



BILL NO. 81

Government Bill

*3rd Session, 61st General Assembly
Nova Scotia
60 Elizabeth II, 2011*

An Act to Amend Chapter 66 of the Revised Statutes, 1989, the Change of Name Act

CHAPTER 37
ACTS OF 2011

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 15, 2011**

The Honourable John M^{ac}Donell
Minister of Service Nova Scotia and Municipal Relations

*Halifax, Nova Scotia
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**An Act to Amend Chapter 66
of the Revised Statutes, 1989,
the Change of Name Act**

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Identification of Criminals Act*.
- 2 **Section 2 of Chapter 66 of the Revised Statutes, 1989, the *Change of Name Act*, is amended by**
 - (a) **adding immediately after clause (b) the following clauses:**
 - (ba) “approved” means approved by the Registrar;
 - (bb) “authorized agency” means an organization or police service referred to in subsection 12A(4);
 - (b) **striking out “county court” in the first line of clause (e) and substituting “Supreme Court of Nova Scotia”.**
- 3 **Section 11 of Chapter 66 is repealed.**
- 4 (1) **Subsection 12(1) of Chapter 66 is amended by striking out “prescribed” in the third line and substituting “approved”.**
 - (2) **Subsection 12(2) of Chapter 66 is amended by**
 - (a) **striking out “Every applicant shall file with his application” in the first and second lines and substituting “An application must include”;**
 - (b) **striking out clause (a);**
 - (c) **striking out “prescribed” in the second line of clause (b) and substituting “approved”;**
 - (d) **striking out “prescribed” in the first line of clause (c) and substituting “approved”;**
 - (e) **striking out “and” at the end of clause (c); and**
 - (f) **adding immediately after clause (c) the following clause:**
 - (ca) information with respect to the person whose name is to be changed regarding previous legal changes of name under the *Change of Name Act* or under a similar enactment of any other province of Canada; and
- 5 **Chapter 66 is further amended by adding immediately after Section 12 the following Section:**

12A (1) Subject to the regulations, where an application is made to change the name of a person, that person must be fingerprinted by an authorized agency, in accordance with the prescribed procedures.

(2) The fingerprints taken by an authorized agency pursuant to subsection (1) must be submitted to the Royal Canadian Mounted Police, along with the present and proposed name and date of birth of the person whose name is to be changed, for the purpose of linking the person's present and proposed name if the person has a criminal record.

(3) The Registrar shall not approve an application to change the name of a person who is required to be fingerprinted under subsection (1) until the Registrar is satisfied that the person's fingerprints have been provided to the Royal Canadian Mounted Police.

(4) The following are authorized agencies for the purpose of this Section:

- (a) the Provincial Police;
- (b) the Royal Canadian Mounted Police;
- (c) a municipal police department or other police department providing policing services in the Province;
- (d) a prescribed organization.

(5) An authorized agency shall put in place reasonable and sufficient safeguards to protect the confidentiality of the fingerprints of applicants and other personal information relating to applicants in its custody or under its control.

(6) The Registrar may enter into an agreement with the Royal Canadian Mounted Police, an authorized agency or any person or organization, for any purpose related to this Section, including an agreement respecting

- (a) the protection of the confidentiality of; and
- (b) the retention and destruction of,

fingerprints and other personal information provided to the Royal Canadian Mounted Police, authorized agency or other person or organization pursuant to this Section.

6 Section 16 of Chapter 66 is amended by

- (a) adding “(1)” immediately after the Section number;**
- (b) striking out “, except where the publication of notice of the application was dispensed with by an order under Section 11” in the third and fourth lines and substituting “unless publication is dispensed with pursuant to subsection (2)”; and**

(c) adding the following subsection:

(2) The Registrar may dispense with publication of notice of the certificate as required under subsection (1) if, in the Registrar's opinion,

- (a) the applicant would be unduly prejudiced or embarrassed by the publication;
- (b) the change of name applied for is of a minor character;

(c) the applicant has been commonly known under the name applied for and granted; or

(d) the publication is not in the public interest.

7 Section 21 of Chapter 66 is amended by

(a) striking out “applications, notices of application, affidavits and” in the first and second lines of clause (a); and

(b) adding immediately after clause (c) the following clauses:

(ca) exempting persons or classes of persons from the fingerprinting requirement pursuant to Section 12A;

(cb) respecting procedures to be followed when a person applying for a change of name is fingerprinted, including prescribing additional information or documentation to be provided to an authorized agency;

(cc) respecting the process by which fingerprints are provided to the Royal Canadian Mounted Police;

(cd) establishing requirements to protect the confidentiality of fingerprints and other personal information relating to applications for changes of name in the custody or under the control of an authorized agency, including

(i) restrictions on the time that such personal information may be retained by an authorized agency, and

(ii) the manner in which records of fingerprints and other personal information relating to applicants are to be destroyed by an authorized agency;

(ce) prescribing an organization as an authorized agency;

8 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
