



CANADA

CONSOLIDATION

CODIFICATION

# Hibernia Development Project Offshore Application Regulations

# Règlement sur l'application des lois fédérales et terre- neuviennes à la zone extracôtière (Hibernia)

SOR/90-774

DORS/90-774

Current to September 11, 2021

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## OFFICIAL STATUS OF CONSOLIDATIONS

Subsections 31(1) and (3) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

### Published consolidation is evidence

**31 (1)** Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

...

### Inconsistencies in regulations

**(3)** In the event of an inconsistency between a consolidated regulation published by the Minister under this Act and the original regulation or a subsequent amendment as registered by the Clerk of the Privy Council under the *Statutory Instruments Act*, the original regulation or amendment prevails to the extent of the inconsistency.

## LAYOUT

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

## NOTE

This consolidation is current to September 11, 2021. Any amendments that were not in force as of September 11, 2021 are set out at the end of this document under the heading “Amendments Not in Force”.

## CARACTÈRE OFFICIEL DES CODIFICATIONS

Les paragraphes 31(1) et (3) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1<sup>er</sup> juin 2009, prévoient ce qui suit :

### Codifications comme élément de preuve

**31 (1)** Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

[...]

### Incompatibilité — règlements

**(3)** Les dispositions du règlement d'origine avec ses modifications subséquentes enregistrées par le greffier du Conseil privé en vertu de la *Loi sur les textes réglementaires* l'emportent sur les dispositions incompatibles du règlement codifié publié par le ministre en vertu de la présente loi.

## MISE EN PAGE

Les notes apparaissant auparavant dans les marges de droite ou de gauche se retrouvent maintenant en caractères gras juste au-dessus de la disposition à laquelle elles se rattachent. Elles ne font pas partie du texte, n'y figurant qu'à titre de repère ou d'information.

## NOTE

Cette codification est à jour au 11 septembre 2021. Toutes modifications qui n'étaient pas en vigueur au 11 septembre 2021 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

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Registration  
SOR/90-774 November 9, 1990

HIBERNIA DEVELOPMENT PROJECT ACT

**Hibernia Development Project Offshore Application Regulations**

P.C. 1990-2419 November 9, 1990

Whereas the Governor in Council considers that certain modifications or additions to the laws of Newfoundland that apply in the offshore area pursuant to section 8 of the *Hibernia Development Project Act*<sup>\*</sup> are necessary;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Energy, Mines and Resources, pursuant to sections 7 and 8 of the *Hibernia Development Project Act*<sup>\*</sup>, is pleased hereby to make the annexed *Regulations respecting the application of federal laws and laws of Newfoundland in the Newfoundland offshore area for the purposes of the Hibernia Development Project Act*.

Enregistrement  
DORS/90-774 Le 9 novembre 1990

LOI SUR L'EXPLOITATION DU CHAMP HIBERNIA

**Règlement sur l'application des lois fédérales et terre-neuviennes à la zone extracôtière (Hibernia)**

C.P. 1990-2419 Le 9 novembre 1990

Attendu que le gouverneur en conseil estime nécessaire d'apporter des modifications aux lois terre-neuviennes applicables à la zone extracôtière qui sont visées à l'article 8 de la *Loi sur l'exploitation du champ Hibernia*<sup>\*</sup>,

À ces causes, sur avis conforme du ministre de l'Énergie, des Mines et des Ressources et en vertu des articles 7 et 8 de la *Loi sur l'exploitation du champ Hibernia*<sup>\*</sup>, il plaît à Son Excellence le Gouverneur général en conseil de prendre le *Règlement concernant l'application des lois fédérales et des lois terre-neuviennes à la zone extracôtière de Terre-Neuve aux fins de la Loi sur l'exploitation du champ Hibernia*, ci-après.

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<sup>\*</sup> S.C. 1990, c. 41

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<sup>\*</sup> L.C. 1990, ch. 41

## Regulations Respecting the Application of Federal Laws and Laws of Newfoundland in the Newfoundland Offshore Area for the Purposes of the Hibernia Development Project Act

### Short Title

**1** These Regulations may be cited as the *Hibernia Development Project Offshore Application Regulations*.

### Federal Laws

**2** The prescribed federal laws in relation to the subjects referred to in subsection 7(1) of the *Hibernia Development Project Act* are the Acts of Parliament or the provisions thereof set out in Schedule I, any regulations as defined in section 2 of the *Interpretation Act* that are issued, made or established under the authority of those Acts and any rules of law within the jurisdiction of Parliament in relation to those subjects.

### Laws of Newfoundland

**3 (1)** For the purpose of creating, continuing and enforcing, under the laws of Newfoundland that apply in the offshore area by virtue of subsection 8(1) of the *Hibernia Development Project Act*, a security interest in any personal property that is affixed to, rests on or is otherwise in contact with the seabed or subsoil of the submarine areas of the offshore area, those laws shall be read as if that personal property were not a fixture of that seabed or subsoil.

**(2)** For the purposes of subsection 8(1) of the *Hibernia Development Project Act*, the Acts of Newfoundland set out in column I of an item of Schedule II shall be read as if they were modified or added to in the manner and to the extent set out in column II of that item.

### Application of the Interpretation Act (Newfoundland)

**4** *The Interpretation Act*, R.S.N. 1970, c. 182, applies in respect of all laws of Newfoundland, including the Acts referred to in section 3 as modified or added to pursuant to that section, that, by virtue of subsection 8(1) of the

## Règlement concernant l'application des lois fédérales et des lois terre-neuviennes à la zone extracôtière de Terre-neuve aux fins de la Loi sur l'exploitation du champ Hibernia

### Titre abrégé

**1** *Règlement sur l'application des lois fédérales et terre-neuviennes à la zone extracôtière (Hibernia)*.

### Lois fédérales

**2** Les lois fédérales relatives aux questions visées au paragraphe 7(1) de la *Loi sur l'exploitation du champ Hibernia* sont les lois du Parlement ou les parties de celles-ci mentionnées à l'annexe I, les règlements, au sens de l'article 2 de la *Loi d'interprétation*, pris sous le régime de ces lois et les règles de droit, relatives à ces questions, qui relèvent de la compétence du Parlement.

### Lois terre-neuviennes

**3 (1)** Les lois terre-neuviennes qui sont relatives à l'établissement, au maintien en vigueur et à la réalisation d'une sûreté mobilière à l'égard d'un bien meuble sis sur le fond de la mer ou dans le sous-sol des zones sous-marines de la zone extracôtière, ou qui y est fixé ou est autrement en contact avec le fond ou le sous-sol, et qui s'appliquent à la zone extracôtière en vertu du paragraphe 8(1) de la *Loi sur l'exploitation du champ Hibernia* s'interprètent comme si le bien meuble n'était pas fixé à demeure.

**(2)** Pour l'application du paragraphe 8(1) de la *Loi sur l'exploitation du champ Hibernia*, les lois terre-neuviennes mentionnées à la colonne I de l'annexe II s'interprètent comme si elles incorporent les modifications prévues à la colonne II de cette annexe.

### Interprétation des lois terre-neuviennes

**4** La loi terre-neuvienne intitulée *The Interpretation Act* (R.S.N. 1970, ch. 182) s'applique aux lois terre-neuviennes, y compris celles qui sont modifiées par l'article

*Hibernia Development Project Act*, apply in the offshore area.

3, qui s'appliquent à la zone extracôtière en vertu du paragraphe 8(1) de la *Loi sur l'exploitation du champ Hibernia*.

**SCHEDULE I****SCHEDULE I**

(Section 2)

Item	Act of Parliament or Provisions thereof
1	Parts I and V and Schedules VI, VII, VIII and IX of the Bank Act, R.S.C., 1985, c. B-1
2	Bankruptcy and Insolvency Act, R.S.C., 1985, c. B-3
3	Bills of Exchange Act, R.S.C., 1985, c. B-4
4	Interest Act, R.S.C., 1985, c. I-15

1992, c. 27, s. 90.

**ANNEXE I****ANNEXE I**

(article 2)

Article	Lois du Parlement ou parties de celles-ci
1	Parties I et V et annexes VI à IX de la Loi sur les banques, L.R.C. (1985), ch. B-1
2	Loi sur la faillite et l'insolvabilité, L.R.C. (1985), ch. B-3
3	Loi sur les lettres de change, L.R.C. (1985), ch. B-4
4	Loi sur l'intérêt, L.R.C. (1985), ch. I-15

1992, ch. 27, art. 90.

## SCHEDULE II

## SCHEDULE II

(Section 3)

Item	Column I Act of Newfoundland	Column II Modifications or Additions
1	The Assignment of Book Debts Act R.S.N. 1970, c. 15	<p><b>(1)</b> Wherever the word “corporation” occurs in section 3, there shall in every case be substituted the expression “corporation or, for greater certainty, partnership of corporations”.</p> <p><b>(2)</b> Subsection 5(3) is repealed.</p> <p><b>(3) Section 14 is repealed and the following substituted therefor:</b></p> <p><b>“14</b> Subject to the rights of other persons accrued by reason of any omission or misstatement referred to in this section, a judge of the Supreme Court, on being satisfied that any omission or misstatement in any document filed under this Act was accidental or due to inadvertence or impossibility or other sufficient cause, may, in the judge’s discretion, order the omission or misstatement to be rectified on such terms and conditions, if any, as to security, notice by advertisement or otherwise, or as to any other matter or thing as the judge thinks fit to direct, and the order or a copy thereof shall be annexed to the assignment on file or tendered for registration and appropriate entries shall be made in the register.”</p>

## ANNEXE II

## ANNEXE II

(article 3)

Article	Colonne I Lois terre-neuviennes	Colonne II Modifications
1	The Assignment of Book Debts Act R.S.N. 1970, ch. 15	<p><b>(1)</b> À l’article 3, « corporation » est remplacé par « corporation or, for greater certainty, partnership of corporations ».</p> <p><b>(2)</b> Le paragraphe 5(3) est abrogé.</p> <p><b>(3) L’article 14 est abrogé et remplacé par ce qui suit :</b></p> <p><b>« 14.</b> Subject to the rights of other persons accrued by reason of any omission or misstatement referred to in this section, a judge of the Supreme Court, on being satisfied that any omission or misstatement in any document filed under this Act was accidental or due to inadvertence or impossibility or other sufficient cause, may, in the judge’s discretion, order the omission or misstatement to be rectified on such terms and conditions, if any, as to security, notice by advertisement or otherwise, or as to any other matter or thing as the judge thinks fit to direct, and the order or a copy thereof shall be annexed to the assignment on file or tendered for registration and appropriate entries shall be made in the register. »</p>



## SCHEDULE II

## ANNEXE II

Item	Column I Act of Newfoundland	Column II Modifications or Additions
2	The Bills of Sale Act R.S.N. 1970, c. 21	<p><b>(1)</b> Wherever the word “corporation” occurs in paragraph 2(h), there shall in every case be substituted the expression “corporation or, for greater certainty, partnership of corporations”.</p> <p><b>(2)</b> Subsection 7(1) is amended by striking out the words “within thirty days from the date of its execution”.</p> <p><b>(3) Section 7 is further amended by adding the following subsection:</b></p> <p><b>“(5)</b> Where a bill of sale that contains an error or omission of a clerical nature made during the preparation of the bill of sale is filed in the registry in accordance with this section, an amended bill of sale, verified by affidavit referring to the former bill of sale and specifying and correcting the error or omission, may be filed.”</p> <p><b>(4) Subsection 20(1) is repealed and the following substituted therefor:</b></p> <p><b>“20</b> (1) A judge of the Supreme Court, on being satisfied that an omission to register a renewal statement within the time prescribed by this Act or that an omission or misstatement in a document registered under this Act was accidental or due to inadvertence or impossibility or other sufficient cause, may, subject to the rights of other persons accrued by reason thereof, extend the time for registration or order the omission or misstatement to be rectified on any terms and conditions the judge directs.”</p>

Article	Colonne I Lois terre-neuviennes	Colonne II Modifications
2	The Bills of Sale Act R.S.N. 1970, ch. 21	<p><b>(1)</b> À l’alinéa 2h), « corporation » est remplacé par « corporation or, for greater certainty, partnership of corporations ».</p> <p><b>(2)</b> Le paragraphe 7(1) est modifié par suppression des mots « within thirty days from the date of its execution ».</p> <p><b>(3)</b> L’article 7 est modifié par adjonction de ce qui suit :</p> <p><b>« (5)</b> Where a bill of sale that contains an error or omission of a clerical nature made during the preparation of the bill of sale is filed in the registry in accordance with this section, an amended bill of sale, verified by affidavit referring to the former bill of sale and specifying and correcting the error or omission, may be filed. »</p> <p><b>(4)</b> Le paragraphe 20(1) est abrogé et remplacé par ce qui suit :</p> <p><b>« 20.</b> (1) A judge of the Supreme Court, on being satisfied that an omission to register a renewal statement within the time prescribed by this Act or that an omission or misstatement in a document registered under this Act was accidental or due to inadvertence or impossibility or other sufficient cause, may, subject to the rights of other persons accrued by reason thereof, extend the time for registration or order the omission or misstatement to be rectified on any terms and conditions the judge directs. »</p>

## SCHEDULE II

## ANNEXE II

Item	Column I Act of Newfoundland	Column II Modifications or Additions
3	The Conditional Sales Act R.S.N. 1970, c. 56	<p><b>(1)</b> Subsection 4(3) is amended by striking out the words “within thirty days from the date of its execution”.</p> <p><b>(2) Section 4 is further amended by adding the following subsection:</b></p> <p><b>“(5)</b> Where a conditional sale that contains an error or omission of a clerical nature made during the preparation of the conditional sale has been filed in the registry in accordance with this section, an amended conditional sale, verified by affidavit referring to the former conditional sale and specifying and correcting the error or omission, may be filed.”</p> <p><b>(3) Subsection 18(1) is repealed and the following substituted therefor:</b></p> <p><b>“18</b> (1) A judge of the Supreme Court, on being satisfied that an omission to file a notice required to be filed under section 14 or a renewal statement or amended statement within the time prescribed by this Act or that an omission or misstatement in a document filed under this Act was accidental or due to inadvertence or impossibility or other sufficient cause, may, subject to the rights of other persons accrued by reason thereof, extend the time for filing or order the omission or misstatement to be rectified on any terms and conditions the judge directs.”</p>

Article	Colonne I Lois terre-neuviennes	Colonne II Modifications
3	The Conditional Sales Act R.S.N. 1970, ch. 56	<p><b>(1)</b> Le paragraphe 4(3) est modifié par suppression des mots « within thirty days from the date of its execution ».</p> <p><b>(2)</b> L'article 4 est modifié par adjonction de ce qui suit :</p> <p><b>« (5)</b> Where a conditional sale that contains an error or omission of a clerical nature made during the preparation of the conditional sale has been filed in the registry in accordance with this section, an amended conditional sale, verified by affidavit referring to the former conditional sale and specifying and correcting the error or omission, may be filed. »</p> <p><b>(3)</b> Le paragraphe 18(1) est abrogé et remplacé par ce qui suit :</p> <p><b>« 18.</b> (1) A judge of the Supreme Court, on being satisfied that an omission to file a notice required to be filed under section 14 or a renewal statement or amended statement within the time prescribed by this Act or that an omission or misstatement in a document filed under this Act was accidental or due to inadvertence or impossibility or other sufficient cause, may, subject to the rights of other persons accrued by reason thereof, extend the time for filing or order the omission or misstatement to be rectified on any terms and conditions the judge directs. »</p>

## SCHEDULE II

## ANNEXE II

Item	Column I Act of Newfoundland	Column II Modifications or Additions
4	The Conveyancing Act R.S.N. 1970, c. 63	<p><b>(1) Subsection 6.1(2) is repealed and the following substituted therefor:</b></p> <p><b>“(2)</b> A notice of sale of amortgaged property by public auction or public tender shall be placed in a newspaper in general circulation in Newfoundland at least once a week for two consecutive weeks before the date on which the sale is to take place.”</p> <p><b>(2)</b> Subsection 6.2(2) is repealed.</p> <p><b>(3)</b> Section 6.6 is repealed.</p> <p><b>(4)</b> Section 6.7 is repealed.</p>

Article	Colonne I Lois terre-neuviennes	Colonne II Modifications
4	The Conveyancing Act R.S.N. 1970, ch. 63	<p><b>(1)</b> Le paragraphe 6.1(2) est abrogé et remplacé par ce qui suit :</p> <p><b>« (2)</b> A notice of sale of a mortgaged property by public auction or public tender shall be placed in a newspaper in general circulation in Newfoundland at least once a week for two consecutive weeks before the date on which the sale is to take place. »</p> <p><b>(2)</b> Le paragraphe 6.2(2) est abrogé.</p> <p><b>(3)</b> L'article 6.6 est abrogé.</p> <p><b>(4)</b> L'article 6.7 est abrogé.</p>
5	The Registration of Deeds Act R.S.N. 1970, ch. 328	<p><b>(1)</b> L'alinéa 6(1)e) est abrogé et remplacé par ce qui suit :</p> <p><b>« (e)</b> conveyances of personal chattels and the documents referred to in subsection 33(2); and »</p> <p><b>(2)</b> À l'alinéa 33(2)a), « corporation » est remplacé par « corporation or, for greater certainty, partnership of corporations ».</p> <p><b>(3)</b> À l'alinéa 33(2)c), « person » est remplacé par « person or partnership ».</p> <p><b>(4)</b> À l'alinéa 33(2)d), « corporation » est remplacé par « corporation or, for greater certainty, partnership of corporations ».</p> <p><b>(5)</b> Au paragraphe 39(4), « the Crown in right of Newfoundland » est remplacé par « the Crown in right of Canada or the Crown in right of Newfoundland ».</p>

## SCHEDULE II

## ANNEXE II

Item	Column I Act of Newfoundland	Column II Modifications or Additions
5	The Registration of Deeds Act R.S.N. 1970, c. 328	<p><b>(1) Paragraph 6(1)(e) is repealed and the following substituted therefor:</b></p> <p><b>“(e)</b> conveyances of personal chattels and the documents referred to in subsection 33(2); and”</p> <p><b>(2)</b> Where the word “corporation” occurs in paragraph 33(2)(a), there shall be substituted the expression “corporation or, for greater certainty, partnership of corporations”.</p> <p><b>(3)</b> Where the word “person” occurs in paragraph 33(2)(c), there shall be substituted the expression “person or partnership.”</p> <p><b>(4)</b> Wherever in paragraph 33(2)(d) the word “corporation” occurs, there shall in every case be substituted the expression “corporation or, for greater certainty, partnership of corporations”.</p> <p><b>(5)</b> Where the expression “the Crown in right of Newfoundland” occurs in subsection 39(4), there shall be substituted the expression “the Crown in right of Canada or the Crown in right of Newfoundland”.</p>