

Consumer Creditors' Conduct Act

CHAPTER 91 OF THE REVISED STATUTES, 1989

as amended by

2014, c. 34, s. 4



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CHAPTER 91 OF THE REVISED STATUTES, 1989
amended 2014, c. 34, s. 4

**An Act Respecting the
Conduct of Consumer Creditors**

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Short title

1 This Act may be cited as the *Consumer Creditors' Conduct Act*. R.S., c. 91, s. 1.

Interpretation

2 In this Act,

(a) “borrower” means a person who receives credit;
(b) “credit” means credit for which a borrower is required to pay and that is

(i) given under an agreement between a seller and a buyer to purchase goods or services by which all or part of the purchase price is payable after the agreement is entered into, or

(ii) given by the advancement of money,

and includes a transaction where a person, acting in the course of his business, acquires from another person the other person’s right to any income tax refund or other payment by the Government of Canada or the Government of the Province which is due or will become due to the other person, but does not include credit extended

(iii) on the security of a mortgage of real property,

(iv) in respect of the sale of goods intended for resale, or

(v) for industrial or business purposes of the borrower;

(c) “creditor” means a person who extends credit, his agent or employee. R.S., c. 91, s. 2.

Supervision of Act

3 This Act shall be under the general supervision of the Minister of Service Nova Scotia. R.S., c. 91, s. 3; 2014, c. 34, s. 4.

Rules of conduct

4 No creditor shall

(a) collect or attempt to collect money without first being satisfied that the money is owed by the borrower to the creditor;

(b) make any charge against a borrower in addition to those contained in the agreement with that borrower or in a cost of borrowing statement furnished to the borrower;

(c) send any telegram or make any telephone call for the purpose of demanding payment, if the charges are payable by the addressee or the person to whom the call is made;

(d) communicate with a borrower after the borrower has notified him in writing to communicate with the designated legal adviser of the borrower;

(e) use, without lawful authority, any summons, notice or demand, or other document, expressed in language of the general style or purport of any form used in any court in the Province, or printed or written or in the general appearance or format of any such form;

(f) in any way abuse or intimidate a borrower either orally or in writing to induce the borrower to pay money or to deliver up possession of property;

(g) make telephone calls or personal calls or written communications of such nature or with such frequency as to constitute harassment of the borrower, his spouse or a member of his family;

(h) make telephone calls or personal calls

(i) on a Sunday, or

(ii) on any other day except between the hours of eight o'clock in the forenoon and nine o'clock in the afternoon,

for the purpose of demanding payment of money or possession of property;

(i) give by statement, expressly or impliedly, directly or indirectly, any false or misleading information to any person that may be detrimental to a borrower, his spouse or a member of his family;

(j) contact or threaten to contact the employer of a borrower, his spouse or any member of his family, and give information that may adversely affect the employment or employment opportunities of the borrower, his spouse or any member of his family;

(k) while attempting to collect money or get possession of property, falsely hold himself out as a police officer, sheriff or deputy sheriff.
R.S., c. 91, s. 4.

Offence, penalty and time limit

5 (1) Every person who violates or fails to comply with any provision of this Act and every director of a corporation who knowingly concurs in a violation or failure to comply with any provision of this Act is guilty of an offence and liable on summary conviction to a penalty of not more than two thousand dollars or to imprisonment for a term of not more than one year, or both.

(2) Where a corporation is convicted of an offence under subsection (1) it is liable to a penalty of not more than twenty-five thousand dollars.

(3) A prosecution under this Section may be commenced within one year from the date on which the offence is committed. R.S., c. 91, s. 5.
