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PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER A-15.21 REG 10

The Agri-Food Act, 2004

Sections 7, 8 and 43

Order in Council 777/2009, dated November 25, 2009

(Filed November 26, 2009)

PART I

Title and Interpretation

Title

1 These regulations may be cited as *The Canola Development Plan Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Agri-Food Act, 2004*;
- (b) “**business day**” means a day other than a Saturday, Sunday or holiday;
- (c) “**buyer**” means any person who buys canola produced in Saskatchewan;
- (d) “**canola**” means:
 - (i) those oilseeds defined as canola, rapeseed or oilseed rape of the *Brassica* family as used in the *Seeds Act (Canada)* as amended from time to time;
 - (ii) canola quality *Brassica juncea*; and
 - (iii) any additional related oilseed as may be designated as canola by the commission with prior approval by the council;
- (e) “**commission**” means the Saskatchewan Canola Development Commission continued pursuant to section 6;
- (f) “**director**” means a director of the commission elected or appointed in accordance with these regulations;
- (g) “**plan**” means the Saskatchewan Canola Development Plan continued pursuant to section 3;
- (h) “**producer**” means:
 - (i) any person engaged in the production, marketing, or production and marketing of canola and includes the employer of that person;
 - (ii) a person who, under any lease or agreement, is entitled to a share of the canola produced or the proceeds of its sale; and
 - (iii) a person who takes possession of any canola under any form of security or legal proceedings for a debt;

- (i) **“registered producer”** means a producer who:
 - (i) is registered with the commission pursuant to section 20;
 - (ii) has paid a levy pursuant to subsection 22(1) in the last two years for which he or she has not received a refund pursuant to section 23.

PART II

Plan

Plan continued

3 The Saskatchewan Canola Development Plan is continued.

Application

4 Subject to any exemptions made by order of the commission, the plan and the orders of the commission made pursuant to the plan apply:

- (a) throughout Saskatchewan; and
- (b) to all persons engaged in the production, marketing or production and marketing of canola in Saskatchewan.

Purpose

- 5(1)** The purpose of the plan is to develop the canola industry in Saskatchewan.
- (2) Without limiting the generality of subsection (1), the specific purposes of the plan are:
- (a) to assist in the development and promotion of canola and canola products in the domestic and international marketplaces;
 - (b) to conduct and encourage research on production, market development, processing and consumption of canola and canola products;
 - (c) to advise governments on matters pertaining to canola research and development;
 - (d) to gather, compile and distribute information related to the production, consumption and market development of canola and canola products;
 - (e) to encourage the production of uniformly high quality canola and canola products;
 - (f) to promote harmony and communication within the canola industry;
 - (g) to initiate and implement advertising programs, sales promotion programs and consumer education programs to expand awareness of and demand for canola and canola products;
 - (h) to establish a system of collecting levies on the production, marketing or production and marketing of canola for the purposes of carrying out the objectives of the plan; and
 - (i) to work in co-operation with any persons or organizations who have objectives similar to those of the plan.

PART III
Commission

Commission

6(1) The Saskatchewan Canola Development Commission is continued as a development commission pursuant to the Act.

- (2) The commission consists of six directors elected in accordance with Part VII.
- (3) If fewer than six directors are elected pursuant to Part VII, the commission may appoint registered producers as directors as it considers necessary to fill those positions.
- (4) The commission shall administer the plan.

Powers of the commission

7(1) Subject to other provisions of these regulations, the commission may exercise the following powers that are set out in subsection 8(1) of the Act:

- (a) the power to carry out educational, research and developmental programs related to canola;
- (b) the power to require any or all persons engaged in the production, marketing or production and marketing of canola to register with the commission;
- (c) the power to set and collect registration fees and charges for services rendered by the commission from any person engaged in the production, marketing or production and marketing of canola;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of canola;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of canola for the purposes of setting and collecting fees, charges and levies mentioned in clauses (c) and (d);
- (f) the power to set and collect penalties from any person who:
 - (i) is engaged in the production, marketing or production and marketing of canola; and
 - (ii) contravenes an order of the commission;
- (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;
- (h) the power to require any person engaged in the production, marketing or production and marketing of canola to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;

- (i) the power to market, grade or insure canola, either as principal or agent;
- (j) the power to:
 - (i) employ any officers and employees that it considers necessary to administer the plan; and
 - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any money received by the commission to carry out the purposes of the plan and to pay the expenses of the commission;
- (m) the power to borrow, raise or secure the payment of money in any manner that the commission considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) subject to subsection (3), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the plan;
- (p) subject to subsection (3), the power to give financial guarantees respecting the indebtedness of any person if the commission considers it necessary or advisable for the purposes of the plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the commission, and to insure, sell or otherwise dispose of any of its property;
- (r) the power to grant a mortgage or security interest in any of the commission's real or personal property;
- (s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside of Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the commission in relation to the plan;
- (t) the power to:
 - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
 - (ii) hold membership in any corporation;

- (u) the power to:
 - (i) hold, sell, transfer, or otherwise deal with any of the securities mentioned in clause (t); and
 - (ii) exercise any rights, including the right to vote, as:
 - (A) an owner of the securities mentioned in clause (t); or
 - (B) a member;
 - (v) the power to register a business name pursuant to *The Business Names Registration Act*;
 - (w) the power to prescribe the manner in which reimbursement for expenses of the directors is to be determined and paid.
- (2) The commission shall not regulate or control in any way the production, marketing or production and marketing of canola.
- (3) Neither the sum of the loans mentioned in clause (1)(o), nor the sum of the financial guarantees mentioned in clause (1)(p), shall exceed 10% each of the commission's current assets as reported in the audited financial statement in the commission's most recent annual report at the time the loan or financial guarantee is made or given.

Books and records

- 8(1) The commission shall:
- (a) maintain any books and records that may be required for the administration of the plan; and
 - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The commission shall maintain a registered office and head office in Saskatchewan.
- (3) The commission shall prepare an annual report containing:
- (a) a copy of the audited financial statement of the commission for its previous fiscal year;
 - (b) a description of:
 - (i) the state of the industry; and
 - (ii) the activities of the commission for its previous fiscal year; and
 - (c) a list of the names and addresses of the directors of the commission.
- (4) The commission shall make the annual report available:
- (a) to the council;
 - (b) at the annual general meeting of registered producers; and

- (c) on request to:
 - (i) any registered producer;
 - (ii) any registered buyer; or
 - (iii) any other interested person.

Appointment of auditor

9(1) The registered producers:

- (a) shall, at each annual general meeting of registered producers, appoint an auditor to audit the books, records and financial statements of the commission for the current fiscal year; and
 - (b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the commission for the current fiscal year.
- (2) If the registered producers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, the council shall appoint an auditor to audit the books, records and financial statements of the commission for that fiscal year.
- (3) Any person appointed as auditor pursuant to this section must:
- (a) be independent of:
 - (i) the commission; and
 - (ii) the directors and officers of the commission; and
 - (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

Committees

10(1) The commission may appoint any committee that it considers necessary or desirable for the proper operation of the plan.

- (2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the commission may determine.

Chairperson and vice-chairperson

11(1) The commission shall elect a chairperson and a vice-chairperson from among the directors of the commission at their first meeting in each year after new directors have been elected or appointed.

- (2) The chairperson and vice-chairperson hold office at the pleasure of the commission.

(3) The chairperson, or in the absence of the chairperson the vice-chairperson, shall preside over all meetings of the commission.

Quorum

12 For the transaction of business at a duly called meeting of the commission:

- (a) a majority of the commission constitutes a quorum; and
- (b) a decision of a majority of those directors constituting a quorum is a decision of the commission.

Policies re conflict of interest and code of conduct

13 Within 18 months after the coming into force of these regulations, the commission shall prepare and submit to the council:

- (a) a conflict of interest policy for the directors; and
- (b) a policy describing a code of conduct for the directors.

Conflicts of interest

14(1) No director shall:

- (a) fail to disclose to the commission any conflict of interest that the director may have; or
- (b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other producers.

(2) If the commission is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the commission must adjourn the matter until the conflict of interest issue is resolved pursuant to the policy mentioned in section 13.

Bank accounts

15 The commission may open accounts in the name of the commission in a bank, credit union or trust corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997* and appoint signing officers.

Investments

16 The commission may:

- (a) invest any money in its possession or control that is not immediately required for a purpose of the plan or its operations in any security or class of securities authorized for investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the commission considers expedient.

Fiscal year

17 The fiscal year of the commission is the period commencing on August 1 in one year and ending on July 31 in the following year.

Financial plan

18 The commission shall prepare and approve a financial plan of its operations at the beginning of each fiscal year.

Meetings of registered producers

19(1) An annual general meeting of registered producers:

- (a) is to be held in each year within six months of the end of the commission's fiscal year; and
 - (b) is to be held at a place and time determined by the commission.
- (2) The commission:
- (a) may call a special general meeting of registered producers at any time; and
 - (b) shall call a special general meeting on the written request of not less than 50 registered producers.
- (3) The commission shall notify all registered producers, in writing:
- (a) for an annual general meeting of registered producers, of the date, time, location and agenda not less than 30 days before the date on which the annual general meeting of registered producers commences; and
 - (b) for a special general meeting of registered producers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.
- (4) The notice mentioned in subsection (3) may be sent:
- (a) by ordinary or registered mail; or
 - (b) at the request of a registered producer, by facsimile or electronic mail.
- (5) If a notice is sent pursuant to clause (4)(b), it is deemed to have been received on the next business day after it was sent.
- (6) The quorum at an annual or special general meeting of registered producers is 25 registered producers.
- (7) The commission shall present to the annual general meeting of registered producers:
- (a) the financial plan it has approved for the current fiscal year; and
 - (b) an outline of programs and activities it has planned for the current fiscal year.
- (8) Any change to the remuneration to be paid to the directors of the commission is to be determined by motion of the commission and approved by a vote of registered producers at the next annual general meeting or special general meeting.
- (9) At an annual or special general meeting, registered producers may debate and take a vote by a show of hands on any questions or resolutions respecting the purposes of the plan.

PART IV
Registration

Registration of producers

20(1) Every producer shall register with the commission at the time and in the manner determined by order of the commission.

(2) The commission shall keep and maintain at its head office a register containing the name and address of every registered producer.

Registration of buyers

21(1) Every buyer shall register with the commission at the time and in the manner determined by order of the commission.

(2) The commission shall keep and maintain at its head office a register containing the name and address of every registered buyer.

PART V
Levies

Collection of levies

22(1) Every producer engaged in the production, marketing, or production and marketing of canola shall pay to the commission, at the times and in the manner determined by the commission, a levy calculated in accordance with this section.

(2) Subject to subsection (3), the levy mentioned in subsection (1):

(a) is to be determined by order of the commission; and

(b) is to be based on a fixed rate for every net tonne of canola marketed by a producer.

(3) The commission shall provide registered producers with:

(a) an opportunity to discuss the rate of levy at annual general meetings and special general meetings; and

(b) at least 10 business days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.

(4) The commission may require any buyer of canola to:

(a) deduct the levy mentioned in subsection (1), and other fees and charges on canola levied pursuant to these regulations, from any payment made to a producer; and

(b) forward the levy and other fees and charges to the commission.

(5) The commission may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from producers and buyers.

Refund of levies

23(1) The commission shall make a refund of levies only if:

- (a) the commission receives a written request for the refund from the producer with respect to levies paid between August 1 in any year and July 31 in the following year, not later than August 31 of that year; and
- (b) the request has been verified by the commission.

(2) If the commission receives and verifies a written request for a refund of levies that were paid to the commission by the producer between August 1 in any year and July 31 in the following year, the commission shall make the refund of those levies to the producer not later than October 31 of that year.

Required notification

24 If, for any one fiscal year, 35% or more of the producers representing 35% or more of the levy for that fiscal year request a refund of levies pursuant to subsection 23(1), the commission shall immediately notify the council.

PART VI Commission Orders

Commission orders

25(1) The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the commission pursuant to section 12 of the Act.

(2) The commission shall number in consecutive order, retain and make available for inspection at its head office by any registered producer, registered buyer or any other person designated by the council, original copies of all orders that have been approved by the council pursuant to section 12 of the Act.

(3) The commission shall:

- (a) cause all orders of the commission to be published in the Gazette and in any other media it considers appropriate; and
- (b) annually review the orders of the commission and consolidate them.

PART VII Elections

Eligibility

26(1) Every registered producer is eligible to hold office as a director of the commission.

(2) Subject to subsection (5), a registered producer that is a corporation, association, society or other designation is entitled to vote or hold office:

- (a) only through a designated representative appointed in writing; and
- (b) only if notice of that appointment has been filed with the commission in a form and manner acceptable to the commission.

- (3) Except as provided in subsection (2), voting by proxy is prohibited.
- (4) Subject to subsection (5), every registered producer is entitled to one vote.
- (5) No individual shall be entitled to more than one vote regardless of whether he or she is voting as an individual registered producer or as a designated representative of a registered producer.

Nominations

27(1) Any registered producer is eligible to be nominated for election as a director of the commission.

- (2) The commission shall:
 - (a) fix the last date for receipt of nominations for election to the commission; and
 - (b) at least 30 days before the last date for receipt of nominations, notify registered producers that nominations are being accepted for the commission and of the last date for receipt of nominations.
- (3) Every nomination is to be:
 - (a) in writing in the form required by the commission;
 - (b) signed by:
 - (i) five registered producers;
 - (ii) five representatives of registered producers appointed pursuant to subsection 26(2); or
 - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling five persons; and
 - (c) delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) for receipt of nominations.

Returning officer and scrutineer

28(1) Subject to subsection (2), the commission shall appoint a returning officer and a scrutineer to conduct an election pursuant to section 29.

- (2) Producers, buyers and officers and employees of the commission are not eligible to be appointed pursuant to subsection (1).
- (3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures relating to conducting an election.
- (4) The scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to conducting an election.

Conduct of elections

29(1) If not more than the required number of candidates is nominated pursuant to section 27, the candidates nominated are deemed to be elected by acclamation.

- (2) If more than the required number of candidates are nominated pursuant to section 27, the commission shall:
- (a) fix a date for the completion of the election; and
 - (b) at least 15 business days before the date fixed pursuant to clause (a), send by ordinary or registered mail to every registered producer:
 - (i) the ballot and a plain envelope;
 - (ii) a profile of every candidate;
 - (iii) a certificate of eligibility to vote; and
 - (iv) a notice that states the time, date and place to which the ballot and certificate of eligibility to vote are to be returned.
- (3) Every registered producer that wishes to vote in an election shall:
- (a) complete the ballot provided by the commission; and
 - (b) seal the ballot and certificate of eligibility to vote in the envelope provided and return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.
- (4) If a tie does not occur between candidates, the returning officer shall prepare and submit a written report to the chairperson that declares those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the commission.
- (5) The ballot of a registered producer is not valid if:
- (a) the certificate of eligibility is not returned with the ballot;
 - (b) the registered producer votes for more than the specified number of candidates;
 - (c) it is defaced;
 - (d) it is marked in any way other than to vote for candidates;
 - (e) it is not the original ballot provided by the commission; or
 - (f) the individual who voted for the registered producer voted more than once.

Failure to receive documents does not invalidate election

30 The failure of any registered producer to receive the documents mentioned in clause 29(2)(b) does not invalidate the election.

Election results

31(1) The chairperson shall read the written report prepared pursuant to subsection 29(4) at the first annual general meeting of registered producers after the election, immediately after the minutes of the previous meeting have been dealt with.

(2) The reading of the written report pursuant to subsection (1) is deemed to be the declaration of the directors.

Term of office, vacancy

32(1) Subject to subsection (4), a director of the commission holds office:

- (a) in the case of an elected director, for a term of three years commencing with the declaration of the director's election by the chairperson or returning officer, as the case may be, and until the director's successor is elected or appointed, as the case may be; or
 - (b) in the case of an appointed director, until the next election that is held after he or she is appointed and until the director's successor is elected or appointed, as the case may be.
- (2) Subject to subsection (3), a director is eligible for re-election or reappointment.
- (3) If a director has completed three consecutive terms, he or she is not eligible for re-election or reappointment until one year has passed since the completion of the director's third consecutive term.
- (4) The office of director becomes vacant if a director:
- (a) ceases to qualify as a registered producer;
 - (b) resigns, dies or is unable to act;
 - (c) is absent from three consecutive meetings of the commission without being excused by resolution of the commission; or
 - (d) fails to fulfil his or her duties as established by the policy of the commission and approved by the council.
- (5) Notwithstanding subsection 6(2), if the office of a director becomes vacant, the commission may appoint a registered producer as a director to fill the vacancy until the next election.

Tie votes

- 33(1)** If a tie occurs between candidates, the successful candidate is to be determined by a vote of registered producers conducted at the next annual general meeting of registered producers.
- (2) Voting pursuant to subsection (1) is to be by secret ballot.
- (3) Only registered producers who are in attendance at the annual general meeting of registered producers are entitled to vote pursuant to subsection (1), and each of those registered producers is entitled to one vote for that purpose.
- (4) The returning officer shall count the votes cast pursuant to subsection (1) and declare the winner of the tie vote before proceeding with any further business at the annual general meeting of registered producers.

Retention of ballots

34 The returning officer shall:

- (a) retain the ballots in his or her possession; and
- (b) not destroy any ballot or other record respecting an election of directors until 90 days after the annual general meeting of registered producers at which the chairperson or returning officer, as the case may be, declared the results of the election.

PART VIII
Repeal and Coming into Force

R.R.S. c.A-15.2 Reg 2 repealed

35 *The Saskatchewan Canola Development Plan Regulations* are repealed.

Transitional

36 On the coming into force of these regulations, the commission is to consist of the directors of the commission who held office pursuant to *The Saskatchewan Canola Development Plan Regulations* on the day before these regulations came into force, and those directors continue to hold office as if they had been elected or appointed pursuant to these regulations until their successors are elected or appointed pursuant to these regulations.

Coming into force

37 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 105/2009

The Midwifery Act

Section 17

Order in Council 778/2009, dated November 25, 2009

(Filed November 26, 2009)

Title

1 These regulations may be cited as *The Midwifery Amendment Regulations, 2009*.

R.R.S. c.M-14.1 Reg 1, appendix amended

2 Table 3 of the Appendix of *The Midwifery Regulations* is amended by adding the following entry after “Intravenous cannulation”:

“Intubation”.

Coming into force

3 These regulations come into force on the day on which they are filed with the Registrar of Regulations.