
NEW BRUNSWICK
REGULATION 97-143
under the
HIGHWAY ACT
(O.C. 2001-127)

Filed March 22, 2001

Under section 43 of the *Highway Act*, the Minister, with the approval of the Lieutenant-Governor in Council, makes the following Regulation:

Regulation Outline

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advertising permit — permis de publicité

backslope – talus de déblai

connector I highway – route route de liaison I

connector II highway – route de liaison II

display — exposer

ditch – fosse

formatted sign – panneau formaté

guide sign – panneau d’indication

level I highway — route de niveau I

level II highway — route de niveau II

on-premises advertisement — publicité sur les lieux

regulated area — aire réglementée

specific interest — intérêt particulier

TOD Major attraction sign – panneau TD d’attraction majeure

TOD Regular attraction sign – panneau TD d’attraction ordinaire

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Citation

1 This Regulation may be cited as the *Highway Advertisements Regulation - Highway Act*.

Definitions

2 In this Regulation

"Act" means the *Highway Act*;

"advertisement" means an advertisement as defined in subsection 43(7) of the Act;

"advertising permit" means a valid and subsisting advertising permit issued under subsection 11(3);

“backslope” means the slope between the back of a ditch alongside a highway and the nearest portion of ground that has not been disturbed during the construction of the highway, other than for clearing and grubbing;

“connector I highway” means a connector I highway described in Schedule A;

“connector II highway” means a connector II highway described in Schedule B;

"display" includes erect, install, maintain, paste, paint or expose;

“ditch”, when used with reference to a highway, means an artificially constructed open depression for the purpose of carrying off surface water;

“formatted sign” means a sign that meets the format requirements established by the Minister in accordance with subsection 5(3);

“guide sign” means a sign erected by the Minister for the purpose of indicating to operators of vehicles on a highway the direction of travel, destinations on the highway, distances to destinations and other similar information, but does not include traffic control devices as defined in the *Motor Vehicle Act* that are for the regulation or warning of traffic, or for indicating the provisions of that Act, a regulation under it or a local by-law;

"level I highway" means a highway that is designated as a level I controlled access highway under subsection 38(1) of the Act;

"level II highway" means a highway that is designated as a level II controlled access highway under subsection 38(1) of the Act;

"on-premises advertisement" means an advertisement that is located on the premises of and within one hundred metres of a residence, business or attraction for the purpose of advertising that residence, business or attraction;

“regulated area” means

- (a) for a level I highway or level II highway inside the limits of any city or town, the lesser of
 - (i) the area of the right-of-way of the highway, and
 - (ii) the portion of the right-of-way of the highway between and bounded by lines running parallel to, and 150 metres from, the near edges of the travelled portions of the highway, measured away from the highway,
- (b) for a level I highway or level II highway outside the limits of any city or town, the area between and bounded by lines running parallel to, and 500 metres from, the near edges of the travelled portions of the highway, measured away from the highway, and
- (c) for a highway that is not a level I highway or level II highway outside the limits of any city or town, the area between and bounded by lines running parallel to, and 150 metres from, the near edges of the travelled portions of the highway, measured away from the highway;

“specific interest” means an interest that pertains to food, fuel, accommodation, a recreational facility, an historical site, a museum, a handicraft or antique outlet, a natural phenomenon attraction or another tourist attraction, but does not include a tourist/visitor information site advertised by a TOD tourist/visitor information sign;

“TOD Major attraction sign” means a tourist oriented directional Major attraction sign that is in conformity with section 7;

“TOD Regular attraction sign” means a tourist oriented directional Regular attraction sign that is in conformity with section 7;

“TOD Secondary attraction sign” means a tourist oriented directional Secondary attraction sign that is in conformity with section 7;

“TOD sign” means a TOD tourist/visitor information sign, a TOD Major attraction sign, a TOD Regular attraction sign or a TOD Secondary attraction sign that is in conformity with section 7;

“TOD tourist/visitor information sign” means a tourist oriented directional tourist/visitor information sign that is in conformity with section 7.

Prohibition of display of advertisements

3 Except as provided in this Regulation, no person shall display an advertisement or permit any person to do so upon or within the regulated area of a highway.

Advertisements upon or within the regulated area of a highway that is not a Level I highway, Level II highway or connector I highway

4(1) Subject to subsection (3) and section 8, no person shall display an advertisement or permit any person to do so upon or within the regulated area of a highway that is not a level I highway, level II highway, connector I highway or local highway unless

- (a) the person is the holder of an advertising permit for the advertisement, and
- (b) the advertisement
 - (i) for a collector highway, is located at least 300 metres from every intersection of that highway with another highway,
 - (ii) for any highway to which this subsection applies, other than a collector highway, is located at least 400 metres from every intersection of that highway with another highway,
 - (iii) is located at least 300 metres before any curve that is marked by a traffic control device, and at least 100 metres beyond any such curve,
 - (iv) for a collector highway, is located at least 300 metres from every guide sign and from every other advertisement that is in compliance with this Regulation, measured along the near edge of the highway,
 - (v) for any highway to which this subsection applies, other than a collector highway, is located at least 400 metres from every guide sign and from every other advertisement that is in compliance with this Regulation, measured along the near edge of the highway,
 - (vi) is located at least 1 kilometre from an interchange on the highway, measured along the near edge of the highway to the nearest off-ramp on the approach to the interchange, and
 - (vii) is located at least 1 metre outside the right-of-way of the highway, measured horizontally to the near edge of the advertisement.

4(2) An advertisement under subsection (1) shall

- (a)* have an area of not more than 25 square metres,
- (b)* advertise only a specific interest,
- (c)* advertise only a specific interest that is located within 25 kilometres from the advertisement, measured along the near edge of the highway,
- (d)* be designed to be read only on the right side of the highway in the direction of travel,
- (e)* be easily read and otherwise understood by motorists passing by at the legal highway speed limit,
- (f)* not be displayed beside, above or below another advertisement that is in conformity with this Regulation or have messages on both the front and back, and
- (g)* relate only to a specific interest that is located in the Province.

4(3) A person may display the following advertisements or permit any person to do so upon or within any portion of the right-of-way of a highway, other than a level I highway, level II highway or connector I highway:

- (a)* a welcome -to sign, other than a welcome -to sign referred to in subsection 6(2) or (3), if the person and the advertisement are in conformity with paragraph (1)(a), subparagraphs (1)(b)(i) to (v), paragraphs (2)(d) to (f) and subsection 6(1);
- (b)* a TOD tourist/visitor information sign, if the person and the advertisement are in conformity with subparagraphs (1)(b)(i) to (vi), paragraphs (2)(a) and (d) to (f) and section 7;
- (c)* a TOD sign, other than a TOD tourist/visitor information sign, if the person and the advertisement are in conformity with subparagraphs (1)(b)(i) to (vi), subsection (2) and section 7;
- (d)* a scenic drive sign, if the person and the advertisement are in conformity with subparagraphs (1)(b)(i) to (v), paragraphs (2)(d) and (f) and subsection 6(5);
- (e)* a short-term advertisement, if the person and the advertisement are in conformity with paragraphs (2)(d), (f) and (g) and section 10; or
- (f)* an Adopt-a-Highway sign, if the person and the advertisement are in conformity with subparagraphs (1)(b)(i) to (v), paragraph (2)(f) and subsection 6(10).

4(4) A person may without an advertising permit display an advertisement that is in conformity with subsection (2), or permit another person to do so, upon or within the regulated area of a local highway outside the limits of a city or town, other than upon or within the right-of-way, if the advertisement

- (a)* is located at least 150 metres from every intersection of the highway with an arterial or a collector highway, measured along the near edge of the highway,
- (b)* is located at least 100 metres from every intersection of the highway with another local highway, measured along the near edge of the highway,
- (c)* is located at least 100 metres from the beginning of any horizontal curve, measured along the near edge of the highway, does not reduce the passing sight distance around the curve from that which existed before the display of the advertisement and does not create a hazardous distraction to motorists negotiating the curve,

(d) is located at least 1 kilometre from any grade-separated interchange on the highway, measured along the near edge of the highway to the nearest off-ramp on the approach to the interchange, and

(e) is located at least 200 metres from any guide sign and from any other advertisement that is in compliance with this Regulation, measured along the near edge of the highway.

Advertisements on level I highways, level II highways and connector I highways

5(1) Notwithstanding any other provision of this Regulation except subsection (5), section 8 and subsection 15(3), no person shall display an advertisement or permit any person to do so upon or within the regulated area of a four-lane level I highway or level II highway outside the limits of any city or town unless

(a) the person, other than a person displaying an on-premises advertisement, is the holder of an advertising permit for the advertisement issued after the commencement of this subsection,

(b) the advertisement is located

(i) at least 500 metres before any curve that is marked by a traffic control device, and at least 200 metres beyond any such curve, measured along the near edge of the highway,

(ii) at least 500 metres from every guide sign and from any other advertisement that is in compliance with this Regulation, measured along the near edge of the highway,

(iii) at least 1 metre outside the right-of-way of the highway, measured horizontally to the near edge of the advertisement, and

(iv) at least 4 kilometres before any interchange, measured along the near edge of the highway to the nearest off-ramp on the approach to the interchange, and at least 1 kilometre after the interchange, measured along the near edge of the highway to the end of the nearest on-ramp after the interchange, and

(c) the advertisement is constructed and erected in conformity with the requirements for a formatted sign.

5(2) An advertisement under subsection (1)

(a) shall have an area of not more than 65 square metres,

(b) shall advertise only a specific interest,

(c) shall advertise only a specific interest that is located within 25 kilometres from the advertisement, measured along the near edge of the highway,

(d) shall be designed to be read only on the right side of the highway in the direction of travel,

(e) shall be easily read and otherwise understood by motorists passing by at the legal highway speed limit,

(f) shall not be displayed beside, above or below another advertisement that is in conformity with this Regulation or have messages on both the front and back, and

(g) shall relate only to a specific interest that is located in the Province.

5(3) The Minister shall establish requirements for formatted signs in relation to materials, dimensions, lettering, spacing of lettering, colours, exit bar, tabs, logos and other images and colour breakdown for templates.

5(4) Notwithstanding any other provision of this Regulation except subsection 15(3), no person shall display an advertisement or permit any person to do so upon or within the regulated area of a two-lane level I highway, level II highway or connector I highway outside the limits of any city or town unless

- (a) the person, other than a person displaying an on-premises advertisement, is the holder of an advertising permit for the advertisement issued after the commencement of this subsection,
- (b) the advertisement is in conformity with subparagraphs (1)(b)(i), (iii) and (iv), paragraph (1)(c) and subsection (2), and
- (c) the advertisement is located at least 400 metres
 - (i) from every intersection of the highway with another highway, measured along the near edge of the highway, and
 - (ii) from every guide sign and from any other advertisement that is in compliance with this Regulation, measured along the near edge of the highway.

5(5) A person may display the following advertisements or permit any person to do so upon or within any portion of the right-of-way of a four-lane level I highway or level II highway:

- (a) a welcome-to sign, if the person and the advertisement are in conformity with paragraph (1)(a), subparagraphs (1)(b)(i) and (ii), paragraphs (2)(d) to (f) and (4)(a), paragraph (4)(b) with respect to subparagraph (1)(b)(i) and paragraph (4)(c), as the case may be, and subsections 6(1) to (3);
- (b) a TOD tourist/visitor information sign, if the person and the advertisement are in conformity with subparagraphs (1)(b)(i) and (ii), paragraphs (2)(d) to (f), paragraph (4)(b) with respect to subparagraph (1)(b)(i) and paragraph (4)(c), as the case may be, and section 7;
- (c) a TOD Major attraction sign or a TOD Secondary attraction sign, if the person and the advertisement are in conformity with subparagraphs (1)(b)(i) and (ii), paragraph (2)(c), paragraph (4)(b) with respect to subparagraph (1)(b)(i) and paragraph (4)(c), as the case may be, and section 7;
- (d) a scenic drive sign, if the person and the advertisement are in conformity with subparagraph (1)(b)(i) and (ii), paragraphs (2)(d) and (f), paragraph (4)(b) with respect to subparagraph (1)(b)(i) and paragraph (4)(c), as the case may be, and subsection 6(5);
- (e) a short-term advertisement, if the person and the advertisement are in conformity with paragraph (1)(a), paragraphs (2)(d), (f) and (g) and paragraph (4)(a), as the case may be, and subsections 6(6) to (8); or
- (f) an Adopt-a-Highway sign, if the person and the advertisement are in conformity with subparagraph (1)(b)(i) and (ii), paragraph (2)(f), paragraph (4)(b) with respect to subparagraph (1)(b)(i) and paragraph (4)(c), as the case may be, and subsection 6(10).

5(6) A person may display the following advertisements or permit any person to do so upon or within any portion of the right-of-way upon or within the regulated area of a two-lane level I highway or level II highway or a connector I highway:

- (a) an advertisement permitted under subsection (5); or
- (b) subject to paragraph 15(3)(d), a standardized rural tourism operator sign.

Requirements for advertisements

6(1) A welcome-to sign displayed under authority given in this Regulation

(a) shall advertise only one city, town or village,

(b) shall, where access to the city, town or village may reasonably be had from only one direction of travel on a highway, be displayed in one location in that direction of travel on that highway and in no other location on that highway,

(c) shall, where access to the city, town or village may reasonably be had from two directions of travel on a highway, be displayed in only one location in each direction of travel on that highway,

(d) shall be displayed in a location that is

(i) if displayed within the regulated area of a level I highway, level II highway or connector I highway, on the backslope, and

(ii) if displayed within the regulated area of a highway other than a level I highway, level II highway or connector I highway, beyond the bottom of the ditch,

(e) shall not be displayed in relation to a city, town or village that is more than 3 kilometres from the exit in relation to which the sign is displayed, measured along the near edge of the highway,

(f) if displayed within the regulated area of a level I highway, level II highway or connector I highway, shall have an area of not less than 15 square metres and not more than 25 square metres,

(g) if displayed within the regulated area of a highway other than a level I highway, level II highway or connector I highway, shall have an area of

(i) not more than 10 square metres, if installed between 5 and 10 metres from the near edge of the travelled portion of the highway,

(ii) not more than 15 square metres, if installed more than ten, but not more than 20, metres from the near edge of the travelled portion of the highway, or

(iii) not more than 25 square metres, if installed more than 20 metres from the near edge of the travelled portion of the highway,

(h) shall be installed and maintained by the city, town or village to which it relates,

(i) shall consist solely of the words “welcome to”, the name of the city, town or village, one slogan for the city, town or village and, where appropriate, the exit number, and

(j) shall be changed or relocated at any time, at the expense of the city, town or village, if the change or relocation is necessary in order for the sign to be in conformity with the Act and this Regulation.

6(2) Notwithstanding subsection (1), a welcome -to sign upon or within the regulated area of a level I highway, level II highway or connector I highway may, instead of advertising one city, town or village, be a regional welcome-to sign that advertises the region surrounding a city or town, if the sign

(a) advertises only one municipal region,

(b) is in conformity with paragraphs (1)(b) and (c), subparagraph (d)(i) and paragraphs (f), (h) and (j), with the necessary modifications,

(c) is located within 35 kilometres of the limits of the city or town, measured along the near edge of the highway, and

(d) consists solely of the words “welcome to”, the name of the region, one slogan for the region, if appropriate, the exit number or an alternate route number and a scenic drive symbol, if applicable.

6(3) Notwithstanding subsection (1), a welcome -to sign upon or within the regulated area of a level I highway, level II highway or connector I highway may, instead of advertising one city, town or village, be a welcome -to sign that advertises more than one city, town or village, if

(a) in order to conform to paragraph (1)(e), the sign

(i) would have to be erected before an interchange that is an exit for more than one city, town or village, and

(ii) would have to be erected within the limits of one city, town or village in order to advertise a different city, town or village,

(b) the sign is in conformity with paragraphs (1)(b) and (c), subparagraph (d)(i) and paragraphs (f), (h) and (j), with the necessary modifications,

(c) the sign is displayed only in relation to

(i) a city, town or village that is 3 kilometres or less from the exit in relation to which the sign is displayed, measured along the near edge of the highway, and

(ii) cities, towns and villages, each of which has a common boundary with at least one of the others, and

(d) the sign consists solely of the words “welcome to”, the name of the cities, towns and villages, one slogan for the cities, towns and villages as agreed to among them and, where appropriate, the exit number.

6(4) A TOD tourist/visitor information sign, a TOD Major attraction sign or a TOD Secondary attraction sign displayed under authority given in this Regulation shall be in conformity with section 7.

6(5) A scenic drive sign displayed under authority given in this Regulation shall be manufactured, installed and maintained by the Minister.

6(6) A short-term advertisement displayed under authority given in paragraph 5(5)(e)

(a) shall consist of a directional sign giving notice of an event that is sponsored or organized by a non-profit organization or is a community festival,

(b) where access to the event to be advertised may reasonably be had from only one direction of travel on a highway, shall be displayed

(i) in one location in that direction of travel on that highway and in no other location on that highway, and

(ii) at least 5 metres beyond the near edge of the travelled portion of the highway,

(c) where access to the event to be advertised may reasonably be had from two directions of travel on a highway, shall be displayed

(i) in only one location in each direction of travel on that highway, and

- (ii) at least 5 metres beyond the near edge of the travelled portion of the highway,
- (d) shall be displayed before the exit or exits that provide the most appropriate access to the event to be advertised,
- (e) shall have an area of not more than 3 square metres,
- (f) shall be installed not more than 1 week before the event is to start, and
- (g) shall be removed by the person who displayed it not more than 1 week after the end of the event, or after it has been displayed for a period of 4 weeks, whichever occurs first.

6(7) Notwithstanding subsection (6), a short-term advertisement located upon or within the regulated area of a level I highway, level II highway or connector I highway may advertise an event

- (a) in which all ten provinces of Canada have been invited to participate, or in which the participants represent Canada and other countries,
- (b) that is held not more often than once in every ten years, and
- (c) the budget for which is at least \$5,000,000.

6(8) A short-term advertisement referred to in subsection (7)

- (a) shall consist solely of
 - (i) the name of the event,
 - (ii) the dates on which the event will take place,
 - (iii) the name of the municipality, the municipalities or the region where the event will take place, and
 - (iv) the logo adopted for the event,
- (b) shall have an area of not less than 15 square metres and not more than 25 square metres,
- (c) may be installed at any time within 2 years before the beginning of the event,
- (d) shall be removed by the person who displayed it not more than 2 weeks after the end of the event,
- (e) shall be located within 10 kilometres of the limits of the municipality or region where the event will take place, measured along the near edge of the highway, and
- (f) shall be displayed on the backslope of the highway.

6(9) Subsection (6) does not apply to notices or other documents required to be posted under the *Elections Act*.

6(10) Adopt-a-Highway signs displayed under authority given in this Regulation shall be manufactured, installed and maintained in accordance with the Minister's Adopt-a-Highway program.

TOD signs

7(1) Subject to this section, TOD signs permitted under this Regulation shall advertise a specific interest and shall be manufactured, installed and maintained by the Minister.

7(2) The Minister shall not manufacture TOD signs that advertise a specific interest

(a) located upon or within the boundaries of a city or town, other than a specific interest advertised by a TOD Major attraction sign or a TOD Secondary attraction sign, or a specific interest that is a natural phenomenon attraction or a campground,

(b) located outside the Province,

(c) that is a private club, facility, organization, business operation or premises that offers its services to members and is not open to the general public,

(d) pertaining to food or another service that has been ordered to close under the *Health Act* or by the Provincial fire marshall or another regulatory body of the Province,

(e) pertaining to accommodation that is required to operate under the authority of a licence under the *Tourism Development Act* and is not so authorized,

(f) that is advertised by an advertisement under this Regulation that is not a TOD sign, or

(g) that is advertised by an advertisement displayed near and visible from a highway in contravention of this Regulation.

7(3) A TOD tourist/visitor information sign shall advertise a tourist/visitor information centre that provides information to tourists and visitors and is sponsored by the Province, a region or a municipality.

7(4) Notwithstanding paragraphs 4(2)(c) and 5(2)(c), a TOD Major attraction sign may be located on the arterial highway nearest to the attraction to which the sign relates, if the sign is otherwise in conformity with this Regulation.

7(5) The Minister shall determine whether or not an attraction may be advertised by a TOD Major Attraction sign or a TOD Secondary attraction in accordance with the criteria set out in Schedule C.

7(6) A TOD Regular attraction sign shall advertise a specific interest that the Minister has determined may not be advertised by a TOD Major Attraction sign or a TOD Secondary attraction.

On-premises advertisements

8(1) A person may, without an advertising permit, display an on-premises advertisement or permit any person to do so in accordance with subsections (2) and (3) upon or within the regulated area of any highway, other than upon or within the right-of-way of that highway.

8(2) An on-premises advertisement shall only

(a) name or otherwise identify the owner, operator or nature of the residence, business or attraction advertised, or

(b) advertise the sale or lease of the premises, or advertise a product, service or attraction available on the premises.

8(3) No person shall display an on-premises advertisement that

(a) by means of its size, design, message or location creates a hazard or misleads, or

(b) reduces passing sight distance from that which existed on the adjacent highway before the display of the advertisement.

Seasonal advertisements

9 Every person who displays an advertisement under authority given elsewhere in this Regulation for a business enterprise providing a seasonal product, service or attraction shall ensure that

- (a) a message on the advertisement clearly indicates the part of the year during which the business enterprise is open,
- (b) a message on the advertisement clearly indicates that the business enterprise is closed for the off-season, or
- (c) the advertisement is removed or completely covered during the period when the business enterprise is closed for the off-season.

Short-term advertisements

10(1) A person may, without an advertising permit, display advertisements for fairs, exhibitions, festivals, rallies, conferences, political campaigns and other short-term events upon or within the regulated area of a highway, other than a level I highway, level II highway or connector I highway, outside the limits of a city or town if

- (a) the organizers or promoters of the event submit to the Minister a written request for approval of the advertisements, including with the request a diagram showing the locations of the proposed advertisements,
- (b) the Minister approves the request, and
- (c) the advertisements
 - (i) have an area of not more than three square metres,
 - (ii) are located at least one hundred metres from every sign or traffic control device displayed by the Minister,
 - (iii) are located at least one hundred metres from any other advertisement that is in compliance with this Regulation,
 - (iv) are located at least five metres beyond the near edge of the travelled portion of the highway or, if installed overhead, are not lower than five metres above the crown of the roadway,
 - (v) are installed not more than one week before the event is to start, and
 - (vi) are removed by the person who displayed them not more than one week after the end of the event, or after they have been displayed for a period of four weeks, whichever occurs first.

10(2) Subsection (1) does not apply to notices or other documents required to be posted under the *Elections Act*.

10(3) Notwithstanding subsection (1), a short-term advertisement referred to in subsection (1) may advertise an event described in subsection 6(7) if it is otherwise in conformity with subsection (1).

Application for advertising permit

11(1) A person wishing to apply for an advertising permit shall do so by submitting a written application to the Minister.

11(2) A separate application shall be made for each proposed advertisement.

11(3) Subject to subsection (5), the Minister may issue an advertising permit if the Minister is satisfied that the applicant and the proposed advertisement are and will be in conformity with the Act and the regulations.

11(4) Advertising permits shall

- (a) relate to the display of one advertisement only, and
- (b) subject to subsection 13(2), expire on the date set out on the permit or, if no date is set out on the permit, remain valid indefinitely.

11(5) Subject to paragraphs 6(1)(b) and (2)(b) and subparagraph 6(5)(b)(i), the Minister shall not issue advertising permits for the display of more than one advertisement in each direction of travel on any given highway for any given product, service or attraction.

Refusal to issue advertising permit

12 The Minister, if refusing to issue an advertising permit, shall

- (a) provide the applicant with written reasons for the refusal, and
- (b) return the application to the applicant.

Display under and cancellation of advertising permit

13(1) The holder of an advertising permit shall

- (a) subject to sections 14 and 16, display the advertisement only in the manner and at the location approved on the permit and in accordance with this Regulation,
 - (a.1) erect, post, paint or expose the advertisement not more than six months after the issuance of any permit authorizing the advertisement,
- (b) keep the advertisement neat in appearance and in good and proper condition, and
- (c) attach to the advertisement in a clearly visible position, an adhesive-backed sticker of approval supplied by the Minister.

13(2) The Minister, if of the opinion that the holder of an advertising permit or the advertisement to which it relates is not in compliance with subsection (1), may cancel the permit.

Change respecting advertisement

14(1) Subject to paragraph 6(1)(j) and subsection 16(1),

- (a) the Minister, if the Minister considers it appropriate and necessary, may give written notice to the holder of an advertising permit or the owner of or other person who is displaying an advertisement, directing the holder, owner or other person to change the size, design or location of the advertisement or to remove it within the time limit set out in the notice, and
- (b) the person to whom notice is given shall comply with the directions within the time limit and in accordance with the directions contained in the notice.

14(2) Subject to paragraph 6(1)(j) and subsection 16(2), if the Minister requests any change or relocation under subsection (1), the actual cost of changing or relocating the advertisement shall be borne by the Minister.

Removal of advertisement

15(1) Subject to subsections (3) and (4), no later than April 1, 2001, the owner of any advertisement displayed, or any other person displaying an advertisement, upon or within the regulated area of a level I highway, level II highway or connector I highway before April 1, 2001 shall remove the advertisement forthwith in accordance with the written directions of the Minister, whether or not the advertisement is authorized under any permit issued under the Act or the regulations before April 1, 2001.

15(2) Subject to subsection (3), no later than April 1, 2001, the owner of any advertisement displayed, or any other person displaying an advertisement, upon or within the regulated area of a highway that is not a level I highway, level II highway, connector I highway or local highway shall remove the advertisement forthwith in accordance with the written directions of the Minister, unless the advertisement is authorized under a permit issued under the Act or the regulations.

15(3) Subsections (1) and (2) do not apply to

(a) a welcome-to sign

(i) until January 1, 2002, if the sign is not permitted under an advertising permit issued under the regulations before April 1, 2001, but otherwise is in conformity with this Regulation, or

(ii) if the sign is permitted under an advertising permit issued no later than December 31, 2001, and is in conformity with this Regulation,

(b) corporate-sponsored signs referred to in paragraph 5(2)(b) of this Regulation as it existed before April 1, 2001, if they are in conformity with this Regulation as it existed before that date, until August 1, 2003,

(c) advertisements referred to in paragraphs 5(2)(c) to (g) of this Regulation as it existed before April 1, 2001, if they are in conformity with this Regulation as it existed before that date,

(d) standardized rural tourism operator signs referred to in paragraph 5(3)(b) of this Regulation as it existed before April 1, 2001, if they are in conformity with this Regulation as it existed before that date, until December 31, 2001,

(e) any other advertisements not referred to in paragraphs (a) to (d) that were manufactured by the Minister in accordance with subsection 7(2) of this Regulation as it existed before April 1, 2001 and that were installed by the Minister before that date,

(f) any on-premises advertisements referred to in section 8 that are in conformity with this Regulation.

15(4) Subsection (1) does not apply until after December 31, 2001, to any advertisement referred to in paragraph 15(2)(b) of this Regulation as it existed before April 1, 2001.

Notice to change or remove advertisement

16(1) If an advertisement, the holder of an advertising permit or the owner of or any other person displaying an advertisement is not in compliance with the Act or this Regulation,

(a) the Minister may give written notice to the holder of the advertising permit or the owner of or other person who is displaying the advertisement, directing the holder, owner or other person to change the size, design or location of the advertisement or to remove it within the time limit set out in the notice, and

(b) the person to whom notice is given shall comply with the directions within the time limit and in accordance with the directions contained in the notice.

16(2) If the Minister requests any change, relocation or removal under subsection (1), the actual cost of changing, relocating or removing the advertisement shall be borne by the person to whom notice is given.

Court order

17(1) If the holder, owner or other person to whom notice is given under subsection 16(1) does not comply fully with the directions set out in the notice within the time limit contained in the notice, the Minister may make an application to The Court of Queen's Bench of New Brunswick or a judge of that Court for any of or any combination of the orders described in subsection (2).

17(2) In a proceeding under subsection (1), the judge may make

(a) an order restraining the continuance or repetition of the non-compliance,

(b) an order authorizing the Minister or other persons acting on behalf of the Minister to make a change respecting, or relocate or remove, any advertisement that is the subject of the proceeding and is not in compliance with this Regulation, including the power to enter upon any area, land, place or premises in order to exercise that authority and to take all further action reasonably necessary to implement the directions contained in the order,

(c) such other order as is required to effect compliance with or carry out all or any part of the directions in respect of which the proceeding was instituted, and

(d) subject to subsections (4) and (5), such order as to costs and the recovery of any expenses incurred in connection with the proceeding or the carrying out of the order as the judge sees fit.

17(3) If any person fails to comply with directions given to the person in a notice under subsection 16(1), with an order made against that person under subsection (2), or both, and the Minister incurs any losses, damages, fees, charges, disbursements or other expenses as a result, directly or indirectly, of the failure to comply, whether in exercising authority under an order under subsection (2) or otherwise, the Minister may serve on the person a statement and demand for payment of any of those expenses, and the amount of the expenses may be recovered by the Minister by action in a court of competent jurisdiction as a debt owed to Her Majesty in right of the Province.

17(4) The Minister and any other persons acting on behalf of the Minister are not liable to any person for losses, damages, fees, charges, disbursements or other expenses arising from the carrying out of, or the exercise of authority under, an order made under subsection (2).

17(5) Without limiting subsection (4), the Minister and Her Majesty in right of the Province shall not pay any compensation to any person in relation to any change made respecting, or the relocation or removal of, any advertisement as required under subsection 15(1) or 16(1) or under or in relation to an order made under subsection (2).

17(6) No authority to give directions under subsection 15(1) or 16(1), to take a proceeding under subsection (1) or to seek any other remedy under the Act or this Regulation in relation to any act or omission, and no civil remedy for any act or omission is suspended or affected by reason that the act or omission is an offence under this Regulation.

Deeming provision

18(1) A permit issued under New Brunswick Regulation 70-34, New Brunswick Regulation 78-91, New Brunswick Regulation 81-13 or New Brunswick Regulation 84-298 under the *Highway Act* permitting the display of an advertisement on a highway, other than a level I, level II or connector highway and still in effect on the commencement of this section shall be deemed to be an advertising permit issued under this Regulation.

18(2) A permit issued under New Brunswick Regulation 70-34, New Brunswick Regulation 78-91, New Brunswick Regulation 81-13 or New Brunswick Regulation 84-298 under the *Highway Act* permitting the display of an advertisement on a level I, level II or connector highway and still in effect on the commencement of this section shall be deemed to be cancelled.

18(3) The Minister and Her Majesty in right of the Province shall not pay any compensation to any person in relation to the cancellation of a permit under subsection (2).

Delivery or service of document

19 A notice, statement or other document may be delivered to or served on a person under this Regulation by

(a) personal service, or

(b) by letter, postage prepaid and registered, addressed to the person at the person's nearest post office, in which case it shall be deemed to be delivered or served on the third day following the day of mailing.

Repeal provision

20 *New Brunswick Regulation 97-33 under the Highway Act is repealed.*

SCHEDULE A

CONNECTOR I HIGHWAYS

Route 1 - Route 3 to Waweig River

1 All that portion of Route 1 from Route 3 to Waweig River located in Saint Stephen Parish, Saint David Parish and Saint Croix Parish, Charlotte County, including the portion of Route 1 from Route 3 to Shore Road, not designated as a controlled access highway, and the portion of Route 1 from Shore Road to Waweig River, designated as a **level IV** controlled access highway, and more particularly bounded and described as follows:

Beginning at the intersection of the centre lines of the travelled portions of Route 1 and Route 3; thence in an easterly direction along the centre line of Route 1 for a distance of approximately 11.868 kilometres to the centre of the Waweig River Bridge, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 1 - Bethel to Town of St. George

2 All that portion of Route 1 from the point that is 150 metres west of Oven Head Road to Brunswick Street located in Saint Patrick Parish and Saint George Parish, Charlotte County, designated as a **level IV** controlled access highway and more particularly bounded and described as follows

Beginning at the point on the centre line of the travelled portion of Route 1 that is 150 metres west of the intersection of the centre lines of the travelled portions of Route 1 and Oven Head Road; thence in an easterly direction along the centre line of Route 1 for a distance of approximately 6.539 kilometres to its easterly intersection with Brunswick Street, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 1 - 0.6 kilometre east of Route 785 to McKay Loop Road (west end)

3 All that portion of Route 1 from the point that is 0.6 kilometres east of Route 785 to McKay Loop Road (west end) located in Pennfield Parish, Charlotte County, not designated as a controlled access highway and being more particularly bounded and described as follows:

Beginning at the point on the centre line of the travelled portion of Route 1 that is 0.6 kilometre east of the intersection of the centre lines of Route 1 and Route 785; thence in an easterly direction along the centre line of Route 1 for a distance of approximately 5.018 kilometres to the intersection of the centre lines of the travelled portions of Route 1 and McKay Loop Road (west end), including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 1 - Pennfield Station to Lepreau

4 All that portion of Route 1 from McKay Loop Road (west end) to the point that is 475 metres east of Mink Brook Road located in Pennfield Parish and Lepreau Parish, Charlotte County, designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the intersection of the centre lines of the travelled portions of Route 1 and McKay Loop Road (west end); thence in an easterly direction along the centre line of Route 1 for a distance of approximately 16.168 kilometres to the point that is 475 metres east of the intersection of the centre lines of the travelled portions of Route 1 and Mink Brook Road, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 2 - The Town of Grand Falls - La Ville de Grand-Sault to Aroostook River

5 All that portion of Route 2 from Route 130 to the centre of the Aroostook River Bridge located in Grand Falls Parish, Victoria County, designated as a **level IV** controlled access highway and more particularly bounded and describes as follows:

Beginning at the intersection of the centre lines of the travelled portions of Route 2 and Route 130; thence in an easterly direction along the centre line of Route 2 for a distance of approximately 22.550 kilometres to the centre of the Aroostook River Bridge, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 2 - South of Perth-Andover Bypass to River de Chute

6 All that portion of Route 2 from West Riverside Drive to the boundary between Victoria County and Carleton County located in Andover Parish, Victoria County, designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the intersection of the centre lines of the travelled portions of Route 2 and West Riverside Drive; thence in an easterly direction along the centre line of Route 2 for a distance of approximately 14.670 kilometres to the boundary between Victoria County and Carleton County, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 2 - River de Chute to Florenceville

7 All that portion of Route 2 from the boundary between Victoria County and Carleton County to the point that is 1.8 kilometres east of Stacey Road located in Wicklow Parish, Carleton County, designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the point on the centre line of the travelled portion of Route 2 that is on the boundary between Victoria County and Carleton County; thence in an easterly direction along the centre line of Route 2 for a distance of approximately 19.508 kilometres to the point that is 1.8 kilometres east of the intersection of the centre lines of the travelled portions of Route 2 and Stacey Road, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 2 - Town of Hartland to Jacksonville

8 All that portion of Route 2 from the point that is 3.7 kilometres east of the centre of the Hugh John Flemming Bridge to Lockhart Mill Road located in Wakefield Parish, Carleton County, designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the point on the centre line of the travelled portion of Route 2 that is 3.7 kilometres from the centre of the Hugh John Flemming Bridge; thence in an easterly direction along the centre line of Route 2 for a distance of approximately 11.788 kilometres to the intersection of the centre lines of the travelled portions of Route 2 and Lockhart Mill Road, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 2 - Pokiok to Prince William

9 All that portion of Route 2 from the point that is 2.5 kilometres east of Allandale Road to Prince William Road located in Dumfries Parish and Prince William Parish, York County, designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the point on the centre line of the travelled portion of Route 2 that is 2.5 kilometres east of the intersection of the centre lines of the travelled portions of Route 2 and Allandale Road; thence in an easterly direction along the centre line of Route 2 for a distance of approximately 26.446 kilometres to the intersection of the centre lines of the travelled portions of Route 2 and Prince William Road, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 7 - Mount Douglas to Nerepis

10 All that portion of Route 7 from the point that is 1.225 kilometres south of Mount Douglas Road to the boundary between Queens County and Kings County located in Petersville Parish, Queens County, not designated as a controlled access highway and being more particularly bounded and described as follows:

Beginning at the point that is 1.225 kilometres south of the intersection of the centre lines of the travelled portions of Route 7 and Mount Douglas Road (Base Gagetown Boundary); thence in a southerly direction along the centre line of Route 7 for a distance of approximately 6.484 kilometres to the boundary between Queens County and Kings County, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 7 - Nerepis

11 All that portion of Route 7 from the boundary between Queens County and Kings County to the point that is 0.6 kilometre north of Route 177 (Nerepis) located in Westfield Parish, Kings County, not designated as a controlled access highway and being more particularly bounded and described as follows:

Beginning at the intersection of the centre line of the travelled portion of Route 7 and the boundary between Queens County and Kings County; thence in a southerly direction along Route 7 for a distance of approximately 0.6 kilometre to the point that is 0.6 kilometre north of the intersection of the centre lines of the travelled portions of Route 7 and Route 177 at Nerepis, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 11 - Route 134 at Kouchibouguac to the point that is 1.3 kilometres north of North Kouchibouguac Road

12 All that portion of Route 11 from Route 134 at Kouchibouguac to the point that is 1.3 kilometres north of North Kouchibouguac Road located in Carleton Parish, Kent County, designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the intersection of the centre lines of the travelled portions of Route 11 and Route 134 at Kouchibouguac; thence in a northerly direction along the centre line of Route 11 for a distance of approximately 2.484 kilometres to the point that is 1.3 kilometres north of the intersection of the centre lines of the travelled portions of Route 11 and North Kouchibouguac Road, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 11 - from the point that is 1.4 kilometres south of Route 440 to the point that is 0.5 kilometre south of McKenzie Road

13 All that portion of Route 11 from the point that is 1.4 kilometres south of Route 440 to the point that is 0.5 kilometre south of McKenzie Road located in Glenelg Parish, Northumberland County, designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the point on the centre line of the travelled portion of Route 11 that is 1.4 kilometres south of the intersection of the centre lines of the travelled portions of Route 11 and Route 440; thence in a northerly direction along the centre line of Route 11 for a distance of approximately 8.761 kilometres to the point that is 0.5 kilometre south of the intersection of the centre lines of the travelled portions of Route 11 and McKenzie Road, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 11 - from the point that is 0.6 kilometre south of South Black River Road to the point that is 270 metres south of South Napan Road

14 All that portion of Route 11 from the point that is 0.6 kilometre south of South Black River Road to the point that is 270 metres south of South Napan Road located in Glenelg Parish, Northumberland County,

designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the point on the centre line of the travelled portion of Route 11 that is 0.6 kilometre south of the intersection of the centre lines of the travelled portions of Route 11 and South Black River Road; thence in a northerly direction along the centre line of Route 11 for a distance of approximately 8.499 kilometres to the point that is 270 metres south of the intersection of the centre lines of the travelled portions of Route 11 and South Napan Road, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 11 - 270 metres south of South Napan Road to King Street

15 All that portion of Route 11 from the point that is 270 metres south of South Napan Road to King Street located in Glenelg Parish and the city of Miramichi, Northumberland County, not designated as a controlled access highway and being more particularly bounded and described as follows:

Beginning at the point on the centre line of the travelled portion of Route 11 that is 270 metres south of the intersection of the centre lines of the travelled portions of Route 11 and South Napan Road; thence in a northerly direction along the centre line of Route 11 for a distance of approximately 3.222 kilometres to the intersection of the centre lines of the travelled portions of Route 11 and King Street, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways but excluding any portion upon or within the limits of the city of Miramichi.

Route 15 - Route 133 to Mates Corner

16 All that portion of Route 15 from Route 133 to Route 955 located in Botsford Parish, Westmorland County, designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the intersection of the centre lines of the travelled portions of Route 15 and Route 133; thence in an easterly direction along the centre line of Route 15 for a distance of approximately 12.0 kilometres to the intersection of the centre lines of the travelled portions of Route 15 and Route 955, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

SCHEDULE B

CONNECTOR II HIGHWAYS

Route 2 - Town of St. Leonard to The Town of Grand Falls - La Ville de Grand-Sault

1 All that portion of Route 2 from Coombes Road to the point that is 420 metres west of the grade separation for Route 108 in Saint-Léonard Parish and Saint-André Parish, Madawaska County, designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the intersection of the centre lines of the travelled portions of Route 2 and Coombes Road; thence in an easterly direction along the centre line of Route 2 for a distance of approximately 14.011 kilometres to the point that is 420 metres west of the centre of the grade separation for Route 108, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways but excluding any portion upon or within the limits of The Town of Grand Falls - La Ville de Grand-Sault.

Route 2 - Woodstock to Meductic

2 All that portion of Route 2 from Route 103 at Bulls Creek to the boundary between Carleton County and York County located in Woodstock Parish, Carleton County, designated as a **level IV** controlled access highway and being more particularly bounded and described as follows:

Beginning at the intersection of the centre lines of the travelled portions of Route 2 and Route 103 at Bulls Creek; thence in an easterly direction along the centre lines of Route 2 for a distance of approximately 12.468 kilometres to the boundary between Carleton County and York County, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 2 - Meductic to Lower Shogomoc

3 All that portion of Route 2 from the boundary between Carleton County and York County to the point that is 4.380 kilometres west of Allandale Road located in Canterbury Parish, York County, designated as a **level IV** controlled access highway and more particularly bounded and described as follows:

Beginning at the intersection of the centre line of Route 2 and the boundary between Carleton County and York County; thence in an easterly direction along the centre line of Route 2 for a distance of approximately 12.065 kilometres to the point that is 4.380 kilometres west of the intersection of the centre lines of the travelled portions of Route 2 and Allandale Road, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 2 - Route 8 at Fredericton to York/Sunbury County Line

4 All that portion of Route 2 that is 505 metres east of Route 8 to the boundary between York County and Sunbury County located in The City of Fredericton, Saint Marys Parish, York County, not designated as a controlled access highway and being more particularly bounded and described as follows:

Beginning at the point that is 505 metres east of the centre of the grade separation for Route 8; thence in an easterly direction along the centre line of Route 2 for a distance of approximately 3.811 kilometres to the boundary between York County and Sunbury County, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways but excluding any portion upon or within the limits of The City of Fredericton.

Route 2 - York/Sunbury County Line to Sunbury/Queens County Line

5 All that portion of Route 2 from the boundary between York County and Sunbury County to the boundary between Sunbury County and Queens County located in Maugerville Parish and Sheffield Parish, York County, not designated as a controlled access highway and being more particularly bounded and described as follows:

Beginning at the intersection of the centre line of Route 2 and the boundary between York County and Sunbury County; thence in an easterly direction along the centre line of Route 2 for a distance of approximately 29.699 kilometres to the boundary between Sunbury County and Queens County, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 2 - Sunbury/Queens County Line to 2 kilometres east of Sunbury/Queens County Line

6 All that portion of Route 2 from the boundary between Sunbury County and Queens County to the point that is 2.0 kilometres east of the boundary between Sunbury County and Queens County located in Canning Parish and Cambridge Parish, Queens County, not designated as a controlled access highway and being more particularly bounded and described as follows:

Beginning at the intersection of the centre line of Route 2 and the boundary between Sunbury County and Queens County; thence in an easterly direction along the centre line of Route 2 for a distance of 2.0 kilometres to the point that is 2.0 kilometres east of the boundary between Sunbury County and Queens County, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

Route 2 - Mill Cove to Youngs Cove Road

7 All that portion of Route 2 from 310 metres east of Grand Lake Drive to 8.924 kilometres east of Route 10 located in Cambridge Parish, Waterborough Parish and Johnston Parish, Queens County, including the portion of Route 2 from Route 310 metres east of Grand Lake Drive to Route 10, not designated as a controlled access highway, and the portion of Route 2 from Route 10 to 8.924 kilometres east of Route 10, designated as a **level IV** controlled access highway, and more particularly bounded and described as follows:

Beginning at the point that is 310 metres east of the intersection of the centre lines of the travelled portions of Route 2 and Grand Lake Drive; thence in an easterly direction along the centre line of Route 2 for a distance of approximately 21.601 kilometres to the point this is 8.924 kilometres east of the intersection of the centre lines of the travelled portions of Route 2 and Route 10, including all existing and future interchange or at grade intersection ramps and on and off lanes including tapers on all connecting highways.

SCHEDULE C

CRITERIA FOR MAJOR ATTRACTIONS AND SECONDARY ATTRACTIONS

A Uniqueness, Attendance, Consistency and Marketing			
		Points or point range	Maximum number of points
1 Uniqueness	Provincial	(05.0-09.9)	20.0
	Regional	(10.0-14.0)	
	National	(15.0-19.9)	
	International	(20.0)	
2 Attendance	more than 5,000 to 15,000	(05.0-09.9)	25.0
	more than 15,000 to 30,000	(10.0-14.0)	
	more than 30,000 to 50,000	(15.0-19.9)	
	more than 50,000 to 100,000	(20.0-24.9)	
	more than 100,000	(25.0)	
3 Consistency	Natural Attraction	3.0	9.0
	Cultural Attraction	3.0	
	Historic Attraction	3.0	
4 Marketing	In package program	1.5	6.0
	<i>In Day Adventure</i>	1.5	
	<i>In Welcome to New Brunswick</i>	1.5	
	<i>In Savvy Traveller</i>	1.5	
Subtotal: A			60.0
B Facilities			
		Points or point range	Maximum number of points
	Washrooms	(0.8 - 3.1)	3.1
	Food Service	(0.0 - 3.9)	3.9
	Parking	(0.8 - 3.9)	3.9
	Shopping	(0.0 - 3.1)	3.1
	Staff	(0.8 - 3.9)	3.9
	Information	(0.0 - 3.0)	3.0
	Disabled Access	(0.0 - 3.1)	3.1
	Cleanliness	(0.0 - 8.0)	8.0
	Quality	(0.0 - 8.0)	8.0
Subtotal: B			40.0
Total possible points			100.0
Minimum total for Major attraction:			70.0
Minimum total for Secondary attraction:			50.0

N.B. This Regulation comes into force on April 1, 2001.