

Interpretation Act

CHAPTER 235 OF THE REVISED STATUTES, 1989

as amended by

1990, c. 31; 1995-96, c. 21; 1995-96, c. 13, s. 81;
2002, c. 10, s. 4; 2003, c.7, s. 2; 2005, c. 34; 2013, c. 35, s. 3



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**An Act Respecting the Form
 and Interpretation of Statutes**

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(The table of contents is not part of the statute)

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Short title

- 1 This Act may be cited as the *Interpretation Act*. R.S., c. 235, s. 1.

FORM OF ENACTING STATUTES

Form and place of enacting clause

2 (1) The following style of words may be used to indicate the authority by virtue of which statutes of Nova Scotia are passed: "Be it enacted by the Governor and Assembly as follows".

(2) After the insertion of those words, which shall follow the preamble, if any, of the statute, the various provisions of the statute shall follow in concise and enunciative form. R.S., c. 235, s. 2.

PROMULGATION

Indorsement on and effective date of Act

3 (1) The Clerk of the House of Assembly shall indorse on every Act of the Legislature, immediately after the title of the Act, the day, month and year when the Act was, by the Lieutenant Governor, assented to or reserved, and in the latter case the Clerk shall also indorse thereon the day, month and year when the Lieutenant Governor has signified, either by speech or message to the Legislature or by proclamation, that the Act was laid before the Governor General in Council and that the Governor General in Council was pleased to assent thereto.

(2) The indorsement shall be taken to be a part of the Act, and the day of the assent or signification, as the case may be, is the date of the commencement of the Act, if no later commencement is therein provided.

(3) Where an enactment is expressed to come into force on a particular day or on a day fixed by proclamation or otherwise, it comes into force immediately on the expiration of the previous day and, where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, it ceases to have effect immediately on the commencement of the following day.

(4) Where an Act contains a provision that the Act or any portion thereof is to come into force on a day later than the date of assent, that provision shall be deemed to have come into force on the date of assent to the Act.

(5) Where an Act provides that certain provisions thereof are to come or shall be deemed to have come into force on a day other than the date of

assent, the remaining provisions of the Act shall be deemed to have come into force on the date of assent to the Act.

(6) Where an Act or a part of an Act is expressed to come into force on a day to be fixed by proclamation, judicial notice shall be taken of the issue of the proclamation and the day fixed thereby without being specially pleaded.

(7) Where an Act heretofore or hereafter enacted is expressed to come into force on a day to be fixed by proclamation, a proclamation may extend to the whole or any part or portion of the Act. R.S., c. 235, s. 3.

Evidence of Act

4 Printed copies of Acts published in the Royal Gazette, or purporting to be published by the Queen's Printer, are evidence of those Acts. R.S., c. 235, s. 4.

Judicial notice

5 Every Act shall be judicially noticed by all judges, justices of the peace and others without being specially pleaded. R.S., c. 235, s. 5.

RULES OF CONSTRUCTION

Application of this Act and judicial rule of construction

6 (1) Except where a contrary intention appears, every provision of this Act applies to this Act and to every enactment made at the time, before or after this Act comes into force.

(2) Nothing in this Act excludes a judicial rule of construction that is applicable to an enactment and not inconsistent with this Act. R.S., c. 235, s. 6.

Interpretation of words and names

7 (1) In this Act and in any other enactment,

(a) "Assembly" means the Legislative Assembly of the Province;

(b) "bank" or "chartered bank" means a bank to which the *Bank Act* (Canada) applies, a credit union incorporated pursuant to the *Credit Union Act* or a trust or loan company that is authorized to carry on business by or pursuant to the *Trust and Loan Companies Act* and receive or accept deposits within the meaning of that Act, and includes a branch, agency or office of a bank, credit union or trust or loan company;

(c) "declaration", "statutory declaration" or "solemn declaration" means a solemn declaration in the form and manner from time to time provided by the *Evidence Act* or by the *Canada Evidence Act*;

(d) “duly qualified medical practitioner”, “legally qualified medical practitioner” or any other words or expressions importing legal recognition of a person as a medical practitioner or member of the medical profession means a person registered under the *Medical Act*;

(e) “enactment” means an Act or a regulation or any portion of an Act or regulation and, as applied to a territory of Canada, includes an ordinance of the territory;

(f) “folio” means ninety words;

(g) “Governor of Canada” or “Governor General” means the Governor General of Canada, or other chief executive officer or administrator carrying on the Government of Canada on behalf and in the name of the Sovereign, by whatever title he is designated;

(h) “Governor General in Council” means the Governor General acting by and with the advice of, by and with the advice and consent of or in conjunction with the Queen’s Privy Council for Canada;

(i) “Her Majesty”, “His Majesty”, “the Queen”, “the King” or “the Crown” means the Sovereign of the United Kingdom, Canada and Her other realms and territories and Head of the Commonwealth;

(j) “holiday” includes Sunday, New Year’s Day, Good Friday, Canada Day, Christmas Day, the birthday or the day appointed for the celebration of the birth of the reigning Sovereign, Victoria Day, Labour Day, Remembrance Day, the third Monday in February and any day appointed by any statute in force in the Province or by proclamation of the Governor General or of the Lieutenant Governor as a general holiday or for general fast or thanksgiving, and whenever a holiday other than Remembrance Day falls on a Sunday the expression holiday includes the following day;

(k) “issue”, as applied to the descent of an estate, includes all lawful lineal descendants of the ancestor;

(l) “jail” means the common jail for a county, city, town or municipality;

(m) “justice” means a justice of the peace and includes a judge of the provincial court;

(n) “land”, “lands”, “real estate” and “real property” include, respectively, lands, tenements, hereditaments and all rights thereto and interests therein;

(o) “Legislature” means the Lieutenant Governor and the Assembly;

(p) “Lieutenant Governor” or “Governor” means the Lieutenant Governor of the Province or the chief executive officer or

administrator carrying on the Government of the Province on behalf and in the name of the Sovereign by whatever title he is designated;

(q) “Lieutenant Governor in Council”, “Governor in Council” or “Government” means the Lieutenant Governor acting by and with the advice of the Executive Council of the Province;

(r) “oath” or “affidavit”, in the case of persons for the time being allowed or required by law to affirm or declare instead of swearing, includes affirmation and declaration and the word “swear” in the like case includes “affirm” and “declare”;

(s) “person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person;

(sa) “Personal Property Registry” means the Personal Property Registry established by the *Personal Property Security Act*;

(t) “proclamation” means a proclamation under the Great Seal of Nova Scotia;

(u) “Province” means the Province of Nova Scotia;

(v) “province”, when used in reference to a part of Canada other than Nova Scotia, includes a territory of Canada;

(w) “public officer” includes a person in the public service of the Province;

(x) “registered mail” includes certified mail, signature mail and a service provided by private couriers commonly known as signature service;

(y) “repealed” includes revoked or cancelled, expired, lapsed or otherwise ceased to have effect;

(z) “representatives” includes executors and administrators;

(aa) “Revised Statutes” means the Revised Statutes of Nova Scotia for the time being in force by virtue of a proclamation issued by the Governor in Council acting under authority of a statute of the Province;

(ab) “will” includes a codicil;

(ac) “writing”, “written” or any term of like import includes words printed, painted, engraved, lithographed, photographed, or represented or reproduced by any mode of representing or reproducing words in a visible form.

(2) In an enactment, a name commonly applied to a country, place, body, corporation, society, officer, functionary, person, party or thing means the country, place, body, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied although the name is not the formal or extended designation.

(3) In this Act and every enactment made at the time, before or after this subsection comes into force, “regulation” includes any rule, rule of court, order prescribing regulations, tariff of costs or fees, form, by-law, resolution or order made in the execution of a power given by an enactment except where the definition of “regulation” as defined by the *Regulations Act* applies or where a contrary intention appears from the enactment.

(4) Where, in this Act and every enactment made at the time, before or after the coming into force of this subsection, there is a reference to any interest in personal property to secure the payment or performance of an obligation, including a charge, lien, mortgage or pledge, that reference, unless the context otherwise requires, includes a security interest as defined in the *Personal Property Security Act*. R.S., c. 235, s. 7; 1990, c. 31, s. 1; 1995-96, c. 21; 1995-96, c. 13, s. 81; 2013, c. 35, s. 3.

Powers prior to commencement of enactment

8 Where an enactment is not to come into force or operation immediately on its being passed and it confers power to

- (a) make appointments;
- (b) make regulations;
- (c) hold elections;
- (d) make, grant or issue instruments;
- (e) give notices;
- (f) prescribe forms; or
- (g) do any other thing,

that power may, for the purpose of making the enactment effective upon its coming into force, be exercised at any time after the enactment has been passed, but a regulation made thereunder before the enactment comes into force has no effect until the enactment comes into force, except in so far as is necessary to make the enactment effective. R.S., c. 235, s. 8.

Interpretation of words and generally

9 (1) The law shall be considered as always speaking and, whenever any matter or thing is expressed in the present tense, it shall be applied to the circumstances as they arise, so that effect may be given to each enactment, and every part thereof, according to its spirit, true intent, and meaning.

(2) “Now”, “next”, “heretofore” or “hereafter” in an enactment refer to the time when the enactment comes into force.

(3) In an enactment, “shall” is imperative and “may” is permissive.

(4) “Herein” used in a Section or provision of an enactment relates to the whole enactment and not to that Section or provision only.

(5) Every enactment shall be deemed remedial and interpreted to insure the attainment of its objects by considering among other matters

- (a) the occasion and necessity for the enactment;
- (b) the circumstances existing at the time it was passed;
- (c) the mischief to be remedied;
- (d) the object to be attained;
- (e) the former law, including other enactments upon the same or similar subjects;
- (f) the consequences of a particular interpretation; and
- (g) the history of legislation on the subject.

(6) Where in an enactment the Sovereign is referred to or a person, body, office, officer, place, property, article or thing is described or qualified by words descriptive of the Sovereign, the reference or words shall be read as if written in the masculine gender when the Sovereign is male and as if written in the female gender when the Sovereign is female. R.S., c. 235, s. 9.

Public versus private Act

10 Every Act is a public Act unless by express provision it is declared to be a private Act. R.S., c. 235, s. 10.

Preamble and interpretation provision

11 (1) The preamble shall be read as part of an enactment to assist in explaining its purport and object.

(2) An interpretation or definition section or provision contained in an enactment applies to the whole enactment unless

- (a) a different intention is expressed; or
- (b) the meaning of the interpretation or definition section or provision is inconsistent with the context or purpose of the enactment. R.S., c. 235, s. 11.

Header or appended citation

12 Marginal notes or headers and appended citations of former enactments form no part of the enactment but shall be deemed to have been inserted for convenience of reference only. R.S., c. 235, s. 12.

Meaning of expression in regulation or order

13 Except when a contrary intention appears, where an enactment confers power to make regulations or to grant, make or issue an order, writ, warrant, scheme or letters patent, expressions used therein have the same respective meanings as in the enactment conferring the power. R.S., c. 235, s. 13.

Binding of Crown

14 No enactment is binding on Her Majesty or affects Her Majesty or Her Majesty's rights or prerogatives in any manner unless it is expressly stated therein that Her Majesty is bound thereby. R.S., c. 235, s. 14.

Powers and privileges of corporation

15 Words in an enactment establishing or providing for establishing a corporation

(a) vest in the corporation power to sue and be sued, to contract and be contracted with by its corporate name, to have a common seal and to alter or change it at pleasure, to have perpetual succession, to acquire and hold personal property or movables for the purposes for which the corporation is constituted and to alienate the same at pleasure;

(b) vest in a majority of the members of the corporation the power to bind the others by their acts; and

(c) exempt from personal liability for its debts, obligations or acts such individual members of the corporation as do not contravene the provisions of the enactment incorporating them. R.S., c. 235, s. 15.

Form of proclamation

16 Where the Governor is authorized to do an act by proclamation, it is to be understood that the proclamation is a proclamation issued under an order of the Governor in Council, but it is not necessary to mention in the proclamation that it is issued under the order. R.S., c. 235, s. 16.

Term of office of public officer

17 Except when otherwise expressed in the enactment or in his commission or appointment, a public officer, appointed before or after this Act comes into force under authority of an enactment or otherwise, holds office during pleasure only. R.S., c. 235, s. 17.

Public officers and ministers of the Crown

18 (1) Words authorizing the appointment of a public officer include the power of

(a) removing or suspending him;

(b) reappointing or reinstating him;

(c) appointing another in his stead or to act in his stead;
and

(d) fixing his remuneration and varying or terminating it, in the discretion of the authority in whom power of appointment is vested.

(2) Words directing or empowering a public officer to do any act or thing, or otherwise applying to him by his name of office, include his successors in the office and his or their deputy.

(3) Words directing or empowering a minister of the Crown to do an act or thing, or otherwise applying to him by his name of office, include a minister acting for him or, if the office is vacant, a minister designated to act in the office by or under the authority of an order in council, and also his successors in the office and his or their deputy.

(4) Where a power is conferred or a duty imposed on the holder of an office as such, the power may be exercised and the duty shall be performed by the person for the time being charged with the execution of the powers and duties of the office. R.S., c. 235, s. 18; revision corrected.

Continuation of jurisdiction upon resignation, retirement, etc.

18A (1) For the purpose of this Section, the Governor in Council may designate a board, tribunal, commission or other body that has adjudicative powers.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

(3) Where a member of a body designated by the Governor in Council pursuant to this Section resigns office or retires or the member's term of office expires or is terminated, the member shall, during such period of time as the Governor in Council orders, have and exercise the jurisdiction of a member in respect of any application, appeal, proceedings, matter or thing heard before the member or commenced by the member as a member of that body, including the power to complete any unfinished matter and give a decision in that matter as if the member had not so resigned or retired or the member's term of office had not expired or been terminated.

(4) For greater certainty, nothing in subsection (3) precludes the appointment of a new member to fill a vacancy created by such resignation, retirement, expiry or termination and such appointment does not affect the operation of subsection (3).

(5) A designation by the Governor in Council pursuant to subsection (1) or an order by the Governor in Council pursuant to subsection (3) may be made before or after such resignation, retirement, expiry or termination, and may be retroactive in effect. 2003, c. 7, s. 2.

Implied provisions in enactment

19 In an enactment,

(a) where anything is directed to be done by or before a public officer, it shall be done by or before one whose jurisdiction or power extends to the place where such thing is to be done;

(b) where power is given to the Governor in Council or a public officer to do or enforce the doing of any act, all necessary powers are also given to enable him to do or enforce the doing of the act;

(c) where the doing of an act that is expressly authorized is dependent upon the doing of any other act by the Governor in Council or by a public officer, the Governor in Council or public officer, as the case may be, has the power to do that other act;

(d) where any act is required or permitted to be done by more than two persons, a majority of them may do it;

(e) where a power is conferred or a duty imposed, the power may be exercised and the duty shall be performed, from time to time, as occasion requires;

(f) where power is conferred to make regulations, the power includes power, exercisable in like manner and subject to like consent and conditions, if any, to rescind, revoke, amend or vary the regulations and make others;

(g) where a form is prescribed, deviations therefrom not affecting the substance or calculated to mislead do not invalidate the form used;

(h) words importing male persons include female persons and corporations;

(i) words in the singular include the plural, and words in the plural include the singular;

(j) where a word is defined, the definition applies to other parts of speech and tenses of that word;

(k) where the time limited for the doing of any act expires or falls upon a Saturday or a holiday, the time so limited extends to and the act may be done on the first following day that is not a Saturday or a holiday;

(l) where a period of time dating from a given day, act or event is prescribed or allowed for any purpose, the time shall be reckoned exclusively of that day or of the day of the act or event;

(m) where an oath is required or provided for, the person to be sworn may substitute for the oath a solemn affirmation in the same form as the oath with the necessary changes. R.S., c. 235, s. 19; 2002, c. 10, s. 4.

Citation of Act

20 (1) In an enactment or document, an Act of Nova Scotia or any other province of Canada or of Canada may be cited by reference to its title or its short title, if any, either with or without reference to the chapter, or by reference to the number of the chapter of the revised statutes or revised ordinances or of the statutes or ordinances for the year of Our Lord or the regnal year in which the Act was passed.

(2) A citation of or reference to an Act of Nova Scotia or any other province of Canada or of Canada shall be deemed to be a citation of or a reference to the Act as amended. R.S., c. 235, s. 20.

Reference in enactment

21 (1) A reference in an enactment by number or letter to two or more Parts, divisions, Sections, subsections, paragraphs, subparagraphs, clauses, subclauses, schedules or forms in an enactment includes the number or letter first mentioned and the number or letter last mentioned.

(2) A reference in an enactment to a Part, division, Section, schedule or form, except when a contrary intention appears, is a reference to a Part, division, Section, schedule or form of the enactment in which the reference occurs.

(3) A reference in an enactment to a subsection, paragraph, subparagraph, clause or subclause, except when a contrary intention appears, is a reference to a subsection, paragraph, subparagraph, clause or subclause of the Section, subsection, paragraph, subparagraph or clause, as the case may be, in which the reference occurs.

(4) A reference in an enactment to regulations, except when a contrary intention appears, is a reference to regulations made under the enactment in which the reference occurs.

(5) A reference in an enactment by number or letter to any Section, subsection, paragraph, subparagraph, clause, subclause or other division or line of another enactment is a reference to the Section, subsection, paragraph, subparagraph, clause, subclause or other division or line of such other enactment as printed by authority of law. R.S., c. 235, s. 21; revision corrected 1998.

REPEAL AND AMENDMENT

Amendment and repeal of enactment

22 (1) An enactment reserves to the Legislature the power of repealing or amending it and revoking, restricting or modifying a power, privilege or advantage by it vested in or granted to a person.

(2) An enactment may be amended or repealed by an enactment passed in the same session.

(3) An amending enactment, so far as consistent with its tenor, is part of the enactment that it amends. R.S., c. 235, s. 22.

Effect of repeal or repeal and substitution

23 (1) Where an enactment is repealed, the repeal does not

(a) revive any enactment or provision of law that was repealed by the enactment or prevent the effect of any saving clause contained in the enactment;

(b) affect the previous operation of the enactment so repealed or anything duly done or suffered under it;

(c) affect a right, privilege, obligation or liability acquired, accrued, accruing or incurred under the enactment;

(d) affect an offence committed against or a violation of the provisions of the enactment, or any penalty, forfeiture or punishment incurred under the enactment; or

(e) affect an investigation, legal proceeding or remedy concerning any right, privilege, obligation, liability, penalty, forfeiture or punishment acquired or incurred under the enactment.

(2) An investigation, legal proceeding or remedy, of the kind described in clause (e) of subsection (1), may be begun, continued or enforced as if the enactment had not been repealed.

(3) Where an enactment is repealed and other provisions are substituted for it,

(a) every person acting under the enactment shall continue to act as if appointed under the provisions so substituted until another is appointed in his stead;

(b) every bond and security given by a person appointed under the enactment remains in force, and all offices, books, papers and things made or used under the enactment shall continue to be used as before the repeal as far as consistent with the substituted provisions;

(c) every proceeding taken under the enactment shall be taken up and continued under and in conformity with the provisions so substituted, as far as consistently may be;

(d) in the recovery or enforcement of penalties and forfeitures incurred and in the enforcement of rights, existing or accruing under the enactment or in a proceeding in relation to matters that have happened before the repeal, the procedure established by the substituted provisions shall be followed as far as it can be adapted thereto; and

(e) when any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions so substituted, the penalty, forfeiture or punishment if imposed or adjudged after the repeal shall be reduced or mitigated accordingly. R.S., c. 235, s. 23.

Repeal and substitution by amendment or revision

24 (1) Where an enactment is repealed and other provisions are substituted by way of amendment, revision or consolidation,

(a) all regulations made under the repealed enactment remain in force, in so far as they are not inconsistent with the substituted enactment, until they are annulled or others made in their stead; and

(b) a reference, in an unrepealed enactment to the repealed enactment, shall, as regards a subsequent transaction, matter or thing, be read as a reference to the provisions of the substituted enactment relating to the same subject-matter as the repealed enactment, but where there are no provisions in the substituted enactment relating to the same subject-matter, the repealed enactment shall be read as unrepealed as far as is necessary to maintain or give effect to the unrepealed enactment.

(2) Where an enactment of any other province of Canada or of Canada is repealed and other provisions are substituted by way of amendment, revision or consolidation, a reference in an enactment of Nova Scotia to the repealed enactment is, as regards a subsequent transaction, matter or thing, a reference to the provisions of the substituted enactment relating to the same subject-matter as the repealed enactment. R.S., c. 235, s. 24.

Effect of repeal, re-enactment, revision, consolidation or amendment

25 (1) Repeal of an enactment is not a declaration that the enactment was, or was considered by the Legislature or other body or person by whom the enactment was passed or made to have been, previously in force.

(2) A re-enactment, revision, consolidation or amendment of an enactment is not to be construed as an adoption of the construction that has by judicial decision or otherwise been placed upon the language used in the enactment or upon similar language. R.S., c. 235, s. 25.

MISCELLANEOUS

Administration of oath

26 Where by any enactment or by any rule of the Legislature, or by any order, regulation or commission made or issued by the Governor in Council under any law authorizing him to require the taking of evidence under oath, an oath is authorized or directed to be made, taken or administered, such oath may be administered, and a certificate of its having been made, taken or administered may be given, by anyone named in the enactment, rule, order, regulation or commission or by a judge of any court, a notary public, a commissioner for taking affidavits or a justice of the peace having jurisdiction or authority in the place in which the oath is administered. R.S., c. 235, s. 26.

Manner of administration of oath

27 Where an oath may be lawfully taken it may be administered to any person while such person holds in his hand a copy of the Old or New Testament without requiring him to kiss the same or, when he objects to being sworn in this manner or declares that the oath so administered is not binding upon his conscience, then in such manner and form and with such ceremonies as he may declare to be binding. R.S., c. 235, s. 27.

Recovery of penalty or forfeiture

28 (1) Where a pecuniary penalty or a forfeiture is imposed for contravention of any enactment, then, if no other mode is prescribed for its recovery and it cannot be recovered upon summary conviction, the penalty or forfeiture is recoverable with costs by civil action or proceeding at the suit of the Crown only, or of a private party suing as well for the Crown as for himself, before a court having jurisdiction to the amount of the penalty in cases of simple contract.

(2) If no other provision is made for the appropriation of the penalty or forfeiture, one half thereof belongs to the Crown, and the other half belongs to the private plaintiff, if there is any, and if there is none the whole belongs to the Crown. R.S., c. 235, s. 28.

Disposition of penalty

29 Any penalty or sum of money, or the proceeds of any forfeiture which is by any enactment given to the Province, shall, if no other provision is made respecting it, be paid into the Consolidated Fund, and be accounted for and otherwise dealt with accordingly. R.S., c. 235, s. 29.

Place of imprisonment

30 Where in any enactment, a person is directed to be imprisoned or committed to prison, the imprisonment or committal shall, if no other place is mentioned or provided by law, be in or to the common jail of the locality in which the order for the imprisonment or committal is made or, if there is no common jail there, then in or to that common jail which is nearest to such locality, and the keeper of any such common jail shall receive such person and him safely keep and detain in the common jail under his custody until discharged in due course of law or bailed in cases in which bail may by law be taken. R.S., c. 235, s. 30.

Source of funds for municipal charge

31 Where it is declared that any matter is to form a municipal charge, it shall be rated, levied and collected with and by the same means as are by law directed with respect to other moneys for municipal purposes. R.S., c. 235, s. 31.

Judicature Act

32 Unless a contrary intention appears, the interpretation Section of the *Judicature Act*, so far as the terms defined can be applied, extends to all matters relating to legal matters. R.S., c. 235, s. 32.

Application of Sections 52A to 52G of Trade Union Act

32A Sections 52A to 52G of the *Trade Union Act* apply to collective bargaining between a police bargaining unit as defined by Section 52A of that Act and an employer on and after the seventeenth day of March, 2005, whether the collective bargaining commenced before, on or after that day. 2005, c. 34, s. 1.

Effect of penalty on liability for damage

33 The imposition of a penalty does not relieve a person from liability to answer for special damages to the person injured. R.S., c. 235, s. 33.

Liability to punishment for same offence

34 Where an act or omission constitutes an offence under two or more enactments, or an offence both under an enactment and at common law, the offender, unless the contrary intention appears, is liable to be prosecuted and punished under either or any of the enactments or at common law, but is not liable to be punished twice for the same offence. R.S., c. 235, s. 34.

Bond by public officer

35 (1) Where bonds are required to be given by a public officer, whether appointed under the provisions of an enactment by the Governor in Council or otherwise, they shall be taken in Her Majesty's name when not otherwise directed.

(2) Sureties to any such bond may at any time give to the Attorney General notice of their desire to withdraw from liability thereunder, and in such case the liability of the sureties does not extend to any act done or matter omitted more than three months after the receipt of the notice.

(3) Upon the receipt of any such notice, the principal shall be required to furnish new security in the same manner as if bonds had not been previously executed. R.S., c. 235, s. 35.

Powers of judge or officer of court

36 Where, by any enactment enacted either before or after the enactment of this Section, judicial or quasi-judicial powers are given to a judge or officer of a court, the judge or officer shall, in the absence of express provision to the contrary, be deemed to exercise such powers in his official capacity and as representing the court to which he is attached, and, for the purpose of performing the duties imposed upon him by the enactment subject to the provisions thereof, may exercise the powers he possesses as a judge or an officer of that court. R.S., c. 235, s. 36.

Reference to Canadian Navy, Army or Air Force

37 Where in any enactment or in any will, deed, lease, contract or other document there is a reference to the Canadian Armed Forces, to Her Majesty's Canadian or Royal Canadian Navy, Army or Air Force or to the Naval, Army or Air Forces of Canada, or to a commissioned officer or member thereof or any similar

reference, the reference shall be construed as including a reference to the Canadian Forces or a commissioned officer or member thereof, as the case may be. R.S., c. 235, s. 37.
