



## **PLEASE NOTE**

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please contact:

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## CHAPTER S-2.1

### SCHOOL ACT

#### STUDENT TRANSPORTATION REGULATIONS

Pursuant to section 147 of the *School Act*, R.S.P.E.I. 1988, Cap. S-2.1, Council made the following regulations:

#### 1. In these regulations

- |   | Definitions                        |
|---|------------------------------------|
| (a) “contracted vehicle” includes a leased vehicle;   | contracted vehicle                 |
| (b) “contractor” means a person, not an employee, who has entered into a contract with a school board for the conveyance of students by means of a vehicle owned or leased by the contractor;   | contractor                         |
| (c) “driver's license” means a license to drive issued pursuant to the <i>Highway Traffic Act</i> R.S.P.E.I. 1988, Cap. H-5;  | driver's license                   |
| (d) “ <i>Highway Traffic Act</i> ” means the <i>Highway Traffic Act</i> R.S.P.E.I. 1988, Cap. H-5;  | <i>Highway Traffic Act</i>         |
| (e) “Highway Safety Division” means the Highway Safety Division of the Department of Transportation and Public Works;   | Highway Safety Division            |
| (f) “school bus driver” means a person who drives a school bus or other vehicle owned or leased by a school board for the conveyance of students to or from school and school sponsored activities and other authorized use, and includes substitute drivers, except as limited by section 5; | school bus driver                  |
| (g) “school bus driver training program” means a driver training program approved by Minister’s directive. (EC485/98)   | school bus driver training program |

2. These regulations apply when school buses and contractor’s vehicles are used to transport students. (EC485/98)

#### Standards and Training

3. (1) Every person, when initially employed by a school board as a school bus driver, shall
- |  | Requirements to drive a school bus |
|--|------------------------------------|
| (a) have held a Class 5 driver's license, issued under the <i>Highway Traffic Act</i> , for at least five years;                     |                                    |
| (b) hold a current Class 2 driver’s license and meet the standards required for school bus drivers by the Highway Safety Division of |                                    |

the Department of Transportation and Public Works, before commencing employment; and  
 (c) pass a medical examination documented by a medical practitioner in accordance with standards set out in these regulations, on the form set out in Minister's directives.

Annual vision test (2) School bus drivers and substitute drivers shall annually meet the standards of a vision test required by the Highway Safety Division. (EC485/98)

Requirements, permanent employee 4. (1) Where a school bus driver has been hired as a permanent employee by a school board, the driver shall be required to meet the standards established by the Minister and by the *Highway Traffic Act* in obtaining a Class 2 driver's license and must successfully complete the school bus driver training course, at the next available opportunity, provided that such training is completed not later than one year from the date of hiring.

Dismissal if not completed (2) A school bus driver, who has not successfully completed the approved school bus driver training program in accordance with subsection (1), shall be dismissed from employment by the school board, on 10 days written notice with reasons for the dismissal, served personally or by registered mail, which shall be deemed to have been received by the school bus driver 5 days after mailing.

School board may require defensive driving course (3) A school board may require a school bus driver to enrol in defensive and other safe driving courses. (EC485/98)

Not applicable to substitute drivers 5. (1) Subsections 4(1) and (2) do not apply to persons employed as substitute school bus drivers.

Training program, substitute drivers (2) A school board shall require substitute drivers to take the school bus driver training program for substitute drivers, as a condition of being employed as a substitute driver. (EC485/98)

### **Safety Standards and Medical Examinations**

School boards to emphasize safety in driving school bus 6. (1) School boards shall emphasize safety in driving under the variety of circumstances that arise in the course of driving a school bus, having regard to responsibility of the driver for the safety and discipline of the students, weather and other hazards, and maintenance of vehicles as required by these regulations.

Driver examination requirements (2) A school board may require a school bus driver to complete a school bus driver examination, conducted by the Highway Safety Division, at any time.

(3) A school bus driver examination conducted by the Highway Safety Division, shall be successfully completed by every driver, before the end of the month on which the driver reaches age 60 and annually thereafter until retirement. (EC485/98) Annual driver exam

7. (1) Having regard to the safety of students and to the effects of certain medical conditions on drivers, school bus drivers shall comply with standards and examination requirements set out in this section. Medical testing and standards

(2) School bus drivers shall have regular medical examinations which shall emphasize the importance of the school bus driver being fit and able to engage in all types of activities that may be required in the performance of the driver's duties, including consideration of the driver's ability to function under high stress conditions. Regular medical examinations

(2.1) Unless otherwise provided in this section, every school bus driver shall have a regular medical examination at the following intervals: Intervals for medical exam

- (a) if the driver is 45 years old or younger, every five years;
- (b) if the driver is between 46 and 59 years old, every 3 years;
- (c) if the driver is between 60 and 65 years old, every year.

(3) Regular medical examinations of drivers shall include but not be limited to the following Regular medical includes

- (a) routine physical examinations;
- (b) an assessment of risk factors including smoking, diet and health habits;
- (c) an assessment of all factors affecting the driver's ability to do the job, particularly factors related to ageing, accident, physical or mental illness, addictions and stress levels;
- (d) an assessment of any medical condition of the driver that could prevent the driver from lifting a child or could impede the driver's ability to evacuate students in the case of an accident or other emergency;
- (e) particular attention shall be paid by the examining physician to assessing the driver's condition and fitness to continue as a driver, where the driver has any history of heart disease, epilepsy or diabetes or drug dependency, or any other condition that could endanger the safety of the students or others.

(4) A driver with a medical condition identified under subsection (3) shall submit to medical examination and tests as often as required by the school board. Other exams and tests

(5) A driver with heart disease shall submit to an electro-cardiogram at least annually or more often as recommended by the examining Electro-cardiogram

physician in accordance with the generally accepted standards followed by Canadian physicians.

Exam by other  
doctor

(6) A school board may require a driver to be examined by another physician.

Recommend further  
tests

(7) Any physician who examines a driver may recommend further physical and/or psychological examinations or tests of the driver, and the school board may require the driver to attend at such further testing or examinations.

Other regular tests

(8) Medical tests, that are not performed as often as annually, shall be performed as follows

- (a) serum cholesterol levels shall be measured every three years;
- (b) an electrocardiogram shall be performed on the driver prior to commencing employment and thereafter, every 5 years until age 45, every 2 years from age 45 to age 55, and annually thereafter.

School board  
requires as  
recommended

(9) A school board may require a driver to undergo psychiatric, psychological or addiction tests or treatment as recommended by the examining physician.

Leave pending  
outcome of tests

(10) Where necessary, a school board may place a driver on leave with or without pay, at the discretion of the school board, pending the outcome of required tests or examinations, or until the driver is no longer employed by the school board. (EC485/98; 253/06)

Occupational  
requirements

**8.** Having regard to the paramount concern of student safety and the medically recognized physical effects of ageing and of certain medical conditions on all school bus drivers, the following are occupational requirements for all school bus drivers, who shall

- (a) be permitted by the school board that employs them to be employed to the end of the month in which they reach 65 years of age; and
- (b) be free of any physical or mental condition or handicap that would, in the opinion of the school board that employs them, reduce the margin of safety required for the transportation of students. (EC485/98; 433/09; 453/10)

Shall not employ  
driver not meeting  
the regulations

**9.** No school board shall employ or continue to employ a school bus driver who fails to meet the requirements of these regulations. (EC485/98)

**Responsibilities of School Bus Drivers**

- 10.** (1) Every school bus driver is responsible for the safety of students while in a vehicle under the driver's control and may assign seats to students. Driver responsible for safety of students
- (2) A school bus driver shall report to the principal of the school attended by the student, misconduct of a student on the school bus or entering or leaving the school bus. Driver reports misconduct of a student
- (3) A school principal or a Unit Superintendent may suspend a student from riding on school buses in accordance with the Students and Parents Regulations. (EC485/98) Suspension of student from school buses
- 11.** (1) A school bus driver is responsible to Driver responsibilities
- (a) operate the vehicle in accordance with the *Highway Traffic Act*, the *Criminal Code* (Canada) and any other applicable law;
  - (b) notify the Unit Superintendent immediately of the suspension of the driver's license, loss of the driver's Class 2 driver's license, or if the driver is charged with any offence involving driving or assault;
  - (c) notify the Unit Superintendent of any medical condition involving vision, heart or other problems that could affect safe operation of the school bus;
  - (d) operate the school bus efficiently and economically;
  - (e) exercise good judgment in handling a school vehicle and in controlling students;
  - (f) maintain sober habits, being industrious, and be in good health;
  - (g) conduct a pre-trip inspection before the school bus is to be used and before any extra-curricular use, or if the school bus is to be used to convey persons outside the school board region in which it is normally used to convey students and make minor repairs as necessary;
  - (h) conform to all rules and regulations and perform such duties as may be established by school board policy;
  - (i) comply with these regulations;
  - (j) practice defensive driving at all times;
  - (k) be courteous to other drivers;
  - (l) ensure that all doors are secure when the school vehicle is in motion;
  - (m) instruct students at least annually as to the correct procedures of emergency evacuation in co-operation with the principal or designate;
  - (n) operate and park the school bus according to the route plan and schedule determined by the school board;
  - (o) where any part of a school bus appears defective, request authorization from the school bus depot,

- (i) to move the school bus for the purpose of obtaining repairs, or
- (ii) to correct or cause the defect to be corrected;
- (p) inspect the wheel bolts of the school bus before any use;
- (q) ensure that every school bus used for transporting students is maintained in a clean condition; the interior should be swept out each day and washed periodically with warm water and a suitable disinfectant, and the exterior shall be kept clean at all times, weather permitting;
- (r) conform to a plan for receiving and discharging of students on school buses;
- (s) submit, as required by the school board, regular reports on the operation of the school bus;
- (t) operate the school bus at a reasonable speed within posted speed limits;
- (u) have in mind the safety of the students, when stopping for the purpose of receiving or discharging students;
- (v) revoked by EC484/99;
- (w) in the case of a school vehicle which is a bus, use the front door of the school bus for the receiving and discharging of students and allow the use of the emergency exit only in the case of an emergency or during practice exercises authorized by the principal or the school board;
- (x) not, for any reason or by any means unnecessarily delay the passing of other vehicles on the highway;
- (y) report, to the school board, the license numbers and/or a description of vehicles that pass the school bus when its red lights are flashing; and
- (z) perform such other duties as may be required by the school board.

Out of province  
trips

- (2) A school bus driver shall, on out of province trips
  - (a) ensure that affixed to the outside of the school bus is a notice stating "This vehicle stops at all railway crossings";
  - (b) at every railway crossing
    - (i) bring the school bus to a stop,
    - (ii) open the door of the school bus and the window on the driver's side, or the window of a van,
    - (iii) check for clearance of right-of-way,
    - (iv) cross with the school bus so geared so that there is no need to change gears while proceeding across the railway tracks, and
    - (v) not shift gears while crossing the railway tracks;
  - (c) conform with the *Highway Traffic Act*, Commercial Vehicle Drivers (Hours of Work) Regulations; and
  - (d) comply with legislation of the jurisdiction in which the school bus is being operated. (EC485/98; 484/99)

**12.** A school bus driver shall not

- (a) transport any animal (except a guide dog), weapon, explosive or other hazardous material in a school bus;
  - (b) while driving a school bus tow any other vehicle;
  - (c) operate a school bus on school grounds at an excessive speed;
  - (d) operate a school bus in reverse on the school grounds when students are present, except when authorized by the principal or designate;
  - (e) coast a school bus;
  - (f) allow excessive traffic build-up behind a school bus;
  - (g) fill the fuel tank while students are inside a school bus or while the motor is running;
  - (h) leave a school bus unattended while students are passengers, except during an emergency or an accident;
  - (i) park a school bus owned by the school board on a highway when not being used for conveying students;
  - (j) smoke while on a school bus;
  - (k) consume alcohol within twelve hours before driving a school bus;
  - (l) on days scheduled for regular conveyance, consume any alcoholic beverage or take any drug or medication which could impair the driver's driving ability before completing the school bus route for the day;
  - (m) on days that the driver is required to convey students on an extra-curricular or co-curricular activity, consume any alcoholic beverage or take any drugs or medication which could impair the driver's ability before completing the transportation of the students with respect to the extra-curricular or co-curricular activity;
  - (n) drive a school bus without a valid Class 2 driver's license; or
  - (o) use a school bus for unauthorized travel except in an emergency.
- (EC485/98)

Driver shall not

**Accidents**

**13.** (1) Where a school bus is involved in an accident, the driver shall, where reasonable, endeavour to obtain or administer assistance, if required, for any injured person and

Duties of driver,  
where accident

- (a) stop the vehicle at the scene of the accident and report the accident immediately
  - (i) in compliance with the *Highway Traffic Act*,
  - (ii) to the principal and the Unit Superintendent; and
- (b) take note of
  - (i) the name and address of every person involved in the accident,
  - (ii) the names and addresses of witnesses, if any,
  - (iii) the license plate number of other vehicles involved,

(iv) the names and driver's licence number of the operators of such other vehicles, and

(v) the name and address of every person injured in the accident;

(c) shall not sign any document or make any admission of liability in any manner to any third party when an accident has occurred; and

(d) the driver shall wait with the students for transfer to another bus and then proceed, if the school vehicle is in a safe mechanical condition and such movement is not contrary to law, to deliver it to the school bus depot.

School bus  
inoperable

(2) Where a school bus is mechanically disabled or otherwise not operable, the driver shall wait with the students for transfer to another bus.

Contracted vehicle  
inoperable

(3) Where a contracted vehicle is mechanically disabled or otherwise not operable, the driver shall wait with the students for transfer to another vehicle authorized by the school board. (EC485/98)

### Suspension or Dismissal

Grounds for  
suspension or  
dismissal

**14.** (1) A school bus driver employed by a school board may be suspended or dismissed by the school board if the school bus driver violates clause 11(a), (b) or (c), or clause 12(l), (m) or (n).

Job suspension,  
where driver's  
license suspended

(2) A school bus driver employed by a school board shall be suspended without pay for a minimum of the period of the driver's license suspension, or may be dismissed, if the school bus driver's driving privileges are suspended under authority of the *Highway Traffic Act* or the *Criminal Code* (Canada).

Grounds for  
disciplinary action

(3) Infractions of sections 11 or 12 may be grounds for disciplinary action against the school bus driver by the school board. (EC485/98)

### Contracts for the Transportation of Students

Contracted vehicles

**15.** (1) A school board may provide an arrangement for transporting students in a vehicle or vehicles supplied by a contractor.

Parents

(2) Notwithstanding subsection (1), a parent who receives compensation from the school board for transporting that person's own child, is not a contractor for the purposes of sections 15 to 21. (EC485/98)

Requirements for  
contract

**16.** No contract with a contractor shall be entered into until there has been filed with the school board, a policy of insurance as required by these regulations. (EC485/98)

- 17.** (1) A driver of a contracted vehicle shall hold a valid class 4 driver's license, if transporting less than 24 passengers and a valid class 2 driver's license if transporting more than 24 passengers. Driver shall have appropriate class of license
- (2) A driver of a contracted vehicle must have held a Class 5 driver's license for at least five years. (EC485/98) Class 5 driver's license for five years
- 18.** (1) A school board may terminate, without penalty, the contract under which a vehicle operates, where the driver of a contracted vehicle, violates clause 12(m) or (n) or section 17. Contract may be terminated where impaired driving
- (2) A contract for transporting students shall be terminated immediately by a school board if the driver's driving privileges are suspended under authority of the *Highway Traffic Act* or the *Criminal Code* (Canada). (EC485/98) Contract terminated where driver's license suspended
- 19.** (1) An owner of a contracted vehicle is responsible for the compliance or non-compliance with these regulations by the driver of the contracted vehicle. Owner of vehicle responsible for driver's violation
- (2) Every owner and driver of a contracted vehicle shall ensure that the vehicle meets the requirements as set forth in these regulations. (EC485/98) Vehicle must meet requirements
- 20.** Every contract for transporting students by a contracted vehicle shall be in writing in the form set out in Schedule A of these regulations. (EC485/98) Contract must be in writing
- 21.** (1) Any vehicle used to transport students and the driver of such vehicle shall be subject to such examination at any time by any person authorized by the school board or by the Minister. Examination of vehicle or driver
- (2) Where an examination conducted pursuant to subsection (1) shows that a vehicle is unsafe or cannot pass inspection under the laws of the province, the school board may give notice to the contractor that the vehicle shall pass inspection or be replaced before transporting any more students. Where vehicle is unsafe
- (3) Notwithstanding any provision of a contract between the school board and the contractor, where the contractor fails to replace the vehicle or to have it pass inspection within 5 days of the notice under this section, the school board may give notice of immediate termination of the contract with the contractor. Failure to replace vehicle
- (4) Notwithstanding any provision of a contract between the school board and a contractor, where an examination under subsection (1) results in a recommendation that the driver should not transport students, the school board may give notice to the contractor to replace the driver Notice to replace driver

before transporting any more students or give notice of immediate termination of the contract with the contractor. (EC485/98)

### **Vehicle Classifications, Inspections and Standards**

Classes of school buses	<p><b>22.</b> The various classes of school buses and their general characteristics and uses are classified as follows:</p> <p>(a) CLASS I, The Conventional School Bus Type</p> <p style="padding-left: 40px;">This class of vehicle has a body equipped with three-student seats, facing forward on each side of centre aisle. The maximum number of student seats shall not exceed eighty four. All school buses shall meet the Canadian Standards Association standards for school buses in force at the time of purchase, as well as provincial standards as set down by the Minister.</p> <p>(b) CLASS II, The Converted Van</p> <p style="padding-left: 40px;">This class of vehicle shall not convey more than the number of passengers recommended by the manufacturer and shall meet the Canadian Standards Association standards for such vehicles in force at the time of purchase, as well as provincial standards as set down by the Minister. (EC485/98)</p>
Current inspection and registration	<p><b>23.</b> No vehicle shall be used to transport students unless it displays current inspection and registration stickers issued in accordance with the <i>Highway Traffic Act</i>. (EC485/98)</p>
Identifying number	<p><b>24.</b> Each school board owned vehicle shall carry a unique identifying number designated by the school board. (EC485/98)</p>
Designation of type of bus	<p><b>25.</b> The designation of chassis and body models shall be included on all school buses operating in the province so as to identify the vehicle complete with equipment and accessories as well as student capacity. (EC485/98)</p>
Standards	<p><b>26.</b> All new school buses shall comply with the Canadian Standards Association current standards for school buses as well as provincial standards as set down by the Minister. (EC485/98)</p>
model year, defined	<p><b>26.1</b> (1) In this section, “model year”, in respect of a school bus, means the model year designated by the manufacturer of the school bus or, if there is no such designation, the calendar year in which the manufacture of the school bus is completed.</p>
Measuring age of school bus	<p>(2) For the purposes of these regulations, the age of a school bus shall be determined by measuring its age from the model year of the school bus to September 1st of the school year in which the school bus is used.</p>

(3) Subject to subsection (4), every school board shall ensure that any school bus used by the school board for the transportation of students does not exceed 11 years of age. Age of school bus

(4) A school board may use a school bus that exceeds 11 years of age for the transportation of students if the school bus does not exceed 13 years of age and the school bus is used Exception

- (a) for an extra-curricular or co-curricular activity; or
- (b) as a temporary bus to replace another school bus that
  - (i) is taken out of service by a school board for the purposes of repairs, maintenance or an inspection, or
  - (ii) is being used for an extra-curricular or co-curricular activity. (EC433/09)

### Purchase and Sale of Vehicles

27. School boards shall not purchase or tender for the purchase of any bus chassis or body without the prior written approval of the Minister. Purchase of buses  
(EC485/98)

28. School boards shall dispose of surplus school buses, in accordance with Minister's directives. Disposal of surplus buses  
(EC485/98)

### Vehicle Maintenance

29. The school board shall ensure that every vehicle used for transporting students is maintained in good mechanical condition. Condition of buses  
(EC485/98)

30. Every vehicle shall be subject to the Motor Vehicle Inspection Regulations of the *Highway Traffic Act*. M.V.I. regulations  
(EC485/98)

31. The school board shall maintain written service records and maintenance and inspection schedules of school buses and service vehicles as well as ensuring compliance with such schedules. Bus service records  
(EC485/98)

### Insurance

32. Every school board shall have a motor vehicle liability policy of insurance for school board owned Class I and Class II vehicles for not less than five million dollars Public Liability and Property Damage and five million dollars Passenger Hazard. Motor vehicle liability policy  
(EC485/98)

33. (1) Every contractor shall have in force a Motor Vehicle Liability Policy of insurance, for not less than two million dollars, exclusive of interest and costs, with an insurer licensed to transact the business of insurance in the Province of Prince Edward Island. Motor liability policy

More than 18 student capacity (2) Notwithstanding subsection (1), a contractor using a passenger bus of more than eighteen student capacity shall have in force a Motor Vehicle Liability Policy of insurance, for not less than five million dollars Public Liability and Property Damage and five million dollars passenger hazard.

Endorsement (3) The policy of insurance required under this section shall be endorsed with the requirement that the insurer provide the school board with 30 days notice of cancellation or material change in the policy. (EC485/98; 433/09)

### **Receiving and Discharging Students**

Loading points **34.** Every school board shall designate loading and unloading points along the transportation route. (EC485/98)

Loading plan **35.** A school board shall establish a plan for receiving and discharging students on school grounds and at authorized pick up and drop off points, and these shall be determined at the direction of the school board. (EC485/98)

Transportation to kindergarten **36.** Revoked by EC453/10. (EC485/98; 453/10)

**SCHEDULE A**

**Student Transportation Agreement**

The following agreement shall be used for contractors transporting students for a school board:

THIS AGREEMENT made on the ..... day of ....., 20.....  
BETWEEN: ..... School Board, a body corporate pursuant to the  
*School Act*, R.S.P.E.I. 1988, Cap. S-2.1  
(hereinafter referred to as the "School Board")

AND: ....., of  
.....  
(hereinafter referred to as the "Contractor")

WITNESSETH that in consideration of these premises and of the mutual covenants and agreements herein, the Parties hereto agree as follows:

- 1. The Contractor agrees to deliver, or cause to be delivered, students to schools operated by the school board, as detailed in Schedule "A" attached and forming part of this agreement, in a private car or van as appropriate, owned and maintained in good working order by the Contractor.
- 2. The Contractor may hire a Driver to perform the obligations under this Agreement; the Contractor may also be the Driver under this Agreement.
- 3. On each school day, the Driver shall operate the said vehicle on the route described in Schedule "A", stopping at all loading points designated by the School Board and arriving at the school at approximately ..... a.m. During the afternoon, the Driver shall deliver the students who board the vehicle back to the designated drop-off points.
- 4. If road conditions warrant, a temporary deviation from the route may be made with the permission of the school principal, or as directed by the School Board's Transportation Supervisor.
- 5. The Contractor, during the term of this Agreement, shall report forthwith to the principal and to the Transportation Supervisor, every accident to the vehicle or to any person, while the vehicle is engaged in carrying out the terms of this Agreement.
- 6. The Contractor shall provide the school board with a copy of the insurance policy required by the regulations.
- 7. The Contractor shall produce evidence, upon entering this Agreement, that the Driver of the vehicle holds a valid class 2 or 4 driver's license, as applicable, and the Contractor shall ensure that the Driver maintains the currency of the driver's licence at all times when performing services under this Agreement.
- 8. The Contractor shall produce evidence of insurance as required by section 33 of the regulations.
- 9. The Contractor shall ensure that the Driver complies at all times with all applicable laws and regulations, both provincial and federal and, in particular, the regulations made under the *School Act*, the provisions of the *Highway Traffic Act* and school board policies.
- 10. The school board shall have the right to inspect the contracted vehicle and required documentation at any reasonable time and to require that the vehicle be inspected under the *Highway Traffic Act*.
- 11. The School Board shall pay the sum of \$ ..... per day that the Contractor fulfils the terms of this Agreement.
- 12. This Agreement may be terminated upon 7 days written notice to the other party.
- 13. Notwithstanding paragraph 12, this Agreement shall terminate immediately without notice if the Driver's license to drive is suspended or if the Driver pleads guilty to or is convicted of any offence, under the *Criminal Code of Canada*.

IN WITNESS WHEREOF the Parties have duly executed this Agreement as of the date first above written.

SIGNED, SEALED AND



Updated 2010

*School Act*  
Student Transportation Regulations

Cap. S-2.1

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## **SCHEDULE B**

Revoked by EC453/10.