



# **BILL NO. 19**

*Government Bill*

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*1st Session, 63rd General Assembly  
Nova Scotia  
66 Elizabeth II, 2017*

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## **An Act to Amend Various Consumer Protection Statutes**

CHAPTER 9  
ACTS OF 2017

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE  
OCTOBER 26, 2017**

The Honourable Geoff MacLellan  
*Minister of Service Nova Scotia*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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## **An Act to Amend Various Consumer Protection Statutes**

Be it enacted by the Governor and Assembly as follows:

### CEMETERY AND FUNERAL SERVICES ACT

**1 Section 15 of Chapter 62 of Revised Statutes, 1989, the *Cemetery and Funeral Services Act*, as amended by Chapter 10 of the Acts of 2014, is further amended by adding immediately after subsection (3) the following subsection:**

(3A) Notwithstanding subsections (3) and 13B(3), where a trust-funded plan was entered into before September 1, 2016, and the seller who entered into the plan is able to prove to the Registrar's satisfaction that no administrative fee or percentage on account of administrative expenses referred to in subsection (2) has been taken, the Registrar may approve the seller to retain the percentage on account of administrative expenses at the time the plan is transferred to another licensed seller of pre-arranged funeral plans in accordance with Section 13B.

### CONSUMER PROTECTION ACT

**2 Section 2 of Chapter 92 of the Revised Statutes, 1989, the *Consumer Protection Act*, as amended by Chapter 8 of the Acts of 1998, Chapter 4 of the Acts of 1999, Chapter 34 of the Acts of 2000 and Chapter 9 of the Acts of 2015, is further amended by striking out "Consumer Affairs" in the first and second lines of clause (i) and substituting "Service Nova Scotia".**

**3 Chapter 92 is further amended by adding immediately after Section 12A the following Section:**

12B The Registrar may require at any time any further information or material to be submitted within a specified time by any applicant or any person issued a permit pursuant to this Act and may require, where the Registrar considers advisable, verification by affidavit or otherwise of any information or material then or previously submitted.

**4 Section 16 of Chapter 92 is amended by striking out "registered" in the first line and substituting "who holds a permit".**

**5 Section 18A, as enacted by Chapter 25 of the Acts of 2006 and amended by Chapter 55 of the Acts of 2011, is further amended by relettering clause (a) as (aa) and adding immediately before that clause the following clause:**

(a) "financial services provider" means a bank or another organization that provides remote fund transfers, electronic fund transfers or any similar method of transferring money;

**6 Section 18HC of Chapter 92 is repealed and the following Section substituted:**

18HC A payday lender shall instruct its financial services provider on the same day on which the payday lender enters into the loan agreement to transfer the money being advanced under an Internet payday loan to the borrower.

**7 Section 18I of Chapter 92, as enacted by Chapter 25 of the Acts of 2006, is amended by**

**(a) striking out “and” at the end of clause (l); and**

**(b) adding immediately after clause (l) the following clause:**

(la) any educational materials prepared or approved by the Registrar;  
and

**8 Section 18O of Chapter 92, as enacted by Chapter 55 of the Acts of 2011, is amended by adding immediately after subsection (2) the following subsections:**

(3) A payday lender shall display, in the manner and format required by the Registrar, any educational materials prepared or approved by the Registrar at the location from which the payday lender offers, arranges or provides payday loans.

(4) A payday lender shall display, in the manner and format required by the Registrar, any educational materials prepared or approved by the Registrar on the website from which the payday lender offers, arranges or provides Internet payday loans.

**9 Section 24I of Chapter 92, as enacted by Chapter 8 of the Acts of 1998, is renumbered as Section 25I.**

**10 Section 31 of Chapter 92 is amended by**

**(a) striking out clause (a) and substituting:**

(a) whether a permit was issued or was not issued to a person under this Act;

**and**

**(b) striking out “registration, non-registration” in the first and second lines of clause (d) and substituting “issuance or non-issuance of a permit”.**

**11 Chapter 92 is further amended by adding immediately after Section 31 the following Sections:**

31A (1) After giving a person the opportunity to be heard, the Registrar may issue a compliance order requiring the person to comply with this Act and the regulations if satisfied that the person is contravening, is about to contravene or has contravened this Act or the regulations.

(2) A compliance order must

(a) name the person in respect of whom the order is issued;

(b) describe the person's act or practice that is contravening, is about to contravene or has contravened this Act or the regulations;

(c) identify the provision of this Act or the regulations that is being contravened, is about to be contravened or has been contravened; and

(d) be dated and signed by the Registrar.

(3) In a compliance order, the Registrar may order a person to stop engaging in or not to engage in a specified act or practice and to comply with this Act and the regulations.

(4) The Registrar shall serve a copy of the compliance order on the person named in the order.

31B (1) Where the Registrar is satisfied that a person in respect of whose conduct a compliance order has been issued is not complying with the order, the Registrar may apply to the Supreme Court of Nova Scotia for an order directing the person to comply with the compliance order.

(2) Upon hearing an application of the Registrar under subsection (1), the Supreme Court may make any order that the Court considers necessary, in addition to the order directing the person to comply with the compliance order.

31C (1) The Registrar may publish any of the following information, including personal information as defined in the *Freedom of Information and Protection of Privacy Act*:

- (a) the name and business address of a permit holder;
- (b) any information appearing on a permit;
- (c) any information relating to the status of a permit issued under this Act, including the suspension or cancellation of a permit;
- (d) details of any compliance order issued under Section 31A;
- (e) details of any court order made under this Act;
- (f) details of any conviction for an offence under this Act;
- (g) any other information prescribed by the regulations.

(2) The Registrar may publish the information referred to in subsection (1) in whatever form and manner the Registrar considers appropriate.

**12 Section 32 of Chapter 92 is amended by striking out “judge of the county court for the district in which the person resides or carries on his principal business” in the fourth and fifth lines and substituting “Supreme Court of Nova Scotia”.**

**13 Section 33 of Chapter 92, as amended by Chapter 8 of the Acts of 1998, Chapter 4 of the Acts of 1999, Chapter 34 of the Acts of 2000, Chapter 35 of the Acts of 2007 and Chapter 9 of the Acts of 2015, is further amended by**

- (a) striking out the period at the end of clause (s) and substituting a semi-colon; and

**(b) adding immediately after clause (s) the following clause:**

(t) prescribing additional information that may be published by the Registrar under Section 31C.

#### CONSUMER REPORTING ACT

**14 Subsection 2(1) of Chapter 93 of the Revised Statutes, 1989, the *Consumer Reporting Act*, as amended by Chapter 39 of the Acts of 2014, is further amended by**

**(a) striking out clause (d);**

**(b) striking out “Consumer Affairs” in the first and second lines of clause (g) and substituting “Service Nova Scotia”; and**

**(c) adding immediately after clause (h) the following clause:**

(ha) “Registrar” means the Registrar of Consumer Reporting Agencies;

**15 (1) Subsection 2A(1) of Chapter 93, as enacted by Chapter 39 of the Acts of 2014, is amended by striking out “Director” in the first line and substituting “Registrar”.**

**(2) Subsection 2A(2) of Chapter 93, as enacted by Chapter 39 of the Acts of 2014, is amended by**

**(a) striking out “Director” each time it appears in the second line and substituting in each case “Registrar”; and**

**(b) striking out “Director’s” in the last line and substituting “Registrar’s”.**

**(3) Subsection 2A(3) of Chapter 93, as enacted by Chapter 39 of the Acts of 2014, is amended by**

**(a) striking out “directors” in the second line and substituting “registrars”;**

**(b) striking out “Director” in the second line and substituting “Registrar”; and**

**(c) striking out “Director’s” in the last line and substituting “Registrar’s”.**

**(4) Subsection 2A(4) of Chapter 93 is amended by**

**(a) striking out “director” in the first line and substituting “registrar”; and**

**(b) striking out “Director” in the second and in the third lines and substituting in each case “Registrar”.**

**16** The heading immediately before Section 3 of Chapter 93 is repealed and the following heading substituted:

PERMITS

**17** Section 3 of Chapter 93, as amended by Chapter 4 of the Acts of 1999, is further amended by striking out “Director” in the first line and substituting “Registrar”.

**18** Subsection 5(1) of Chapter 93, as amended by Chapter 4 of the Acts of 1999, is further amended by striking out “Director” in the second line and substituting “Registrar”.

**19** Chapter 93 is further amended by adding immediately after Section 5 the following Section:

5A The Registrar may require at any time any further information or material to be submitted by any applicant or any person issued a permit pursuant to this Act within a specified time and may require, where the Registrar considers advisable, verification by affidavit or otherwise of any information or material then or previously submitted.

**20** (1) Subsection 6(1) of Chapter 93, as enacted by Chapter 4 of the Acts of 1999, is amended by

- (a) striking out “Director” in the first line and substituting “Registrar”;
- and
- (b) striking out “Director’s” in the second line and substituting “Registrar’s”.

(2) Subsection 6(2) of Chapter 93, as enacted by Chapter 4 of the Acts of 1999, is amended by striking out “Director” in the first line and substituting “Registrar”.

**21** (1) Subsection 7(1) of Chapter 93, as enacted by Chapter 4 of the Acts of 1999, is amended by striking out “Director” in the first line and substituting “Registrar”.

(2) Subsection 7(3) of Chapter 93 is amended by

- (a) striking out “Director” in the second line and substituting “Registrar”; and
- (b) striking out “Trial Division of the Supreme Court” in the second and third lines and substituting “Supreme Court of Nova Scotia”.

**22** Subsection 9(4) of Chapter 93 is amended by striking out “registered” in the third line and substituting “who holds a permit”.

**23** Subsection 13(5) of Chapter 93 is amended by striking out “Director” in the third line and substituting “Registrar”.

**24** (1) Subsection 14(1) of Chapter 93 is amended by striking out “Director” in the first line and substituting “Registrar”.

**(2) Subsection 14(2) of Chapter 93 is amended by striking out “Director” in the first and in the last lines and substituting in each case “Registrar”.**

**(3) Subsection 14(3) of Chapter 93 is amended by**

**(a) striking out “Director” in the third line and substituting “Registrar”; and**

**(b) striking out “Trial Division of the Supreme Court” in the fourth line and substituting “Supreme Court of Nova Scotia”.**

**25 Section 15 of Chapter 93 is amended by striking out “Director” in the second line and substituting “Registrar”.**

**26 (1) Subsection 16(1) of Chapter 93 is amended by striking out “Director” in the first, in the fifth and in the last lines and substituting in each case “Registrar”.**

**(2) Subsection 16(3) of Chapter 93 is amended by striking out “Director” in the second line and substituting “Registrar”.**

**27 (1) Subsection 18(1) of Chapter 93 is amended by**

**(a) striking out “Director” in the second, in the tenth and in the last lines and substituting in each case “Registrar”; and**

**(b) striking out “registration” in the fourth line of clause (b) and substituting “holding a permit”.**

**(2) Subsection 18(4) of Chapter 93 is amended by striking out “county court” and substituting “Supreme Court of Nova Scotia”.**

**(3) Subsection 18(7) of Chapter 93 is amended by striking out “Director” in the first line and substituting “Registrar”.**

**28 (1) Subsection 21(1) of Chapter 93 is amended by**

**(a) striking out “Director” in the first and in the sixth lines and substituting in each case “Registrar”; and**

**(b) striking out “Trial Division of the Supreme Court” in the sixth and seventh lines and substituting “Supreme Court of Nova Scotia”.**

**(2) Subsection 21(2) of Chapter 93 is amended by striking out “Appeal Division of the Supreme Court” in the first and second lines and substituting “Nova Scotia Court of Appeal”.**

**29 Subsection 23(3) of Chapter 93 is amended by striking out “Director” in the last line and substituting “Registrar”.**

**30 Subsection 24(1) of Chapter 93 is amended by**

**(a) striking out clause (a) and substituting the following clause:**

(a) whether a permit was issued or was not issued to a person under this Act;

**(b) striking out “Director” in the last line of clause (b) and substituting “Registrar”;**

**(c) striking out “Director” in the last line of clause (c) and substituting “Registrar”;**

**(d) striking out “registration, non-registration” in the second line of clause (d) and substituting “issuance or non-issuance of a permit or”; and**

**(e) striking out “Director” in the twelfth and in the thirteenth lines and substituting in each case “Registrar”.**

**31 Clause 25(h) of Chapter 93 is amended by striking out “Director” in the second line and substituting “Registrar”.**

DEBT COLLECTION AND MANAGEMENT REFORM (2012) ACT

**32 Clause 4(e) of Chapter 40 of the Acts of 2012, the *Debt Collection and Management Reform (2012) Act*, is repealed.**

**33 Section 39 of Chapter 40 is repealed.**

EMBALMERS AND FUNERAL DIRECTORS ACT

**34 Chapter 144 of the Revised Statutes, 1989, the *Embalmers and Funeral Directors Act*, is amended by adding immediately after Section 4 the following Section:**

4A The Registrar may require at any time any further information or material to be submitted by any applicant for or person issued a licence within a specified time and may require, where the Registrar considers advisable, verification by affidavit or otherwise of any information or material then or previously submitted.

MORTGAGE REGULATION ACT

**35 Clause 25(2)(a) of Chapter 11 of the Acts of 2012, the *Mortgage Regulation Act*, is amended by striking out “contract” in the first line and substituting “contact”.**

**36 Subsection 32(2) of Chapter 11 is amended by striking out “independent” in the first line.**

**37 Clause 35(2)(a) of Chapter 11 is amended by striking out “contract” in the first line and substituting “contact”.**

**38 Subsection 90(1) of Chapter 11 is amended by**

**(a) adding “and authorizing the Registrar to determine if the requirements have been met and criteria satisfied” immediately after “requirements” in the last line of clause (h) ; and**

**(b) adding “, mortgage brokerage or mortgage lender” immediately after “administrator” in the second line of clause (t).**

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