10(2)	Type B
20.	10(3)	Type B
21.	10(4)	Type B
22.	10(5)	Type B
23.	10(6)	Type B
24.	10(7)	Type B
25.	10(8)	Type B
26.	10(9)	Type B
27.	10(10)	Type B
28.	10(11)	Type B
29.	11(1)	Type B
30.	11(2)	Type B
31.	11(3)	Type B

32.	11(4)	Type B
33.	11(5)	Type B
34.	12(1)	Type B
35.	12(2)	Type B
36.	12(3)	Type B
37.	12(4)	Type B
38.	12(5)	Type B
39.	12(6)	Type B
40.	12(7)	Type B
41.	13(1)	Type B
42.	13(2)	Type B
43.	13(3)	Type B
44.	13(4)	Type B
45.	13(5)	Type B
46.	13(6)	Type B
47.	13(7)	Type B
48.	13(8)	Type B
49.	13(9)	Type B
50.	13(10)	Type B
51.	13(11)	Type B
52.	13(12)	Type B
53.	13(13)	Type B
54.	13(14)	Type B
55.	14(1)(a)	Type B
56.	14(1)(b)	Type B
57.	14(1)(c)	Type B
58.	14(1)(d)	Type B
59.	14(1)(e)	Type B
60.	14(1)(f)	Type B
61.	14(1)(g)	Type B
62.	14(2)	Type B
63.	14(3)	Type B
64.	14(4)	Type B
65.	15(1)	Type B
66.	15(2)	Type B
67.	16	Type B

68.	17(2)	Type B
69.	17(3)	Type B
70.	17(4)	Type B
71.	17(9)	Type B
72.	18(1)	Type B
73.	18(2)	Type B
74.	18(4)	Type B
75.	18(8)	Type B
76.	18(9)	Type B
77.	18(10)	Type B
78.	18(11)	Type B
79.	18(12)	Type B
80.	18(13)	Type B
81.	19(a)	Type B
82.	19(b)	Type B
83.	19(c)	Type B
84.	19(d)	Type B
85.	19(e)	Type B
86.	19(f)	Type B
87.	19(g)	Type B
88.	19(h)	Type B
89.	19(i)	Type B
90.	19(j)	Type B
91.	19(k)	Type B
92.	21	Type B
93.	22(1)(a)	Type B
94.	22(1)(b)	Type B
95.	22(1)(c)	Type B
96.	22(1)(d)	Type B
97.	22(1)(e)	Type B
98.	22(1)(f)	Type B
99.	22(2)	Type B
100.	22(3)	Type B
101.	22(4)	Type B
102.	22(5)	Type B
103.	22(6)	Type B

104.	23(2)(a)	Type B
105.	23(2)(b)	Type B
106.	23(2)(c)	Type B
107.	23(2)(d)	Type B
108.	23(2)(e)	Type B
109.	23(2)(f)	Type B
110.	23(2)(g)	Type B
111.	23(2)(h)	Type B
112.	23(2)(i)	Type B
113.	23(2)(j)	Type B
114.	23(2)(k)	Type B
115.	23(2)(l)	Type B
116.	23(2)(m)	Type B
117.	23(2)(n)	Type B
118.	23(2)(o)	Type B
119.	23(2)(p)	Type B
120.	23(2)(q)	Type B
121.	23(2)(r)	Type B
122.	23(2)(s)	Type B
123.	23(2)(t)	Type B
124.	23(2)(u)	Type B
125.	23(4)	Type B
126.	23(5)	Type B
127.	24(1)	Type B
128.	24(2)	Type B
129.	24(3)	Type B
130.	24(4)	Type B
131.	25(2)	Type B
132.	25(3)	Type B
133.	25(4)	Type B
134.	25(5)	Type B
135.	25(6)	Type B
136.	26(2)	Type B
137.	26(3)	Type B
138.	26(4)	Type B
139.	26(5)	Type B

140.	27(1)	Type B
141.	27(2)	Type B
142.	27(3)	Type B
143.	27(4)	Type B
144.	27(5)	Type B
145.	27(6)	Type B
146.	27(7)	Type B
147.	27(8)	Type B
148.	27(9)	Type B
149.	27(10)	Type B
150.	27(11)	Type B
151.	28(1)	Type B
152.	28(2)	Type B
153.	28(3)	Type B
154.	28(4)	Type B
155.	28(5)	Type B
156.	28(6)	Type B
157.	28(7)	Type B
158.	28(8)	Type B
159.	28(9)	Type B
160.	28(10)	Type B
161.	28(11)	Type B
162.	29(1)	Type B
163.	29(2)	Type B
164.	29(3)	Type B
165.	29(4)	Type B
166.	29(5)	Type B
167.	29(6)	Type B
168.	29(7)	Type B
169.	29(8)	Type B
170.	29(9)	Type B
171.	30(1)	Type B
172.	30(2)	Type B
173.	30(3)	Type B
174.	30(4)	Type B
175.	31(1)	Type B

176.	31(2)	Type B
177.	31(3)	Type B
178.	31(4)	Type B
179.	32(1)	Type B
180.	32(2)	Type B
181.	32(3)	Type B
182.	32(4)	Type B
183.	32(5)	Type B
184.	33(2)(c)	Type B
185.	34(1)	Type B
186.	34(2)	Type B
187.	34(3)	Type B
188.	35(1)	Type B
189.	35(2)	Type B
190.	35(3)	Type B
191.	35(4)	Type B
192.	35(5)	Type B
193.	36(1)	Type B
194.	36(2)	Type B
195.	36(3)	Type B
196.	36(4)	Type B
197.	36(5)	Type B
198.	36(6)	Type B
199.	36(7)	Type B
200.	43(8)	Type B
201.	48(3)	Type B
202.	49(1)	Type B
203.	49(2)	Type B
204.	49(3)	Type B
205.	49(4)	Type B
206.	49(5)	Type B
207.	49(6)	Type B
208.	51	Type B
209.	56(2)	Type B
210.	56(4)	Type B
211.	56(5)	Type B

212.	56(7)	Type B
213.	56(8)	Type B
214.	56(9)	Type B
215.	57(1)	Type B
216.	57(2)	Type B
217.	57(3)	Type B
218.	57(4)	Type B
219.	57(5)	Type B
220.	57(6)	Type B
221.	57(7)	Type B
222.	57(8)	Type B
223.	57(9)	Type B
224.	57(10)	Type B
225.	57(11)	Type B
226.	57(12)	Type B
227.	58(1)	Type B
228.	58(2)	Type B
229.	58(3)	Type B
230.	58(4)	Type B
231.	58(5)	Type B
232.	58(6)	Type B
233.	58(7)	Type B
234.	58(8)	Type B
235.	58(9)	Type B
236.	58(10)	Type B
237.	58(11)	Type B
238.	58(12)	Type B
239.	58(13)	Type B
240.	58(14)	Type B
241.	59(1)	Type B
242.	59(13)	Type B
243.	60(1)	Type B
244.	60(2)	Type B
245.	61(7)	Type B
246.	61(17)	Type B
247.	61(18)	Type B

248.	62(2)	Type B
249.	62(3)	Type B
250.	62(4)	Type B
251.	63(1)	Type B
252.	63(2)	Type B
253.	65	Type B
254.	66	Type B
255.	67(1)	Type B
256.	67(3)	Type B
257.	67(4)	Type B
258.	68	Type B
259.	69	Type A
260.	70(1)	Type B
261.	70(2)	Type B
262.	70(3)	Type B

Part 4

Nova Scotia Offshore Petroleum Drilling and Production Regulations

Item	Column 1 Provision	Column 2 Classification
1.	11(1)	Type B
2.	18(1)	Type B
3.	18(2)	Type B
4.	19	Type B
5.	20(a)	Type B
6.	20(b)	Type B
7.	20(c)	Type B
8.	20(d)	Type B
9.	20(e)	Type B
10.	20(f)	Type B
11.	20(g)	Type B
12.	20(h)	Type B
13.	20(i)	Type B
14.	20(j)	Type B
15.	20(k)	Type B

16.	20(l)	Type B
17.	20(m)	Type B
18.	21(1)	Type B
19.	21(2)	Type B
20.	22(1)	Type B
21.	22(2)	Type B
22.	23(a)	Type B
23.	23(b)	Type B
24.	24	Type B
25.	25(1)	Type B
26.	25(2)	Type B
27.	26(a)	Type B
28.	26(b)	Type B
29.	26(c)	Type B
30.	27(a)	Type B
31.	27(b)	Type B
32.	28(1)	Type B
33.	28(2)	Type B
34.	29(a)	Type B
35.	29(b)	Type B
36.	30(1)	Type B
37.	30(2)	Type B
38.	31	Type B
39.	32	Type B
40.	33(a)	Type B
41.	33(b)	Type B
42.	34(a)	Type B
43.	34(b)	Type B
44.	34(c)	Type B
45.	35(1)(a)	Type B
46.	35(1)(b)	Type B
47.	35(1)(c)	Type B
48.	35(2)	Type B
49.	35(3)	Type B
50.	36	Type B
51.	37(1)	Type B

52.	37(2)	Type B
53.	37(3)	Type B
54.	37(4)	Type B
55.	38	Type B
56.	39	Type B
57.	40	Type B
58.	41	Type B
59.	42	Type B
60.	43	Type B
61.	44	Type B
62.	46(a)	Type B
63.	46(b)	Type B
64.	46(c)	Type B
65.	47(1)(a)	Type B
66.	47(1)(b)	Type B
67.	47(1)(c)	Type B
68.	47(1)(d)	Type B
69.	47(1)(e)	Type B
70.	47(1)(f)	Type B
71.	47(1)(g)	Type B
72.	47(1)(h)	Type B
73.	47(1)(i)	Type B
74.	47(1)(j)	Type B
75.	47(2)(a)	Type B
76.	47(2)(b)	Type B
77.	48	Type B
78.	50	Type B
79.	51(1)(a)	Type B
80.	51(1)(b)	Type B
81.	52	Type B
82.	53(1)(a)	Type B
83.	53(1)(b)	Type B
84.	53(2)	Type B
85.	54(a)	Type B
86.	54(b)	Type B
87.	54(c)	Type B

88.	55	Type B
89.	56	Type B
90.	57	Type B
91.	58	Type B
92.	59	Type B
93.	60	Type B
94.	61(1)	Type B
95.	61(2)	Type B
96.	62(1)	Type B
97.	62(2)	Type B
98.	63(a)	Type B
99.	63(b)	Type B
100.	63(c)	Type B
101.	63(d)	Type B
102.	64(a)	Type B
103.	64(b)	Type A
104.	65	Type B
105.	66(a)	Type B
106.	66(b)	Type B
107.	66(c)	Type B
108.	67(1)	Type B
109.	67(3)	Type B
110.	68	Type B
111.	69	Type B
112.	70	Type B
113.	71(1)	Type B
114.	71(2)	Type B
115.	71(3)	Type B
116.	72(2)	Type B
117.	72(3)	Type B
118.	73(a)	Type B
119.	73(b)	Type B
120.	74(1)	Type B
121.	74(3)	Type B
122.	75	Type A
123.	76(1)	Type B

124.	77(1)(a)	Type B
125.	77(2)(a)	Type B
126.	77(2)(b)	Type B
127.	78(1)	Type A
128.	78(2)	Type A
129.	79(a)	Type A
130.	79(b)	Type A
131.	79(c)	Type A
132.	79(d)	Type A
133.	79(e)	Type A
134.	80(a)	Type B
135.	80(b)	Type B
136.	81	Type B
137.	82(a)	Type B
138.	82(b)	Type B
139.	83(a)	Type B
140.	83(b)	Type B
141.	84(2)	Type B
142.	84(3)	Type B
143.	85(a)	Type B
144.	85(b)	Type B
145.	85(c)	Type B
146.	86(1)	Type A
147.	86(2)	Type A
148.	87	Type A
149.	88(1)	Type A
150.	88(2)	Type A
151.	89	Type B
152.	90(1)	Type A
153.	90(2)	Type A
154.	91(1)	Type B
155.	91(2)	Type A
156.	92	Type A

Schedule 2: Penalties
(Subsection 5(1))

Column 1		Column 2 Type A Violation		Column 3 Type B Violation	
Item	Total Gravity Value	Individual	Any Other Person	Individual	Any Other Person
1.	-3 or less	\$250	\$1000	\$1000	\$4000
2.	-2	\$595	\$2375	\$4000	\$16 000
3.	-1	\$990	\$3750	\$7000	\$28 000
4.	0	\$1365	\$5025	\$10 000	\$40 000
5.	1	\$1740	\$6300	\$13 000	\$52 000
6.	2	\$2115	\$7575	\$16 000	\$64 000
7.	3	\$2490	\$8850	\$19 000	\$76 000
8.	4	\$2865	\$10 125	\$22 000	\$88 000
9.	5 or more	\$3000	\$12 000	\$25 000	\$100 000