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NOVA SCOTIA
2023**

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VOLUME V

Revised Statutes of Nova Scotia

2023

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CHAPTER V-1

An Act Respecting the Variation of Trusts

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Short title

- 1** This Act may be cited as the *Variation of Trusts Act*. R.S., c. 486, s. 1.

Interpretation

- 2** In this Act,
“arrangement” means a variation, resettlement or revocation of a trust in relation to property or a variation, deletion or termination of, or an addition to, the powers of a trustee in relation to the management or administration of the property subject to the trust;
“court” means the Supreme Court of Nova Scotia. 2011, c. 42, s. 6.

Confirmation of arrangement

- 3** (1) Where property is held on a trust arising before or after July 23, 2013, under any will, settlement or other disposition, a person may apply to the court for an order confirming an arrangement with respect to the property.
- (2) The court may issue an order confirming the arrangement if
- (a) all the beneficiaries of the trust having vested or contingent interests are of full age and capacity and consent to the arrangement; and
- (b) the court determines it is appropriate to do so.
- (3) Where one or more beneficiaries are incapable of consenting to the arrangement, the court may
- (a) approve the arrangement on behalf of those beneficiaries on any terms that the court considers appropriate, unless the arrangement is detrimental to the interests of any of the beneficiaries incapable of giving consent; and
- (b) issue an order confirming the arrangement if the court determines it is appropriate to do so.
- (4) Where one or more beneficiaries who are of full age and capacity refuse their consent to the arrangement, the court may

(a) approve the arrangement on behalf of those beneficiaries on any terms that the court considers appropriate if

(i) the arrangement is not detrimental to the pecuniary interest of any person who has withheld consent, and

(ii) it would be detrimental to the administration of the trust or to the interests of the other beneficiaries to not approve the arrangement; and

(b) issue an order confirming the arrangement if the court determines it is appropriate to do so.

(5) In determining whether it is appropriate to confirm the arrangement, the court shall have regard to

(a) the intention of the settlor of the trust, if the settlor's intention is objectively discernible;

(b) the positions of the trustees;

(c) the positions of the beneficiaries; and

(d) the position of any person appearing before the court on the application.

(6) An arrangement takes effect upon confirmation by the court.

2011, c. 42, s. 6.

CHAPTER V-2

An Act Respecting Contracts for the Sale and Purchase of Land

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Short title

1 This Act may be cited as the *Vendors and Purchasers of Land Act*.
R.S., c. 487, s. 1.

Rules of evidence respecting land contract

2 In the completion of a contract of sale of land, the rights and obligations of the vendor and the purchaser are, subject to any stipulation to the contrary in the contract, regulated by the following rules:

(a) recitals, statements and descriptions of facts, matters and parties contained in statutes, deeds, instruments, conveyances or statutory declarations, any of which are more than 20 years old at the date of the contract, unless and except in so far as they are proved to be inaccurate, are sufficient evidence of the truth of such facts, matters and descriptions;

(b) a registered release of a discharged mortgage is sufficient evidence of the mortgage without the production of the mortgage, unless and except in so far as the release is proved to be inaccurate, and the vendor is not bound to produce the mortgage unless it is in the vendor's possession or power. R.S., c. 487, s. 2.

Sufficient evidence in an action

3 In an application under this Act or in an action, it is not necessary to produce any evidence that by Section 2 is dispensed with as between vendor and purchaser, and the evidence therein declared to be sufficient as between vendor and purchaser is prima facie sufficient for the purpose of the action or application. R.S., c. 487, s. 3.

Application for determination of question

4 A vendor or purchaser of any interest in land or a representative of either may, at any time and from time to time, apply in a summary way to a judge of the Supreme Court of Nova Scotia in respect of any requisition or objection or any

claim for compensation, or any other question arising out of or connected with the contract and the judge may make such order upon the application as appears just, and refer any question to a referee or other officer for inquiry and report. R.S., c. 487, s. 4.

Form of application

5 An application under this Act may be made by originating notice. R.S., c. 487, s. 5.

Deemed terms of land contract

6 Every contract for the sale and purchase of land is, unless otherwise stipulated, deemed to provide that

(a) the vendor shall deliver to the purchaser a copy of the metes and bounds description of the land contracted to be sold or contained on the last deed by which it was conveyed but otherwise is not bound to produce any abstract of title, deed, copies of deeds or other evidence of title except such as are in the vendor's possession or control;

(b) the purchaser may search the title at the purchaser's own expense and shall make the purchaser's objections thereto in writing within 30 days from the date that the vendor delivered to the purchaser a copy of the metes and bounds description as provided for in clause (a);

(c) the vendor shall have 30 days in which to remove any objection made to the title, but if the vendor is unable or unwilling to remove any objection that the purchaser is not willing to waive, the vendor may cancel the contract and return any deposit made but is not otherwise liable to the purchaser;

(d) taxes, insurance premiums, rents and interest and other charges shall be adjusted as at the date of closing;

(e) the deed must be prepared by the vendor at the vendor's expense and the purchaser shall bear the expense of registration of the deed and of the preparation and registration of mortgages, if any; and

(f) the purchaser is entitled to possession or the receipt of rents and profits upon the closing of the transaction. R.S., c. 487, s. 6.

CHAPTER V-3

An Act Respecting Venture Corporations

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Short title

1 This Act may be cited as the *Venture Corporations Act*. R.S., c. 488, s. 1.

Interpretation

- 2** (1) In this Act, unless the context otherwise requires,
“associate”, where used to indicate a relationship with any person, means
- (a) any corporation of which that person beneficially owns, directly or indirectly, equity shares carrying more than 30% of the voting rights attached to all equity shares of the corporation for the time being outstanding;

(b) any partner of that person or of that corporation;

(c) any trust or estate in which that person or that corporation has, in the opinion of the Minister, a substantial beneficial interest or as to which that person or that corporation serves as trustee or in a similar capacity;

(d) any spouse, parent, son, daughter, brother or sister of that person; or

(e) any relative of that person or of the person's spouse who has the same home as that person;

"corporation" means a body corporate wherever incorporated;

"debt obligation" means a mortgage, bond, debenture, note or other similar obligation of a corporation, whether secured or unsecured;

"eligible investment" means an investment in a small business that complies with Section 10;

"equity capital" of a corporation means the amount of consideration paid in money for which the outstanding equity shares of the corporation have been issued;

"equity loan" means a loan made pursuant to this Act by the Crown in right of the Province to a venture corporation;

"equity share" means any share of any class of shares of a corporation carrying voting rights in all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;

"Minister" means the Minister of Economic Development or such other member of the Executive Council as may be charged by the Governor in Council with the administration of this Act;

"Nova Scotia venture corporation" or "venture corporation" means

(a) a corporation registered under this Act; and

(b) any other corporation in which the Crown in right of the Province, or an agency of the Crown or a corporation controlled by the Crown, owns equity shares and that is prescribed to be a venture corporation;

"person" means, except as otherwise expressly provided, a corporation, individual, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, trustee, executor, administrator or other legal representative;

"prescribed" means prescribed by the regulations;

"Register" means the register of venture corporations maintained pursuant to this Act;

"security" means any share of any class of shares or any debt obligation of a corporation, and includes an unsecured loan as defined in subsection 10(3);

“small business” means a corporation that, in combination with any affiliated corporation or corporations, has not more than 100 employees or not more than such larger number of employees as may be prescribed.

(2) A corporation is deemed to be a subsidiary of another corporation if it is

(a) controlled by

(i) that other corporation,

(ii) that other corporation and one or more corporations each of which is controlled by that other corporation, or

(iii) two or more corporations each of which is controlled by that other corporation; or

(b) a subsidiary of a corporation that is that other corporation's subsidiary.

(3) A corporation is deemed to be a holding corporation of another corporation if that other corporation is its subsidiary.

(4) A corporation is deemed to be affiliated with another corporation if one of them is the subsidiary of the other or both are subsidiaries of the same corporation or each of them is controlled by the same person.

(5) Unless otherwise prescribed, a corporation is deemed to be controlled by another person or by two or more corporations if

(a) shares of the first-mentioned corporation carrying more than 50% of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of that other person or by or for the benefit of those other corporations; and

(b) the votes carried by those shares are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned corporation.

(6) In calculating the total number of equity shares of a corporation beneficially owned or controlled, for the purpose of this Act, the total number must be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote must be calculated as the number of shares equalling the total number of votes carried.

(7) In determining the number of shareholders of a corporation, for the purpose of this Act, two or more persons holding the same share or shares jointly are counted as one shareholder. R.S., c. 488, s. 2.

Register of venture corporations

3 (1) The Minister shall maintain a register of Nova Scotia venture corporations in which the Minister lists all corporations registered under this Act as venture corporations and all corporations prescribed to be venture corporations.

(2) Any person may, upon payment of the prescribed fee, inspect the Register during normal office hours.

(3) The Minister may delegate in writing any of the Minister's duties or powers under this Act. R.S., c. 488, s. 3.

Application by proposal for registration

4 (1) A corporation incorporated under the *Companies Act* may apply to be registered under this Act by delivering to the Minister a proposal in duplicate.

(2) A proposal must set out

- (a) the name of the corporation;
- (b) the location, including street and number, if any, of the head office of the corporation in the Province;
- (c) the authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares in each class, and the aggregate consideration exceeding which all shares of any class may not be issued;
- (d) the issued capital of each class of shares, including the aggregate consideration therefor;
- (e) the amounts and kinds of debt obligations, if any, issued by the corporation;
- (f) the number of directors of the corporation and the names in full and the residence addresses of each, giving the street and number, if any;
- (g) the names in full of the officers of the corporation and the residence addresses of each, giving the street and number, if any; and
- (h) any other matter prescribed to be set out in the proposal.

(3) A proposal must be accompanied by a certified copy of the corporation's certificate of incorporation and of its memorandum of association.

(4) A proposal must be executed under the seal of the corporation and signed by two officers or by one director and one officer of the corporation, and compliance with this Section and with Section 5 must be certified by the affidavit of one of the officers or directors signing the proposal. R.S., c. 488, s. 4.

Conditions for registration

5 (1) No corporation may be registered under this Act unless

- (a) the corporation has never previously carried on business;
- (b) its equity shares are without par value and may be issued for an aggregate consideration of not more than \$5,000,000;

- (c) the corporation has objects only to assist in the development of small businesses by
 - (i) providing capital through the acquisition and holding of securities, and
 - (ii) providing business and managerial expertise;
 - (d) the corporation has equity capital of at least \$25,000;
 - (e) at least one person in combination with any associate or associates of that person, beneficially owns not less than the lesser of
 - (i) 30% of the issued and outstanding equity shares of the corporation, and
 - (ii) equity shares of the corporation that were issued for an aggregate consideration of \$150,000;
 - (f) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by one or more non-residents or over which one or more non-residents exercise control or direction does not exceed 49% of the total number of issued and outstanding equity shares of the corporation; and
 - (g) the corporation meets any other conditions that are prescribed.
- (2)** For the purpose of clause (1)(f), “non-resident” means
- (a) an individual who is not a resident of the Province;
 - (b) a corporation incorporated, formed or otherwise organized outside Canada;
 - (c) a corporation that is controlled directly or indirectly by one or more non-residents as defined in clause (a) or (b);
 - (d) a trust in which one or more non-residents as defined in clause (a), (b) or (c) have more than 50% of the beneficial interest; or
 - (e) a corporation that is controlled directly or indirectly by a trust referred to in clause (d). R.S., c. 488, s. 5.

Entitlement to registration

- 6 (1)** Subject to subsection (4), a corporation is entitled to registration by the Minister except where
- (a) the applicant fails to comply with Section 4 or 5;
 - (b) the applicant fails to file the material required by this Act or the regulations; or
 - (c) the applicant fails to pay the prescribed fee for registration under this Act.
- (2)** Subject to Section 22, the Minister may refuse to register a corporation where, in the Minister’s opinion, the applicant is not entitled to registration under subsection (1).

(3) Subject to Section 22, the Minister may revoke a registration where the registrant fails to comply, or to continue to comply, with any provision of this Act or of the regulations, including the requirements of Section 5.

(4) Where the Minister is of the opinion that the number of corporations registered under this Act will be sufficient to take up the amount of money that is appropriated as provided in Section 30 to be payable by way of equity loan under Section 19, the Minister may, subject to the approval of the Governor in Council, by order, suspend the further registration of corporations or the payment of equity loans under this Act for such period of time as is specified in the order.

(5) No order under subsection (4) prevents the Minister from making an equity loan where the shares were fully paid for and beneficially owned by the shareholder before the making of the order. R.S., c. 488, s. 6.

Certificate of registration

7 Where a corporation complies with Sections 4 and 5 and when all prescribed fees have been paid, the Minister shall

- (a) endorse on each duplicate of the proposal the word “Registered” and the day, month and year of the registration;
- (b) file one of the duplicates in the Minister’s office;
- (c) place the name of the corporation in the Register; and
- (d) issue to the applicant a certificate of registration to which the Minister shall affix the other duplicate. R.S., c. 488, s. 7.

Minimum equity capital

8 (1) Before the end of its first year of registration under this Act, a venture corporation must have equity capital of at least \$50,000 and at least 40% of the amount of its equity capital must be in eligible investments.

(2) Before the end of its second year of registration under this Act, a venture corporation must have equity capital of at least \$100,000 and at least 70% of its equity capital must be in eligible investments.

(3) After the end of its second year of registration under this Act, a venture corporation must at all times maintain an average of at least 70%, calculated in the prescribed manner, on the last day of each month of the immediately preceding 12 months, of its equity capital in eligible investments.

(4) After the second year of its registration under this Act, a venture corporation must at all times maintain equity capital of at least \$100,000 and not more than \$5,000,000. R.S., c. 488, s. 8.

Trust fund

9 (1) A venture corporation shall set aside in a trust fund an amount of money equal to 100% of any amount received by it as an equity loan, and the trust fund must be held by the venture corporation, or by a trustee on behalf of the venture corporation, in trust to be dealt with in accordance with this Section.

(2) Subject to subsection (3), while any amount is held in trust under subsection (1) a venture corporation may pay from the fund an amount not in excess of five sevenths of the purchase price paid by the venture corporation to acquire any eligible investment.

(3) Except as provided in subsection (2), the money held in trust in accordance with subsection (1) must not be paid out to any person unless the Minister has consented in writing to the payment.

(4) Interest earned on the trust fund established in accordance with subsection (1) belongs to the venture corporation.

(5) Within a prescribed time after making any payment out of the trust fund, the venture corporation shall file a report with the Minister in the prescribed form. R.S., c. 488, s. 9.

Eligible investment

10 (1) An investment is an eligible investment if

(a) the investment is made in a small business and 75% or more of the wages and salaries of the small business in its last completed fiscal period are paid or 75% of its wages and salaries in its current fiscal period are reasonably expected to be paid to employees who are resident in the Province or in respect of operations in the Province;

(b) the small business is primarily engaged in

(i) prescribed manufacturing and processing,

(ii) prescribed tourist activities,

(iii) prescribed mineral exploration and development, or

(iv) any other prescribed business activity;

(c) the investment is the purchase and acquisition from a small business by the venture corporation of equity shares issued by the small business or the granting of an unsecured loan to the small business, but, where the equity shares are issued, or the unsecured loan is granted, as part of a transaction involving the purchase, redemption or repayment, directly or indirectly, of any previously issued equity shares of, or any unsecured loan previously granted to the small business or an affiliated corporation, the investment is an eligible investment only to the extent that the investment represents net new equity capital calculated in the manner prescribed;

(d) the investment is not used by the small business for the purpose of

(i) relending,

(ii) reinvestment in the shares of another corporation, or

(iii) investment in land except such land as is incidental and ancillary to the principal objects of the small business;

(e) the aggregate number of equity shares held by the venture corporation and by any affiliated corporation in the small business does not at any time exceed 49%, determined in accordance with subsection (2), of all issued and outstanding equity shares of the small business;

(f) the aggregate number of equity shares held by the venture corporation, when combined with any equity shares held by one or more other venture corporations, does not at any time exceed 60%, determined in accordance with subsection (2), of all issued and outstanding equity shares of the small business; and

(g) the investment is made in a small business that is not of a prescribed prohibited type.

(2) In determining the percentage of issued and outstanding equity shares of a small business for the purpose of clause (1)(e) or (f), there must be included

(a) the number of equity shares into which any debt obligation of the small business may be converted;

(b) any option or right to purchase equity shares of the small business; and

(c) any equity shares, any convertible debt obligations and any options or rights of the small business beneficially owned or held by an associate or an affiliated corporation of the venture corporation or any shareholder of it, or an associate or affiliated corporation of any such shareholder.

(3) In this Section,

“corporation” includes an association, partnership or other organization;

“unsecured loan” means a debt owing by a small business to a venture corporation that is not secured by a fixed or floating charge, by a hypothecation or pledge, by a guarantee or otherwise and the terms of which do not entitle the venture corporation, either absolutely or contingently, to convert or cause the conversion of the debt into a debt that is not an unsecured loan. R.S., c. 488, s. 10.

Allowable assets

11 (1) A venture corporation shall maintain its assets in

(a) eligible investments;

(b) liquid reserves;

(c) equity shares that were eligible investments at the time they were acquired by the venture corporation;

(d) debt obligations of any small business the equity shares of which are an eligible investment; or

(e) such other form as is prescribed.

(2) Assets of a venture corporation maintained in liquid reserves must be deposited, upon such terms and conditions and for such period as the venture corporation considers expedient, in

(a) a chartered bank;

(b) a trust company to which the *Trust and Loan Companies Act* applies;

(c) a loan company to which the *Trust and Loan Companies Act* applies;

(d) a credit union to which the *Credit Union Act* applies;
or

(e) such other investments as may be prescribed.

(3) Notwithstanding subsection (1), a venture corporation may maintain a reasonable portion of its assets in equipment and premises necessary to carry out its objects. R.S., c. 488, s. 11.

Restriction on investment in small business

12 (1) A venture corporation may not invest or maintain an investment in a small business if

(a) any of the shares of that small business are held by

(i) a major shareholder or an affiliated corporation of the venture corporation or an associate of that shareholder or of that affiliated corporation,

(ii) an officer or director of the venture corporation or an officer or director of a major shareholder of the venture corporation or an associate of any officer or director referred to in this subclause, or

(iii) a voting trust where the trust relates to the shares of the venture corporation; or

(b) that small business is a subsidiary, a holding corporation or an affiliated corporation of the venture corporation.

(2) Unless a venture corporation is widely held, it may not invest in a small business if the proceeds of that investment are used or are intended to be used, in whole or in part, to finance the purchase or sale of goods or services provided to that small business by or through any shareholder of the venture corporation or by or through any associate or affiliated corporation of any such shareholder.

(3) For the purpose of this Section,

(a) “major shareholder” means a person who holds 30% or more of the voting rights attached to all equity shares of the venture corporation for the time being issued and outstanding; and

(b) a venture corporation is widely held if the venture corporation has 10 or more shareholders each holding not more than 10% of the issued and outstanding equity shares of the venture corpo-

ration and if none of the shareholders are associates or affiliated corporations of the venture corporation. R.S., c. 488, s. 12.

Material change in investment

13 (1) In this Section, a material change occurs if the investment of a venture corporation ceases to be an eligible investment or is redeemed or repaid.

(2) A venture corporation shall notify the Minister in the prescribed form of any material change in any of its investments within 30 days of when the occurrence thereof comes to its knowledge.

(3) Where there is a material change, the investment by a venture corporation remains an eligible investment and any proceeds of redemption or repayment of principal of an eligible investment, if invested in accordance with subsection 11(1), are deemed to be an eligible investment, notwithstanding any other provision of this Act, for a period of two years from the date when the material change came to the knowledge of the corporation. R.S., c. 488, s. 13.

Alienation of equity shares

14 No equity shares, and no option or right to acquire equity shares, of a small business or of a corporation that has ceased to be a small business or that ceases to be an eligible investment may be transferred or granted by a venture corporation without first granting to all holders of the equity shares, other than a venture corporation, the right to acquire the whole of those equity shares, or of that option or right, upon the same terms and conditions. R.S., c. 488, s. 14.

Annual report

15 Within four months of the end of each of its fiscal periods, a venture corporation shall file with the Minister its audited financial statements and the auditor's report thereon. R.S., c. 488, s. 15.

Annual return and notice of proposed action

16 (1) Within four months of the end of each of its fiscal periods, a venture corporation shall file with the Minister a return in the prescribed form setting out, as of the end of that fiscal period, the information required by the return.

(2) A venture corporation shall, in the prescribed form, notify the Minister of any proposed action involving

(a) the payment of any dividend on the equity shares of the venture corporation;

(b) the purchase, surrender, redemption or conversion of any equity share of the venture corporation or the reduction of the paid-up capital applicable to any of its equity shares;

(c) the disposition or sale of any eligible investment; or

(d) the commencement of the winding up or the initiation of steps to cause dissolution of the corporation,

at least 21 days before carrying out the proposed action.

(3) The Minister may, in the Minister's discretion, extend the time for filing any notice or return under this Section. R.S., c. 488, s. 16.

Special return

17 The Minister may, at any time by notice, require any venture corporation or any corporation in which the venture corporation has invested to file within the time specified in the notice a return upon any subject connected with its affairs that, in the opinion of the Minister, is relevant to the administration or enforcement of this Act. R.S., c. 488, s. 17.

Equity loan

18 (1) Subject to subsections 6(2) and (4), where a venture corporation complies with the provisions of this Act, the Minister may make an equity loan to the venture corporation under Section 19.

(2) Subject to Section 22, where the Minister is of the opinion that a venture corporation, its officers or directors, or its shareholders are conducting its or their business and affairs in a manner that is contrary to the spirit and intent of this Act or for the purpose of obtaining an equity loan to which they would not otherwise be entitled, the Minister may

- (a) revoke the registration of the venture corporation; or
- (b) refuse to make an equity loan under Section 19.

(3) Where a venture corporation does not comply with the provisions of this Act or the regulations, but the Minister is of the opinion that the venture corporation is meeting the spirit and intent of this Act, the Minister may, for such time as in the Minister's opinion is appropriate, refrain from revoking the registration of the venture corporation. R.S., c. 488, s. 18.

Application for equity loan

19 (1) Subject to subsection (2), a venture corporation may make an application in the form prescribed by the Minister for an equity loan, and the Minister may make an equity loan to the venture corporation equal to the amount of the venture corporation's equity capital, or, as the case may be, any increase in its equity capital since an equity loan was last granted to it.

- (2) An application under subsection (1) must be accompanied by
- (a) a certificate containing the prescribed information signed by the secretary and one authorized officer of the venture corporation making the application; and
 - (b) such additional material as is prescribed by the Minister. R.S., c. 488, s. 19.

Equity loan is debt payable

20 (1) An equity loan made to a venture corporation pursuant to Section 19 is a debt payable by the venture corporation to the Crown in right of the Province, the principal balance of which at any time is the original amount of that equity loan made to the venture corporation less all repayments on account of principal made thereon before that time.

(2) Except as provided in subsection (11), each equity loan made to a venture corporation is deemed to be a separate equity loan.

(3) Except where otherwise provided in this Act, an equity loan is due only when, and to the extent that, payments thereon are required by subsections (4) and (9).

(4) A venture corporation shall repay an equity loan that it has received by making payments to the Crown in right of the Province on account of interest and principal, as provided in subsection (6), until the principal balance of the equity loan is repaid in full, which payments must not be less than

(a) 50% of the net income, if any, after income tax of the venture corporation for each of its fiscal periods completed after the 10th anniversary of the making of the equity loan;

(b) an amount equal to

(i) any dividends paid by the venture corporation,

(ii) any amounts applied by it towards the purchase or redemption of any of its issued shares or to the reduction of capital in respect of any of its issued shares, and

(iii) any loans, or other appropriation of funds or other property of the venture corporation, or any bonus or other payment that does not represent regular salary, made by it to or for the benefit of any of its shareholders or an associate of any of its shareholders,

less any amount paid under clause (a) of this subsection in previous fiscal periods and not previously deducted from a payment under this clause; and

(c) 50% of any assets remaining after payment, or provision for payment, of all other creditors of the venture corporation, where the registration of the venture corporation under this Act is revoked or where the venture corporation commences to wind up or initiates steps to cause its dissolution or is declared bankrupt.

(5) Interest shall

(a) accrue on an equity loan at a prescribed rate which must not exceed by more than three percentage points the interest rate charged by the Bank of Canada to chartered banks at the beginning of the fiscal year of the Province for which the interest rate is being prescribed;

(b) be prescribed anew for each fiscal year of the Province during which any such interest may accrue; and

(c) commence to accrue with the 10th anniversary date of the making of the equity loan and no interest accrues in respect of any period before that time.

(6) Each payment made under subsection (4) on account of an equity loan applies first to the unpaid interest, if any, accrued on the unpaid principal balance of the equity loan to the date of payment and, to the extent of any excess, applies against the principal balance of the equity loan.

(7) For the purpose of clause (4)(a), the net income of a venture corporation must be computed in accordance with generally accepted accounting principles consistently applied, except

(a) that the cost method of accounting for long term investments must be applied with respect to equity investments in small businesses;

(b) to the extent that the Minister, on application by the venture corporation, authorizes a variance thereof in writing.

(8) The Minister may make regulations limiting the amount that may be paid by a venture corporation in respect of management compensation or any other expense incurred in a transaction that is not at arm's length.

(9) Repayments on account of an equity loan are due, if made

(a) pursuant to clause (4)(a), not later than four months after the end of the fiscal period in question;

(b) pursuant to clause (4)(b), not later than one month after the payment or transaction in question; or

(c) pursuant to clause (4)(c), forthwith upon the occurrence of the event in question.

(10) Any persons, whether or not they are shareholders of the venture corporation, who receive a payment, loan or appropriation referred to in clause (4)(b) knowing, or having reason to know, that the payment on account of principal and interest, if any, required to be made on the corporation's equity loan under subsection (4) and clause (9)(b) cannot, or will not, be made are jointly and severally liable, along with the venture corporation, to the Crown in right of the Province to the extent of any failure by the venture corporation, in whole or in part, to make that payment.

(11) Where clause (4)(a) or (b) applies to more than one equity loan that has been granted to the venture corporation, the amounts required by those clauses to be repaid on account of principal on an equity loan is deemed to refer to all such equity loans, and the total amount to be repaid on account of interest and principal must be allocated to each such equity loan in proportion to its principal balance then outstanding.

(12) A venture corporation may repay an equity loan, in whole or in part, at any time or times before repayment is required by this Section, with interest, if any is applicable, on the unpaid balance accrued to the time of payment. R.S., c. 488, s. 20.

Recovery of amount payable

21 (1) Where any amount is payable to the Crown in right of the Province or is deemed to be payable to the Crown under this Act, the Minister may, by notice of demand in writing to the person by whom the payment is owing or claimed to be owing, demand payment immediately or in the number of days specified in the demand, and if the payment is not made as demanded, the Minister may recover and collect the amount thereof by any of the remedies or procedures provided for in this Act.

(2) Notwithstanding that an objection or other proceeding under Section 22 has been commenced or may be commenced, every amount demanded to be paid under subsection (1) remains payable and recoverable until the demand therefor is revoked in writing by the Minister. R.S., c. 488, s. 21.

Notice of intent to refuse or revoke

22 (1) Where the Minister intends

- (a) to refuse to register a corporation under this Act;
- (b) to revoke the registration of a venture corporation; or
- (c) to refuse to make an equity loan under Section 19,

the Minister shall cause notice of the Minister's intention, together with written reasons therefor, to be served on the applicant or registrant.

(2) Where the Minister has not registered a corporation under Section 6 within two months of the date on which the corporation delivered a proposal under Section 4, the Minister is deemed to have refused registration under clause (1)(a).

(3) Where a person objects to a notice of intention under subsection (1) that is served on the person, or where subsection (2) applies, the person may within 60 days from the day of service of the notice of intention or the date upon which the Minister is deemed to have refused registration under subsection (2), serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

(4) Where an applicant or registrant does not serve a notice of objection under subsection (3), the Minister may carry out the Minister's intention.

(5) Upon receipt of the notice of objection, the Minister shall, with all due dispatch, reconsider the matter objected to and confirm, vary or abandon the Minister's intention, and the Minister shall thereupon notify the person making the objection of the Minister's action.

(6) Where the Minister fails to send such a notification within 30 days of the service of a notice of objection pursuant to subsection (3), the Minister's intention is deemed to be abandoned.

(7) A decision of the Minister under subsection (5) is final and is not subject to appeal except where the decision involves the interpretation of a provision of this Act or involves a question solely of law.

(8) A notice under this Section must be served personally or by registered mail.

(9) Notwithstanding subsection (8), a person to whom a notice is addressed pursuant to this Section may accept service made in any manner. R.S., c. 488, s. 22.

Application to Supreme Court

23 In any dispute over a decision or action of the Minister under this Act, the Minister may, where the dispute involves the interpretation of a provision

of this Act, involves a question solely of law in which no facts are in dispute or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Supreme Court of Nova Scotia to have the issue in dispute determined, and if the Minister does not make the application within 30 days of the date upon which the undisputed facts have been agreed upon in writing, the other party to the dispute may apply to the Court to have the issue determined. R.S., c. 488, s. 23.

Offence and penalty

24 (1) Every person who makes or assists in making a statement in any document required by or for the purpose of this Act or the regulations that, at the time and in the light of the circumstances in which it was made, is false or misleading in respect of any material fact or that omits to state any material fact the omission of which makes the statement false or misleading is guilty of an offence and is liable on summary conviction to a penalty of not more than \$20,000.

(2) No person is guilty of an offence under subsection (1) if the person did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading. R.S., c. 488, s. 24.

Income Tax Act, ss. 114 and 115(1)

25 (1) Section 114 and subsection 115(1) of the *Income Tax Act* are incorporated herein to the extent required by subsection (2) except that “Minister” referred to therein means the Minister under this Act and “Act” therein means this Act.

(2) Section 114 and subsection 115(1) of the *Income Tax Act* apply with necessary changes and are deemed to apply to

- (a) an application for an equity loan under Section 19; and
- (b) any books, records, accounts or returns required to be maintained or made by a venture corporation. R.S., c. 488, s. 25; 2000, c. 4, s. 85.

Equity loan obtained by false information

26 In addition to any other remedy available under this Act, where any person obtains an equity loan under this Act or the regulations on the basis of information that is false or misleading or an application that contains any false or misleading statement, the amount of that equity loan, together with interest thereon, if any, at the prescribed rate, is deemed to be a debt due to the Crown in right of the Province and may be recovered by an action in a court of competent jurisdiction. R.S., c. 488, s. 26.

Regulations

- 27 (1)** The Governor in Council may make regulations
- (a) requiring the payment of fees for any matter required to be done in the administration of this Act and prescribing the amounts thereof;

(b) requiring any person to make information returns respecting any class of information required in assessing compliance with this Act;

(c) defining any word or expression used in this Act and not defined in this Act;

(d) prescribing any conditions that a corporation must meet before registration;

(e) prescribing the method of determining the amount of equity capital of a venture corporation;

(f) prescribing authorized investments for the purpose of Section 11;

(g) prescribing the method of calculation of the amount of money available at any time under Section 30 for making equity loans;

(h) prescribing the method of calculation to be used in determining the percentage of wages and salaries paid in respect of operations in the Province;

(i) providing a procedure by which the Minister may issue advance rulings and interpretations;

(j) prescribing any matter required by this Act to be prescribed by the regulations.

(2) The Minister may make regulations

(a) prescribing forms and providing for their use;

(b) prescribing anything that by this Act is to be prescribed by the Minister;

(c) respecting the delegation of any of the Minister's duties or powers under this Act.

(3) A regulation is, if it so provides, effective with reference to a period before it was made.

(4) The exercise by the Governor in Council or the Minister of the authority contained in this Section or in subsection 20(8) is a regulation within the meaning of the *Regulations Act*. R.S., c. 488, s. 27.

Venture Corporations Board

28 (1) The Governor in Council may appoint not fewer than three nor more than five persons to be members of a Venture Corporations Board for the purpose of advising and assisting the Minister concerning the administration of this Act.

(2) The members of the Venture Corporations Board shall be appointed for such term and receive such remuneration and expenses as the Governor in Council may determine.

(3) The Governor in Council shall appoint one member of the Venture Corporations Board to be Chair and may appoint one member to be Vice-chair. R.S., c. 488, s. 28.

Powers and duties of Board

29 The Venture Corporations Board has all the powers and duties that are necessary to carry out and effect such matters and things pertaining to this Act or the regulations as are conferred upon it by the Minister. R.S., c. 488, s. 29.

Nova Scotia Jobs Fund and General Revenue Fund

30 (1) The objects and purposes for which money may be provided under this Act are financial assistance within the meaning of the *Nova Scotia Jobs Fund Act* and payments made pursuant to this Act must be made out of the Nova Scotia Jobs Fund as authorized by the Governor in Council.

(2) The costs and expenses incurred under this Act must be paid out of the General Revenue Fund. R.S., c. 488, s. 30; 2011, c. 40, s. 13.

CHAPTER V-4

An Act Respecting Vessels in Receipt of Subsidies from the Provincial Treasury

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Short title

1 This Act may be cited as the *Vessel Subsidy Act*. R.S., c. 489, s. 1.

Fair rate by subsidized vessel required

2 The owner, manager or master of every vessel, in respect to which a subsidy is paid from the General Revenue Fund, shall carry passengers and goods at fair and reasonable rates and shall, whenever required by the Attorney General, submit to the Attorney General the tariff of rates charged upon such vessel. R.S., c. 489, s. 2.

Unsatisfactory tariff or failure to submit tariff

3 Where the tariff is not so submitted when required or where the tariff is not satisfactory to the Governor in Council, no subsidy may be paid in respect to the vessel until a tariff satisfactory to the Governor in Council has been submitted to the Attorney General. R.S., c. 489, s. 3.

CHAPTER V-5

An Act to Continue the Nova Scotia Veterinary Medical Association and to Regulate the Practice of Veterinary Medicine

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Short title

- 1** This Act may be cited as the *Veterinary Medicine Act*. 2001, c. 13, s. 1.

Interpretation

- 2** In this Act,
- “accreditation certificate” means a certificate issued by the Accreditation Committee in accordance with Part IV and the regulations;
- “animal” means a living being of the animal kingdom other than a human being;
- “animal-health technician” means a person who has completed a course of formal study or training approved by the Council;
- “approved veterinary college” means a university, college or school recognized by the Canadian Veterinary Medical Association;
- “Association” means the Nova Scotia Veterinary Medical Association;
- “bylaws” means bylaws made by the Council pursuant to this Act;
- “Canadian Free Trade Agreement” means the Canadian Free Trade Agreement between the Government of Canada and the governments of all the provinces of Canada signed in 2017, as amended from time to time;
- “client” means the owner of an animal or the agent of the owner of an animal;
- “Council” means the Council of the Association;
- “electronic means” means the use of telephone, television, video conferencing, cable, internet or any form of electronic or computerized communication for the delivery of the practice of veterinary medicine or for the conduct of meetings pursuant to this Act, the regulations or the bylaws;

“facility” means the place at or from which a person is engaging in the practice of veterinary medicine;

“former Act” means Chapter 490 of the Revised Statutes, 1989, the *Veterinary Medical Act*;

“general-practice licence” means a general-practice licence issued pursuant to this Act;

“inspector” means an inspector appointed by the Council pursuant to Part IV to conduct inspections of facilities;

“interim accreditation certificate” means an interim certificate issued by the Accreditation Committee in accordance with the provisions of Part IV and the regulations;

“licence” means a general-practice licence, a non-practicing licence or a temporary licence, as the context requires;

“member” means a person whose name appears on the Register and, for the purpose of the professional-conduct process, includes persons who were members of the Association at the time when the conduct in question in the professional-conduct process occurred;

“patient” means the animal who is the recipient or intended recipient of the practice of veterinary medicine from a member;

“practice of veterinary medicine” means the practice of veterinary medicine, surgery and dentistry, including the examining, diagnosing, manipulating and treating of patients for the prevention, alleviation or correction of a disease, injury, condition, deformity, defect or lesion in an animal with or without the use of any instrument, appliance, drug or biologics, and includes prescribing and dispensing medications, research, teaching and the giving of advice by electronic or any means, with respect to any of the foregoing, but does not include

(a) the furnishing, without remuneration, of first aid or temporary assistance to an animal in an emergency;

(b) in an agricultural setting, the treatment of an animal by its owner, by a member of the owner’s household or by a person regularly employed by the owner in agriculture;

(c) the treatment of an animal by an animal-health technician or a non-member employee of a licensed member, either of whom are acting under the supervision of a member who holds a general-practice licence;

(d) the castration of calves, pigs and lambs and the caponizing of poultry;

(e) the dehorning of cattle;

(f) the artificial insemination of any species of animal;

(g) the non-surgical implantation of an embryo, other than the synchronization of donor and recipient animals, superovulation and the collection, evaluation and processing of embryos;

(h) for greater certainty, the drawing of blood from animals by trained technical personnel employed by the Government of the Province or the Government of Canada;

(i) the use of an animal in research that is carried out using acceptable veterinary procedures if the use of the animal has been approved by an animal care committee acting in accordance with the guidelines of the Canadian Council of Animal Care, at least one member of which is a licensed veterinarian;

(j) the dispensing of medicines by pharmacists pursuant to the *Pharmacy Act*;

“preceptor” means a member who holds a general-practice licence and who is approved by the Council to supervise a qualified person;

“qualified person” means

(a) a student who is entitled to enroll in the final year of study at an approved veterinary college; or

(b) an applicant for registration who is a graduate of a veterinary college who has been accepted by the Canadian Veterinary Medical Association to write such qualifying examinations as determined by the Council;

“Registrar” means the Registrar who is appointed by the Council pursuant to this Act;

“regulations” means the regulations approved by the Governor in Council pursuant to this Act. 2001, c. 13, s. 2; 2018, c. 23, s. 25.

PART I

NOVA SCOTIA VETERINARY MEDICAL ASSOCIATION

Continuation of Association

3 The Nova Scotia Veterinary Medical Association, a body corporate, is continued. 2001, c. 13, s. 3.

Objects of Association

4 The objects of the Association are to serve and protect the public interest by

(a) regulating the practice of veterinary medicine through the establishment of registration, professional-conduct and facilities-inspection processes as set out in this Act, the regulations and the bylaws;

(b) establishing and promoting standards of professional practice and a Code of Ethics; and

(c) subject to clauses (a) and (b), advancing and promoting the practice of veterinary medicine. 2001, c. 13, s. 4.

Council

5 (1) The Association is governed by a Council composed of such number of persons as is determined by the bylaws.

(2) Notwithstanding subsection (1), at least one position on the Council shall be held by a non-veterinarian appointed by the Governor in Council.

(3) Members of the Council shall be elected or appointed in the manner prescribed by the bylaws.

(4) A majority of the members of the Council constitute a quorum.

(5) Persons appointed by the Governor in Council hold office until their successors are appointed or until such time as they are reappointed, notwithstanding that such appointment or reappointment does not occur until after their specified term of office is expired. 2001, c. 13, s. 5.

Council regulations

6 (1) Subject to the approval of the Governor in Council, the Council may make regulations not inconsistent with this Act to

(a) regulate the registration, licensing, professional-conduct and facilities-inspection processes;

(b) create one or more categories of membership and prescribe the rights, privileges, qualifications and obligations of the members of each category and the conditions for the entry and maintenance of members' names in each category;

(c) develop, establish and maintain standards for the practice of veterinary medicine;

(d) prescribe procedures related to the professional-conduct process and the reinstatement process, including prescribing powers of the Complaints Committee, the Professional Conduct Committee and the Reinstatement Committee and the authority to award such costs as are designated in the regulations;

(e) provide for the creation or adoption of a Code of Ethics;

(f) provide for the supervision of animal-health technicians by members who hold a general-practice licence;

(g) provide for the establishment of a register of animal-health technicians and for the governance and professional conduct of animal-health technicians;

(h) create one or more categories of facilities in or from which members may practise veterinary medicine;

(i) prescribe requirements for the issue of a corporate permit that will allow a corporation to carry on the practice of veterinary medicine in the Province, including regulations that

(i) prescribe the requirements for the renewal of such permit,

(ii) provide for the refusal, suspension, revocation, cancellation or reinstatement of such permit by the Council,

(iii) prescribe forms necessary or desirable to carry out the procedures relevant to corporations pursuant to this Act and the regulations,

- (iv) regulate the practice of veterinary medicine carried on by a corporation,
- (v) regulate the name under which a corporation may carry on the practice of veterinary medicine;
- (j) govern such other matters as the Council considers necessary or advisable for the effective discharge of its functions or the exercise of its powers.

(2) The exercise by the Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2001, c. 13, s. 6.

Council bylaws

7 (1) The Council may make bylaws not inconsistent with this Act or the regulations to

- (a) set out the composition of the Council and the manner of election or appointment of the Council members other than members appointed by the Governor in Council;
- (b) fix the method of setting registration, licensing and other fees payable to the Association and the penalty for default of payment thereof;
- (c) fix and regulate the time, place and conduct of annual and special meetings of the Association;
- (d) prescribe fees and expenses payable to persons sitting on the Council and other committees approved by the Council;
- (e) establish standards for each category of facility in or from which a member may engage in the practice of veterinary medicine;
- (f) define the duties of the officers of the Council;
- (g) govern the acquisition, management and disposal of the property and affairs of the Association, including the borrowing of money for the purposes of the Association, the giving of security for any money so borrowed on any of the real, personal or mixed property of the Association by way of mortgage, pledge, charge or otherwise, and the acquisition, holding and disposal of real and personal property or any part thereof;
- (h) prescribe the terms of office of the persons sitting on the Council and the manner in which vacancies on the Council may be filled;
- (i) make such bylaws as the Council considers necessary or advisable to carry out effectively the intent and purpose of this Act relating to corporations;
- (j) do all other things necessary for the administration of the affairs of the Association.

(2) No bylaw or amendment thereof comes into force unless and until it is approved by a two-thirds majority of the members who vote at a duly constituted annual general meeting of the Association. 2001, c. 13, s. 7.

PART II

REGISTRATION AND LICENSING

Deemed practice and non-practice

8 (1) A person in the Province who is engaged in the practice of veterinary medicine by electronic means to clients outside of the Province, is deemed to be practicing veterinary medicine in the Province.

(2) A person, other than a member, who resides outside of the Province and who engages in the practice of veterinary medicine by electronic means to clients within the Province is deemed not to be practicing veterinary medicine in the Province. 2001, c. 13, s. 8.

Registrar

9 (1) The Council shall appoint a Registrar who shall perform the duties as set out in this Act, the regulations and the bylaws, together with such other duties as are assigned by the Council.

(2) The Registrar is a member of the Council but is not entitled to vote. 2001, c. 13, s. 9.

Register

10 (1) The Registrar shall keep and maintain, in accordance with this Act and the regulations, a Register.

(2) The Registrar shall enter in the Register the names of all persons who qualify for registration pursuant to this Act and the regulations.

(3) The Council may cause any name or entry in the Register to be removed in the circumstances set out in the regulations. 2001, c. 13, s. 10.

Licences

11 In order to satisfy the labour-mobility provisions of the Canadian Free Trade Agreement, and to otherwise satisfy the objects of the Association,

(a) an applicant whose name is entered in the Register shall be issued a general-practice licence to practise veterinary medicine if the applicant meets the criteria set out in the regulations for such licence;

(b) an applicant whose name is entered in the Register shall be issued a non-practicing licence if the applicant meets the criteria set out in the regulations for such licence;

(c) an applicant whose name is entered in the Register shall be issued a licence as a life member if the applicant meets the criteria set out in the regulations for such licence; and

(d) an applicant who meets the criteria set out in the regulations for the issuing of a temporary licence shall be issued a temporary licence to practise veterinary medicine in accordance with the conditions or limitations set out in the temporary licence. 2001, c. 13, s. 11; 2018, c. 23; s. 26.

Appeals

12 (1) The Registrar shall give to an applicant who is refused registration or a licence or a corporate permit the reasons for the refusal in writing and the applicant may, by written notice, appeal the Registrar's decision to the Council.

(2) Upon receipt of an appeal pursuant to subsection (1), the Council shall

(a) set a date for the hearing of the appeal, which must not be later than 60 days following receipt of the written notice of appeal;

(b) serve written notice of the date, time and place of the hearing of the appeal upon the applicant and the Registrar; and

(c) advise the applicant of the right to be represented by counsel at the expense of the applicant.

(3) When hearing an appeal, the Council, in accordance with the information it receives, may make any determination that, in its opinion, ought to have been made by the Registrar.

(4) The Council shall give its decision in writing and shall send to the applicant a copy of the written decision by registered mail or personal service.

(5) The decision of the Council is final. 2001, c. 13, s. 12.

Preceptors

13 (1) Upon receipt of an application from a qualified person, the Council shall appoint a preceptor for such qualified person, for a period not to exceed six months, unless otherwise determined by the Council.

(2) The preceptor shall supervise the practice of veterinary medicine by the qualified person.

(3) Such supervision includes the monitoring of the competence of the qualified person, the assignment of tasks to the qualified person and the assumption of the responsibility for the actions of the qualified person while under the supervision of the preceptor. 2001, c. 13, s. 13.

Prohibitions

14 (1) Subject to subsection (2), no person shall engage in the practice of veterinary medicine or purport to engage in the practice of veterinary medicine, or hold out that such person is entitled to engage in the practice of veterinary medicine,

(a) through or in the name of a corporation;

(b) through or in the name of a partnership or association consisting of two or more members;

(c) as an employee of a corporation or a partnership or an association; or

(d) as a sole proprietor,

unless that person holds a general-practice licence.

- (2) Subsection (1) does not apply to
- (a) a qualified person who is engaging in the practice of veterinary medicine under the supervision of a preceptor;
 - (b) for greater certainty, a person who is employed as a veterinarian by the Government of Canada who is not required by the Government of Canada to be registered in the Province, while engaged in the practice of veterinary medicine in the Province to the extent required by such employment; or
 - (c) a person who holds a temporary licence to practise veterinary medicine pursuant to the terms and conditions set out in the regulations.

(3) No person shall hold out that such person is a specialist in any particular field of veterinary medicine unless that person is approved as such a specialist by the Council in accordance with criteria established by resolution of the Council.

(4) A person who does not hold a general-practice licence shall not engage in the practice of veterinary medicine in the public service of the Province. 2001, c. 13, s. 14.

Corporations

15 (1) Notwithstanding Section 14 and subject to subsections (2) to (5), a corporation may engage in the practice of veterinary medicine if the corporation holds a corporate permit issued in accordance with the regulations.

(2) The majority of the issued voting shares of a corporation engaged in the practice of veterinary medicine, representing a majority of the voting control of the corporation, must be beneficially owned by one or more members who hold a general-practice licence.

(3) A majority of the directors and officers of a corporation engaged in the practice of veterinary medicine must each hold a general-practice licence.

(4) Notwithstanding subsection (2), issued voting shares may be legally and beneficially owned by a corporation of which

- (a) all of the issued voting shares are legally and beneficially owned by one or more members who each hold a general-practice licence, or by a trust of which all of the trustees and beneficiaries each hold a general-practice licence; and
- (b) the majority of the officers and directors each hold a general-practice licence.

(5) Notwithstanding any other Section of this Act or the regulations, in the event that a member dies, becomes incompetent, ceases to hold a general-practice licence or is suspended at any time while such member holds shares in a corporation referred to in subsection (1), the corporation is authorized to continue to engage in the practice of veterinary medicine for a period not exceeding one year, unless otherwise determined by the Council. 2001, c. 13, s. 15.

Individual liability unaffected

16 (1) The relationship of a member to a corporation that is engaged in the practice of veterinary medicine, whether as a shareholder, director, officer or employee, does not affect, modify or diminish the application to the member of this Act, the regulations and the bylaws.

(2) The liability of an individual arising from that individual or any other individual engaging in the practice of veterinary medicine, or any other practices authorized under this Act, is not affected by reason only that the services are provided by a corporation.

(3) Nothing in this Act affects, modifies or limits any law, standard of practice or the Code of Ethics applicable to or required of members. 2001, c. 13, s. 16.

Limits on practice

17 (1) Where the right of a member to engage in the practice of veterinary medicine has been limited by the imposition of conditions or restrictions pursuant to this Act or the regulations, particulars of all conditions or restrictions imposed on such member must be noted on the member's licence during any time when such conditions or restrictions apply.

(2) Where, pursuant to the laws of another jurisdiction, conditions or restrictions have been placed on the licence of an applicant for registration and licensing in the Province, such conditions or restrictions continue to apply in the Province until the expiry of such conditions or restrictions. 2001, c. 13, s. 17.

Duty to revoke

18 The Registrar shall cause the revocation of the licence of a member in such circumstances as are set out in the regulations. 2001, c. 13, s. 18.

Offence and penalty

19 (1) In this Section and Section 20, "person" includes a corporation, partnership or association consisting of two or more members, or a sole proprietor.

(2) Every person who

(a) knowingly furnishes false information on any application or any statement required to be furnished under this Act or the regulations; or

(b) otherwise contravenes this Act, the regulations or the bylaws,

is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

(3) The *Summary Proceedings Act* applies in addition to any penalty otherwise provided for in this Act and the regulations.

(4) All fines and penalties payable under this Act or under the *Summary Proceedings Act* as a result of a prosecution by or on behalf of the Association belong to the Association.

(5) Any information to be laid pursuant to this Act or the *Summary Proceedings Act* may be laid by the Registrar or any member of the Association authorized by the Council.

(6) In a prosecution for an offence contrary to this Act, the regulations or the bylaws, the onus to prove that a person accused of an offence has the right to engage in the practice of veterinary medicine, or that a person comes within any of the exemptions provided by this Act, is on the person accused.

(7) Where a violation of this Act, the regulations or the bylaws by a person continues for more than one day, the person is guilty of a separate offence for each day that the violation continues.

(8) For the purpose of this Act, proof of the performance of one act in the practice of veterinary medicine on one occasion is sufficient to establish that a person has engaged in the practice of veterinary medicine. 2001, c. 13, s. 19.

Injunctions

20 (1) In the event of a threatened or continuing violation of this Act, the regulations or the bylaws, the Council may apply to a judge of the Supreme Court of Nova Scotia for an injunction to restrain the person from continuing or committing the violation and the judge, where the judge considers it to be just, may grant such an injunction.

(2) A judge of the Supreme Court of Nova Scotia may, on application, grant an interim injunction pending the hearing of an application for an injunction pursuant to subsection (1) where the judge is satisfied that there is reason to believe that a person is likely to commit or is continuing to commit a violation of this Act or the regulations.

(3) A judge may make such order as to costs as the judge considers proper in any proceedings pursuant to this Section. 2001, c. 13, s. 20.

PART III

PROFESSIONAL CONDUCT

Interpretation

21 In this Part,

“complainant” means a person who has submitted a complaint against a member;

“complaint” means a notification in writing to the Association from any person indicating potential professional misconduct, conduct unbecoming the profession, incompetence or incapacity by a member or a person holding a temporary licence;

“disciplinary finding” means a finding against a respondent of professional misconduct, conduct unbecoming the profession, incompetence or incapacity;

“incapacity” means the status whereby a respondent is suffering, or at the time of the matters giving rise to the complaint, was suffering from a physical or emotional condition, disorder or addiction that may endanger the health or safety of animals or clients, or that makes it desirable in the interest of the public to involve the respondent in the professional conduct process;

“incompetence” means the display of lack of knowledge, skill or judgement in the respondent’s practice of veterinary medicine services that, having regard to all of the circumstances, renders the respondent unsafe to practise or unsafe to practise without remedial assistance, or that makes it desirable in the interest of the public to involve the member in the professional-conduct process;

“investigator” means a person designated by the Chair of the Complaints Committee to conduct an investigation into a complaint;

“party” means the Association or the respondent, as the context requires;

“professional-conduct process” means the processes and procedures set out in this Part and in such of the regulations that deal with professional-conduct issues;

“professional misconduct” includes such conduct or acts relevant to the practice of veterinary medicine that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional and, without limiting the generality of the foregoing, may include

- (a) failing to maintain standards of practice;
- (b) failing to uphold the Code of Ethics adopted by the Association;
- (c) abusing a person verbally, physically, emotionally or sexually;
- (d) abusing an animal;
- (e) falsifying records;
- (f) publishing or causing to be published any advertisement that is false, fraudulent, deceptive or misleading;
- (g) engaging or assisting in fraud, misrepresentation, deception or concealment of a material fact when applying for or securing registration or a licence, or the taking of any examinations provided for in this Act or the regulations, including using fraudulently procured credentials;

“respondent” means the person who is the subject of a complaint;

“settlement proposal” means a proposal for the settlement of a complaint as prescribed in the regulations. 2001, c. 13, s. 21.

Complaints Committee

22 (1) The Council shall appoint a Complaints Committee composed of such number of members and non-members as is determined by Council.

(2) The Council shall appoint a Chair and a Vice-chair of the Complaints Committee.

(3) The Vice-chair shall act as Chair in the absence of the Chair.

(4) Whenever for any reason neither the Chair nor the Vice-chair are available for a meeting, the Council may, for the purpose of such meeting, appoint a member of the Complaints Committee as Acting Chair of the Complaints Committee.

(5) The Chair of the Complaints Committee shall appoint a panel from the Complaints Committee, in accordance with the regulations, to act as the Complaints Committee for the purpose of the professional-conduct process with respect to a particular complaint.

(6) Where a proceeding is commenced before the Complaints Committee and the term of office of any person sitting on the panel of the Complaints Committee has expired, such person remains part of the Complaints Committee until the proceeding is concluded.

(7) Failure of one or more members of the Complaints Committee to receive any notice of a meeting does not invalidate the proceedings thereat, and nothing herein precludes members of the Complaints Committee from waiving notice of meetings. 2001, c. 13, s. 22.

Investigations

23 (1) Upon receipt of a complaint, the Registrar shall advise the Chair of the Complaints Committee of the complaint.

(2) The Chair of the Complaints Committee shall appoint an investigator to conduct an investigation in accordance with the regulations.

(3) Upon concluding the investigation, the investigator shall prepare a written report of the investigation and forward it to a panel of the Complaints Committee. 2001, c. 13, s. 23.

Procedure by panel

24 (1) Upon receipt of the results of an investigation from an investigator, a panel of the Complaints Committee shall dispose of the matter in accordance with the regulations.

(2) The panel of the Complaints Committee shall give its decision in writing and shall send a copy of the written decision, by registered mail or personal service, to the respondent, the complainant, the Registrar and such other persons as the panel determines.

(3) In a proceeding before a panel of the Complaints Committee, the member has the right to

- (a) be represented by legal counsel at the member's expense;
- (b) disclosure of the complaint, any written reports of the investigator provided to the panel and any other document produced or received by the panel; and
- (c) a reasonable opportunity to present a response and make submissions. 2001, c. 13, s. 24.

Suspension pending investigation

25 A panel of the Complaints Committee, acting in good faith and in the public interest, may, at its discretion, direct the Registrar to suspend a member from the practice of veterinary medicine pending or following the completion of the investigation until the suspension is lifted, superseded or annulled by a panel of the Complaints Committee or the Professional Conduct Committee, as the case may be. 2001, c. 13, s. 25.

Professional Conduct Committee

26 (1) The Council shall appoint a Professional Conduct Committee composed of such number of members and non-members as is determined by the Council.

(2) The Council shall appoint a Chair and a Vice-chair of the Professional Conduct Committee.

(3) The Vice-chair shall act as Chair in the absence of the Chair.

(4) Where for any reason neither the Chair nor the Vice-chair are available for a meeting or a hearing, the Council may, for the purpose of such meeting or hearing, appoint a member of the Professional Conduct Committee as Acting Chair of the Professional Conduct Committee.

(5) The Chair of the Professional Conduct Committee shall appoint a panel from the Professional Conduct Committee, in accordance with the regulations, to act as the Professional Conduct Committee for the purpose of the professional-conduct process with respect to a particular complaint.

(6) No person on the Professional Conduct Committee may concurrently serve on the Complaints Committee.

(7) Where a proceeding is commenced before the Professional Conduct Committee and the term of office of any person sitting on the Professional Conduct Committee has expired, such person may remain part of the Professional Conduct Committee until the proceeding is concluded.

(8) Failure of one or more Professional Conduct Committee members to receive any notice of a meeting does not invalidate the proceedings thereat, and nothing herein precludes Committee members from waiving notice of meetings or hearings. 2001, c. 13, s. 26.

Power of Committee

27 (1) Where the Complaints Committee refers a matter to the Professional Conduct Committee, the Chair of the Professional Conduct Committee shall appoint the panel pursuant to subsection 26(5).

(2) The panel of the Professional Conduct Committee shall, within 30 days from the date of the referral, fix a date, time and place for holding the hearing, which must commence not later than 90 days from the date of the referral by the Complaints Committee, or such later date as the respondent and the Association may agree or the Professional Conduct Committee may order.

(3) A notice of hearing, containing such information as required by the regulations, must be forwarded to the respondent and the complainant at least 30 days before the hearing. 2001, c. 13, s. 27.

Settlement proposals

28 Where the Complaints Committee refers a matter to the Professional Conduct Committee, the Complaints Committee, before the commencement of a hearing by the Professional Conduct Committee, may enter into a settlement proposal with the respondent, and the proposal must be dealt with in accordance with the regulations. 2001, c. 13, s. 28.

Public Inquiries Act powers

29 Each person on the Professional Conduct Committee has all the rights, powers and privileges of a commissioner appointed pursuant to the *Public Inquiries Act*. 2001, c. 13, s. 29.

Conduct of hearings

30 (1) A hearing held by the Professional Conduct Committee must be conducted in accordance with the regulations.

(2) In a proceeding before the Professional Conduct Committee, the parties have the right to

- (a) be represented by legal counsel;
- (b) present evidence and make submissions, including cross-examine witnesses; and
- (c) receive written reasons for a decision within a reasonable time.

(3) Evidence is not admissible before the Professional Conduct Committee unless the opposing party has been given, at least 10 days before the hearing,

- (a) in the case of written or documentary evidence, an opportunity to examine the evidence;
- (b) in the case of evidence of an expert, a copy of the expert's written report or, if there is no written report, a written summary of the evidence; or
- (c) in the case of evidence of a witness, the identity of the witness.

(4) Notwithstanding subsection (3), the Professional Conduct Committee may, in its discretion, allow the introduction of evidence that would be otherwise inadmissible by virtue of subsection (3) and may make directions it considers necessary to ensure that a party is not prejudiced. 2001, c. 13, s. 30.

Manner of disposing of matter

31 Where the Professional Conduct Committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity, the Professional Conduct Committee shall dispose of the matter or matters in accordance with the regulations. 2001, c. 13, s. 31.

Reinstatement

32 (1) The Council shall appoint a Reinstatement Committee, composed of not fewer than three and not more than five members of Council, at least one of whom is a non-member.

(2) The Council shall appoint the Chair of the Reinstatement Committee.

(3) The Reinstatement Committee shall perform such duties as set out in this Act and the regulations.

(4) The quorum of the Reinstatement Committee consists of three members of such Committee, regardless of whether such persons are members or non-members of the Association.

(5) Unless otherwise ordered by the Professional Conduct Committee, any member whose licence or registration has been revoked by the Professional Conduct Committee may apply to the Reinstatement Committee in writing for reinstatement, at any time following two years from the date of the revocation, and the burden of proof is on the respondent to prove to the satisfaction of the Reinstatement Committee that the objects of the professional-conduct process will be served by terminating the order for revocation.

(6) Applications for reinstatement must proceed in accordance with the regulations.

(7) Where a member's licence has been reinstated pursuant to this Section, the Reinstatement Committee, in its discretion, shall determine whether publication of the reinstatement is required in the interest of the public. 2001, c. 13, s. 32.

Effect of revocation or limitations

33 (1) Where the registration of a respondent is revoked, or a licence is suspended, restricted, reinstated, or where conditions are imposed on a licence,

(a) the Registrar shall make the appropriate entries in the Register, in the records of the Association and on the licence, where applicable;

(b) the respondent's name, address, provision of this Act or the regulations under which the disciplinary finding has been made, the date of the decision and the decision or summary of the

decision must be published in an official publication of the Association or such other publication as may be determined by the Professional Conduct Committee;

(c) the Registrar shall notify registering bodies in other Canadian jurisdictions, as well as the original jurisdiction and other known jurisdictions where the respondent has worked;

(d) the Registrar shall notify the current employer or partners of the respondent, and such other members who work with the respondent, if considered necessary by the Professional Conduct Committee or Reinstatement Committee, as applicable; and

(e) the Professional Conduct Committee or Reinstatement Committee, as applicable, may inform or direct the Registrar to inform other persons of the respondent's name and the decision of the Professional Conduct Committee or Reinstatement Committee.

(2) Where a reprimand has been issued and the time for filing of an appeal has expired or the appeal has been disposed of, the Professional Conduct Committee, in its discretion, may inform, or direct the Registrar to inform, other persons of the respondent's name and the reasons for the reprimand. 2001, c. 13, s. 33.

Restoration of licence

34 (1) Where the period of suspension of a member has expired, or the conditions imposed on the member have been satisfied, or the restrictions imposed on the member have been removed, the Registrar shall restore the licence to the member in the form it existed prior to the decision of the Professional Conduct Committee, if the member otherwise meets the criteria for the issuing of a licence, but, where the licence has expired, the member shall pay the prescribed fee and meet all requirements for renewal of the licence prior to its reissue.

(2) Where action has been taken pursuant to subsection (1),

(a) the Registrar shall make the appropriate entries in the records of the Association;

(b) where registering bodies in other Canadian jurisdictions had previously been informed of the suspension, conditions or restrictions, the Registrar shall notify such registering bodies of the lifting of such suspension, conditions or restrictions;

(c) the Registrar shall notify the current employer or partners of the respondent, or such other veterinarians who work with the respondent, if considered necessary by the Professional Conduct Committee; and

(d) the Professional Conduct Committee, in its discretion, may inform or direct the Registrar to inform other persons of the lifting of the suspension, conditions or restrictions. 2001, c. 13, s. 34.

Expert assistance

35 For the purpose of the execution of their duties under this Act, the Association, the Complaints Committee, the Professional Conduct Committee or the Reinstatement Committee may retain such legal or other assistance as the Association or the committee may think necessary or proper, and the costs of such legal

or other assistance may be included in whole or in part, in an award of costs by the Professional Conduct Committee or the Reinstatement Committee. 2001, c. 13, s. 35.

Appeal to Court of Appeal

36 (1) A party may appeal on any point of law from the findings of a Professional Conduct Committee to the Nova Scotia Court of Appeal.

(2) The notice of appeal shall be filed at the Nova Scotia Court of Appeal and served upon the other party not later than 30 days after service of the decision of the Professional Conduct Committee.

(3) The record on appeal from the findings of the Professional Conduct Committee consists of a copy of the transcript of the proceedings, the decision of the Committee and the evidence before the Committee certified by the Chair of the Committee.

(4) The *Civil Procedure Rules* governing appeals from the Supreme Court of Nova Scotia to the Nova Scotia Court of Appeal that are not inconsistent with this Act apply with necessary changes to appeals to the Nova Scotia Court of Appeal pursuant to this Section.

(5) Where a matter is appealed to the Nova Scotia Court of Appeal pursuant to this Section, the Court of Appeal may, pending its decision, grant a stay of any order made pursuant to this Act where, in its discretion, it considers it fit. 2001, c. 13, s. 36.

PART IV

ACCREDITATION OF FACILITIES

Limitation on right to practice

37 (1) Subject to subsection (2), a member may engage in the practice of veterinary medicine only in or from a facility that holds a current accreditation certificate or an interim accreditation certificate.

(2) Subsection (1) and Section 38 do not apply to

(a) for greater certainty, a member employed by the Government of the Province while in the course of such employment;

(b) a member employed in an animal care facility of such educational institutions as may be approved by Council; or

(c) a person who is employed as a veterinarian by the Government of Canada who is not required by the Government of Canada to be registered in the Province, while engaged in the practice of veterinary medicine in the Province to the extent required by such employment. 2001, c. 13, s. 37.

Approval

38 (1) A member may only engage in the scope of practice of veterinary medicine that is approved for the particular category of facility or facilities in or from which the member is practicing.

(2) The categories of facilities and the scopes of practice of veterinary medicine within each category of facility shall be as set out in the regulations. 2001, c. 13, s. 38.

Accreditation Committee

39 (1) The Council shall appoint an Accreditation Committee composed of such number of members as is determined by Council, none of whom shall be serving members of Council.

(2) The Council shall appoint the Chair of the Accreditation Committee.

(3) The term of office of members of the Accreditation Committee shall be determined by the Council.

(4) The Accreditation Committee shall perform such functions as are set out in this Act, the regulations and the bylaws.

(5) A quorum of the Accreditation Committee consists of three persons. 2001, c. 13, s. 39.

Inspector

40 (1) The Accreditation Committee shall appoint an inspector to conduct an inspection of a facility that is seeking an accreditation certificate or an interim accreditation certificate.

(2) The inspector shall perform such duties as are set out in this Act, the regulations and the bylaws.

(3) The inspector may be a member of the Accreditation Committee. 2001, c. 13, s. 40.

Accreditation Appeal Committee

41 (1) The Council shall appoint an Accreditation Appeal Committee consisting of three members of Council.

(2) The Accreditation Appeal Committee shall perform such duties as are set out in this Act, the regulations and the bylaws.

(3) A member or members practising or seeking to practise in or from a facility for which an accreditation certificate or an interim accreditation certificate has been denied, may, within 10 days from the date of receipt of notification of such denial, file an appeal with the Registrar.

(4) The Registrar shall immediately forward the appeal to the Accreditation Appeal Committee.

(5) Upon receipt of an appeal pursuant to subsection (4), the Accreditation Appeal Committee shall determine a date for the hearing of the appeal and provide notification of the date and place of the appeal to the parties to the appeal.

(6) The parties to the appeal shall be the Accreditation Committee and the member or members bringing the appeal. 2001, c. 13, s. 41.

Coming into effect of decision

42 (1) Where a matter is appealed to the Accreditation Appeal Committee pursuant to this Act, the decision of the Accreditation Committee takes effect immediately unless the Accreditation Appeal Committee grants a stay of the decision of the Accreditation Committee where, in its discretion, it considers it fit to do so.

(2) In the event the Accreditation Appeal Committee grants a stay of the decision of the Accreditation Committee, it shall immediately notify the Registrar of such decision. 2001, c. 13, s. 42.

Effect of appeal

43 (1) In the case of an appeal from a denial of an accreditation certificate, upon the expiration of the 10 day appeal period set out in subsection 41(3), and if no notice of appeal has been filed, the Registrar shall publish notification of the withdrawal of the accreditation certificate in such newspaper or other publication as considered appropriate by the Accreditation Committee in order to inform the public of the withdrawal of the accreditation certificate.

(2) Where the Registrar has received a notice of appeal pursuant to subsection 41(3), the Registrar shall refrain from publishing the notification of the withdrawal of the accreditation certificate in such newspaper or other publication as considered appropriate, until such time as the Accreditation Appeal Committee has determined whether to grant a stay of the decision of the Accreditation Committee.

(3) Where no stay is granted, the Registrar shall publish such notification in such newspaper or other publication as considered appropriate by the Accreditation Committee in order to inform the public of the withdrawal of the accreditation certificate.

(4) Where a stay is granted, no publication concerning the decision of the Accreditation Committee may be made until such time as the appeal has been heard and disposed of. 2001, c. 13, s. 43.

Process and procedures

44 The process and procedures regarding application for accreditation certificates and interim accreditation certificates, and the expiration of such certificates, is as set out in the regulations. 2001, c. 13, s. 44.

PART V

GENERAL

Immunity from liability

45 The Association, the Council and all committees of the Council are not liable for any loss or damage suffered by any person as a result of anything done

by it or them in good faith in the administration of this Act, the regulations or the bylaws. 2001, c. 13, s. 45.

Personal immunity from liability

46 No member of the Association is personally liable for any of the debts or liabilities of the Association unless such member expressly agrees to be so liable. 2001, c. 13, s. 46.

CHAPTER V-6

An Act to Provide Rights and Services to Victims of Crime

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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 *Victim Rights and Services Act*. 1989, c. 14, s. 1.

Interpretation

2 In this Act,

“child” includes an illegitimate child and a child to whom a victim stands *in loco parentis*;

“dependant” means a spouse, child or other relative of a person killed in the circumstances set out in clause 12(1)(a), (b) or (c) who was, in whole or in part, dependent upon that person for support at the time of that person’s death, and includes a child of that person born after that person’s death;

“Director” means the Director of Victim Services;

“Fund” means the Victims’ Assistance Fund established by this Act;

“injury” means actual bodily harm, mental or nervous shock, pain or suffering;

“offence” means a contravention of an enactment of the Province or of the Parliament of Canada;

“peace officer” means a peace officer as defined in the *Criminal Code* (Canada);

“sentence” includes a disposition under the *Youth Criminal Justice Act* (Canada) or the *Youth Justice Act*;

“victim” means an individual who has suffered bodily harm, mental or nervous shock, pain, suffering, economic loss or deprivation of property as the result of an act or omission that forms the basis of an offence, and includes, where the individual is dead, ill or otherwise incapable of exercising the rights granted by this Act, the spouse or next of kin of that person or anyone who has, in law or in fact, the custody or guardianship of that person or who is responsible for the care or support of that person. 1989, c. 14, s. 2; 1992, c. 36, s. 1.

Victim rights

3 (1) A victim has

- (a) the right to be treated with courtesy, compassion and dignity and with respect for the privacy of the victim;
- (b) the right to access to social, legal, medical and mental health services that are responsive to the needs of the victim and the needs of the victim’s dependants, spouse or guardian; and
- (c) the right to have property stolen from a victim returned to the victim as soon as possible.

(2) Subject to the limits imposed by the availability of resources and to any other limits that are reasonable in the circumstances of each case, a victim has

- (a) the right to be informed of
 - (i) the name of the accused,
 - (ii) the specific offence with which the accused is charged,
 - (iii) the scope, nature, timing and progress of the prosecution of the offence,
 - (iv) the role of the victim and of other persons involved in the prosecution of the offence and of any opportunity to make representations on restitution and the impact of the offence on the victim,
 - (v) court procedures, and
 - (vi) crime prevention measures;
- (b) the right to be informed by law enforcement, court, health and social-services personnel, at the earliest practical opportunity

nity, of the services, remedies and mechanisms to obtain remedies available to a victim; and

(c) while waiting to give evidence at a proceeding in respect of an offence, the right to be kept apart, where necessary, from the accused and the accused's witnesses to ensure the safety of the victim and the victim's family and to protect them from intimidation and retaliation. 1989, c. 14, s. 3.

Director of Victim Services

4 (1) A Director of Victim Services must be appointed in the Department of Justice, in accordance with the *Civil Service Act*.

(2) The Director shall

(a) make recommendations to the Attorney General on

(i) expenditures from the Fund,

(ii) policies respecting victim services, and

(iii) any other matter within the scope of this Act that the Attorney General refers to the Director for the Director's recommendation;

(b) work with prosecuting officers, law-enforcement agencies, courts, social agencies and other organizations that serve victims in order to develop programs that promote the rights set out in this Act;

(c) promote research into and the distribution of information concerning victim services, needs and concerns; and

(d) review the operation, development and cost of victim services and research projects for which money from the Fund is being received or sought.

(3) The Director may receive from any person, organization or institution applications and submissions relating to

(a) the needs and concerns of victims;

(b) the provision and funding of research and services relating to victims. 1989, c. 14, s. 4; 1992, c. 36, s. 2.

Advisory Committee

5 (1) The Attorney General may appoint an advisory committee to advise the Attorney General on matters relating to victims and victims' rights.

(2) The advisory committee shall be composed of not fewer than seven and not more than 15 members appointed by the Governor in Council, which include at least two victims of crime and representation from law-enforcement agencies, prosecuting officers, the judiciary and members of the Nova Scotia Barristers' Society who are not employed by the Province and who have experience as defence counsel. 1989, c. 14, s. 5.

Victims' Assistance Fund

6 A fund to be known as the Victims' Assistance Fund is established. 1989, c. 14, s. 6.

Victim-fine surcharge

7 (1) Where a fine is imposed on a person pursuant to a Provincial enactment, the person shall, in addition to the fine, pay to the court imposing the fine a victim-fine surcharge equal to the amount determined by multiplying the fine by a percentage prescribed by the regulations.

(2) Where a person is convicted of an offence but no fine is imposed in respect of the offence, the victim-fine surcharge pursuant to subsection (1) is as prescribed by the regulations.

(3) Subsections (1) and (2) do not apply

(a) where a fine is imposed on a person pursuant to the *Youth Justice Act*;

(b) in respect of a parking offence; or

(c) to an enactment prescribed by the regulations as an enactment to which this Act does not apply.

(4) Where a person referred to in subsection (1) or (2) establishes, to the satisfaction of the court imposing the fine or entering the conviction, that undue hardship to that person or the dependants of that person would result from the imposition of a victim-fine surcharge, the court may, by order, exempt that person from the surcharge or part of the surcharge.

(5) The court shall provide reasons for an order made pursuant to subsection (4). 1989, c. 14, s. 7.

Treatment of certain funds

8 Money from any person or source made payable to the Fund must be credited to the Fund and money received that is subject to trust conditions must be disbursed pursuant to those conditions. 1989, c. 14, s. 8.

Authorized expenditures

9 Subject to any trust conditions under which money is received into the Fund, the Governor in Council may authorize expenditures from the Fund for

(a) promotion and delivery of victim services;

(b) research into victim services, needs and concerns;

(c) distribution of information respecting victim services, needs and concerns;

(d) any other purpose the Governor in Council considers necessary for carrying out the purpose and promoting the rights set out in this Act. 1989, c. 14, s. 9.

Restriction on use of and grant from Fund

10 (1) The Fund must not be used to provide direct compensation to individual victims.

(2) An application for a grant from the Fund must be submitted to the Director for a recommendation as to whether the grant should be made. 1989, c. 14, s. 10; 1992, c. 36, s. 3.

Control of Fund

11 (1) The Fund is under the control and supervision of the Minister of Finance and Treasury Board and must be held in trust for the purpose of this Act in a special account in the General Revenue Fund.

(2) The Minister of Finance and Treasury Board may make payments from the Fund in accordance with an authorization granted pursuant to Section 9.

(3) Where at any time the balance to the credit of the Fund or the amount received subject to trust conditions is in excess of the amount that is required for the immediate purposes of this Act or the trust conditions, the Minister of Finance and Treasury Board may invest the excess and any income therefrom must be credited to the Fund.

(4) Money that is received for or otherwise credited to the Fund must be deposited with the Minister of Finance and Treasury Board for the account of the Fund.

(5) The Minister of Finance and Treasury Board shall annually make a report to the House of Assembly showing the condition of the Fund. 1989, c. 14, s. 11.

Persons to whom compensation payable

12 (1) Where a person is injured or killed by an act or omission in the Province of another person occurring in or resulting from

(a) the commission of an offence within the description of any criminal offence mentioned in the regulations;

(b) lawfully arresting or attempting to arrest any offender or suspected offender, or assisting a peace officer in making or attempting to make an arrest; or

(c) lawfully preventing or attempting to prevent the commission of any offence or suspected offence, or assisting a peace officer in preventing or attempting to prevent the commission of such offence or suspected offence,

the Director, on application to the Director in accordance with the regulations and on consideration of such evidence as the Director may require, may, as the Director considers proper, award compensation to

(d) the person injured or killed or that person's estate;

(e) a person who is responsible for the maintenance of the person injured;

- (f) the dependants, or any of them, of the person killed;
- (g) a person who was responsible for the maintenance of the person killed immediately before the person's death.

(2) Subsection (1) does not apply in respect of the injury or death of a peace officer occurring under circumstances entitling the peace officer or the peace officer's dependants to compensation payable out of public money pursuant to any other Act of the Province or of the Parliament of Canada or payable by an organization that is supported in whole or in part by public funds.

(3) The Director may determine that a man and a woman were spouses of each other for the purpose of this Act where the Director finds that

- (a) although not married, they cohabited as husband and wife and were known as such in the community where they lived; and
- (b) the relationship was of some permanence.

(4) Where a claim is for less than \$250 or such lesser amount as is determined by the regulations, no application shall be entertained by the Director and where the award determined is less than \$250 or such lesser amount as is determined by the regulations no award shall be made. 1992, c. 36, s. 4; 2000, c. 4, s. 86.

Time for application

13 (1) An application for compensation must be made within one year after the date of the injury or death but the Director, before or after the expiry of the one-year period, may extend the time for such further period as the Director considers warranted.

(2) Notwithstanding subsection (1), an application for compensation in respect of a sexual assault may be made at any time if at the time of the sexual assault a person committing the sexual assault was

- (a) in a position of trust or authority with respect to the injured person;
- (b) a person upon whom the injured person was financially, emotionally, physically or otherwise dependent; or
- (c) a person having charge of the injured person.

(3) The one-year period referred to in subsection (1) does not commence until

- (a) where at the time of the injury the injured person had not attained the age of majority, the injured person attains the age of majority or has a guardian *ad litem* appointed, whichever is earlier; or
- (b) where at the time of the injury the injured person is, or was rendered as a result of the injury,
 - (i) mentally incompetent,
 - (ii) of unsound mind, or

(iii) incapable of pursuing the claim because of a physical, mental or psychological condition or physical restraint,

the condition terminates or the injured person has a guardian *ad litem* appointed, whichever is earlier. 1992, c. 36, s. 4.

Determination of award by Director

14 (1) In determining whether to award compensation and the amount thereof, the Director shall consider and take into account all such circumstances as the Director considers relevant to the making of the award and, without limiting the generality of the foregoing, the Director shall consider and take into account any behaviour of the person injured or killed that directly or indirectly contributed to that person's injury or death.

(2) The Director may decline to make an award for compensation if the person injured does not co-operate fully with the Director and, in particular, if that person refuses to submit to a medical examination by a duly qualified medical practitioner appointed by the Director.

(3) The Director may decline to make an award for compensation if the person injured fails to report the offence within a reasonable period of time to, or refuses reasonable co-operation with, a law enforcement agency. 1992, c. 36, s. 4.

Deductions from award

15 Subject to the regulations, in determining the amount of compensation, if any, to be awarded to an applicant, the Director shall deduct

(a) any amount recovered from the person whose act or omission resulted in the injury or death, whether as damages or compensation, pursuant to an action at law or otherwise; and

(b) any benefits received or to be received

(i) by the person injured in respect of the injury,

(ii) by the person who is responsible for the maintenance of the person injured, or

(iii) by the applicant in respect of the death of the person killed, pursuant to an Act of the Parliament of Canada, of the Province or of any other province other than benefits under a pension plan or program pursuant to such an Act. 1992, c. 36, s. 4.

Manner of payment

16 The Director may award compensation to be paid in a lump sum or in periodic payments, or both, as the Director thinks fit. 1992, c. 36, s. 4.

Terms and conditions of award

17 (1) An award of compensation may be made subject to such terms and conditions as the Director thinks fit

(a) with respect to the payment, disposition, allotment or apportionment of the compensation; or

(b) as to the holding of the compensation or any part thereof in trust for the person injured or the dependants, or any of them, of the person killed whether as a fund for a class or otherwise.

(2) Where a person entitled to an award pursuant to this Act is under the age of majority, is of unsound mind or, in the opinion of the Director, is incapable of managing that person's own affairs, any amount payable to that person may be paid on that person's behalf to that person's parent, spouse or guardian or to the Public Trustee or may be paid to such other person or applied in such manner as the Director considers in the best interest of such person, and amounts so paid must be received and administered by the payee for the benefit of the person. 1992, c. 36, s. 4; 2000, c. 4, s. 88.

Written reasons

18 Where the Director declines to make an award by reason of the exercise of the discretion of the Director, the Director shall give the reasons therefor to the applicant in writing. 1992, c. 36, s. 4.

Appeal

19 (1) Where an applicant for compensation pursuant to this Act is dissatisfied with the decision of the Director, the applicant may appeal that decision in accordance with the regulations.

(2) Notwithstanding subsection (1), no appeal lies pursuant to subsection (1) in respect of any claim for less than \$250 or such lesser amount as is determined by the regulations and where the award determined upon appeal is less than \$250 or such lesser amount as is determined by the regulations no award may be made upon appeal.

(3) A decision made upon appeal is final except that an appeal lies therefrom to the Nova Scotia Court of Appeal on any question of law. 1992, c. 36, s. 4; 2000, c. 4, s. 90.

Exemption from legal process

20 Any compensation awarded pursuant to this Act is not subject to execution, garnishment, attachment, seizure or any other legal process and the right thereto is not assignable. 1992, c. 36, s. 4.

Preservation of rights

21 (1) Subject to subsections (2), (3) and (4), nothing in this Act affects the right of any person to recover from any other person, by civil proceedings, damages in respect of the injury or death.

(2) The Director is subrogated to all the rights of the person to whom payment is made pursuant to this Act to recover damages by civil proceedings in respect of the injury or death and may maintain an action in the name of such person against any person against whom such action lies, and any amount recovered by the Director must be applied to

(a) firstly, payment of the cost actually incurred in the action and in levying execution; and

(b) secondly, a reimbursement to the Director of the value of the compensation awarded, and the balance, if any, must be paid to the person whose rights were subrogated.

(3) Any settlement or release does not bar the rights of the Director pursuant to subsection (2) unless the Director has concurred therein.

(4) An applicant for or a person awarded compensation shall forthwith notify the Director of any action that that person has brought against the offender who caused the injury or death of the person. 1992, c. 36, s. 4.

General Revenue Fund

22 (1) Compensation must be paid out of the General Revenue Fund.

(2) Any money to which the Director is entitled pursuant to Section 21 must be paid into the General Revenue Fund. 1992, c. 36, s. 4.

Agreements

23 (1) Subject to the approval of the Governor in Council, the Attorney General, acting on behalf of the Crown in right of the Province, may enter into agreements with any minister of the Crown, acting on behalf of the Crown in right of Canada, respecting, subject to such terms and conditions as are agreed upon, the payment by the Government of Canada to the Province of such part of the expenditures required for the purpose of this Act as is agreed upon.

(2) Power to enter into any agreement pursuant to subsection (1) includes power, subject to approval of the Governor in Council, to amend any such agreement from time to time.

(3) An agreement entered into pursuant to Section 35 of Chapter 83 of the Revised Statutes, 1989, the *Compensation for Victims of Crime Act*, is continued and is deemed to be an agreement pursuant to this Section. 1992, c. 36, s. 4.

Subrogation

24 The Director is subrogated in place of the Criminal Injuries Compensation Board to all rights of any person to whom payment was or is made pursuant to the *Compensation for Victims of Crime Act*, and that Act applies thereto with necessary changes. 1992, c. 36, s. 4.

Where right infringed or denied

25 (1) No proceeding in respect of an offence shall be delayed or held to be invalid on the grounds that a right granted by this Act has been infringed or denied or a provision of this Act has not been complied with, nor shall the court, on those grounds, make an order respecting the conduct of that proceeding or the validity or the propriety of an order, conviction, sentence or any other thing done in that proceeding.

(2) No order, conviction or sentence may be appealed on the grounds that a right granted by this Act has been infringed or denied. 1989, c. 14, s. 12.

Liability for activities pursuant to Act

26 There is no cause of action for anything arising, directly or indirectly, out of anything done or omitted to be done pursuant to this Act. 1989, c. 14, s. 13.

Regulations

- 27 (1)** The Governor in Council may make regulations
- (a) prescribing a percentage for the purpose of determining the amount of the victim-fine surcharge;
 - (b) prescribing the victim-fine surcharge for the purpose of subsection 7(2);
 - (c) prescribing the enactments to which the victim-fine surcharge does not apply;
 - (d) respecting the manner of making and the form of an application for compensation pursuant to this Act;
 - (e) requiring the production of records and reports, including medical and police records and reports, by any person to the Director;
 - (f) prescribing the fees payable for the preparation of reports, including medical reports, for the Director;
 - (g) prescribing the maximum compensation that may be awarded in respect of any item or class of expense, loss, damages or maintenance;
 - (h) lowering the minimum amount of a claim for compensation or of an appeal in respect thereof;
 - (i) designating certain payments or amounts, or certain classes of payments or amounts, received or to be received by a person injured or the dependants of a person killed that must not be considered by the Director in awarding compensation pursuant to this Act;
 - (j) prescribing pecuniary loss or damages in respect of which compensation may be awarded;
 - (k) designating a tribunal or a member of a tribunal for the purpose of hearing appeals pursuant to this Act;
 - (l) respecting appeals, including authority, jurisdiction, quorum, powers and immunities of the person or tribunal hearing an appeal, forms, notices, parties, witnesses, subpoenas, evidence, counsel, restricting openness of hearings and prohibiting publication of evidence in appropriate cases, and procedure;
 - (m) prescribing offences for the purpose of clause 12(1)(a);
 - (n) prescribing any item or class of expense, loss, damages or maintenance for which compensation may be awarded by the Director;
 - (o) respecting interim payments;
 - (p) defining any word or expression used but not defined in this Act;

(q) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

(2) The Schedule to Chapter 14 of the Acts of 1989 is deemed to be prescribed under clause (1)(m) and to have been published in accordance with the *Regulations Act* and may be amended or repealed under this Act.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.
1989, c. 14, s. 14; 1992, c. 36, s. 5; 2000, c. 4, s. 92.

CHAPTER V-7

An Act to Impose a Moratorium on Additional Video Lottery Terminals

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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 *Video Lottery Terminals Moratorium Act*. 1998, c. 3, s. 1.

Interpretation

2 In this Act, “video lottery terminal” means a game or contrivance played for consideration, singly or in conjunction with another or others, in or through a computer, microprocessor video machine, whether manual, mechanical or electrical, but does not include a video lottery terminal for which a registration certificate, licence or permit is, or has been, issued or renewed by a band gaming commission established pursuant to an agreement between the Crown in right of the Province and a band within the meaning of the *Indian Act* (Canada). 1998, c. 3, s. 2.

Moratorium

3 Notwithstanding any other enactment, including the *Gaming Control Act* or any regulations made pursuant to that Act, no registration certificate, licence or permit may be issued, renewed or amended on or after June 29, 1998, for the operation or use of, or that would authorize or permit the operation or use, in the Province of more video lottery terminals than were legally authorized for operation or use immediately before June 29, 1998. 1998, c. 3, s. 3.

CHAPTER V-8

An Act Respecting the Registration of Births, Marriages, Deaths and Other Vital Events

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PART II

Domestic Partners

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Short title

- 1 This Act may be cited as the *Vital Statistics Act*. R.S., c. 494, s. 1.

INTERPRETATION

Interpretation

- 2 In this Act,

“birth” means the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy, of a fetus in which, after such expulsion or extraction, there is breathing, beating of the heart, pulsation of the umbilical cord, or unmistakable movement of voluntary muscle, whether or not the umbilical cord has been cut or the placenta is attached;

“burial permit” means a permit to bury, cremate, remove or otherwise dispose of a dead body;

“cemetery” means land set apart or used as a place for the interment or other disposal of dead bodies, and includes a vault, mausoleum and crematorium;

“cemetery owner” includes the manager, superintendent, caretaker or other person in charge of a cemetery;

“certificate” means a certified extract of the prescribed particulars of a registration filed in the office of the Registrar;

“cremation” means disposal of a dead body by incineration in a crematorium;

“division registrar” means a division registrar appointed under this Act;

“domestic partnership” means a relationship between two persons who have filed a domestic-partner declaration in accordance with Part II;

“error” means incorrect information, and includes omission of information;

“funeral director” means any person who takes charge of a dead body for the purpose of burial, cremation, removal or other disposition;

“incapable” means unable because of death, illness, absence from the Province or otherwise;

“married woman” includes a woman who, within the period of 300 days prior to the birth of the child in respect of whose birth an application for registration is made under this Act, was lawfully married;

“medical practitioner” means a medical practitioner registered under the *Medical Act*;

“Minister” means the Minister of Service Nova Scotia;

“nurse practitioner” means a nurse practitioner as defined in the *Nursing Act*;

“occupier” means the person occupying any dwelling, and includes the person having the management or charge of any public or private institution where persons are cared for or confined, and the proprietor, manager, keeper or other person in charge of an hotel, inn, apartment, lodging-house or other dwelling or accommodation;

“prescribed” means prescribed by or under this Act or the regulations;

“registered” means registered by the Registrar;

“Registrar” means the Registrar General, and includes the Deputy Registrar General and any person appointed to perform the functions of the Deputy Registrar General during the Deputy Registrar General’s absence or incapacity;

“sex indicator” means a notation on a registration made under this Act showing

- (a) a person’s sex as identified at birth; or
- (b) a person’s gender identity, if it does not correspond with the person’s sex as identified at birth;

“stillbirth” means the complete expulsion or extraction from its mother after at least 20 weeks pregnancy, or after attaining a weight of 500 grams or more, of a fetus in which, after such expulsion or extraction, there is no breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle. R.S., c. 494, s. 2; 1998, c. 8, s. 60; revision corrected 1999; 2000, c. 29, s. 32; 2001, c. 31, s. 46; 2011, c. 48, s. 2; 2018, c. 44, s. 1; 2019, c. 8, s. 188.

PART I

REGISTRATION OF BIRTHS AND STILLBIRTHS

Notice of birth or stillbirth

3 Every person who assists at the birth of a child or at a stillbirth in the Province shall, within 24 hours thereafter, deliver or mail to the division registrar a notice of the birth or stillbirth in the prescribed form. R.S., c. 494, s. 3; 1998, c. 8, s. 61.

BIRTHS

Registration of birth

4 (1) The birth of every child born in the Province must be registered as provided herein.

ince, (2) Within 30 days after the date of birth of a child in the Prov-

- (a) if the parents of the child are
 - (i) married to each other, or
 - (ii) not married to each other but have filed a statutory declaration in accordance with subsection (5) or (7) or have filed a declaratory order made under Section 12,

the mother or the father of the child;

- (b) if the parents of the child are not married to each other and the father of the child is

- (i) incapable,
 - (ii) not acknowledged by the mother in accordance with subsection (5) or (7) or not identified in a declaratory order made under Section 12, or

- (iii) not known to the mother,

the mother of the child;

- (c) if the mother and father referred to in clause (a) are incapable or the mother referred to in clause (b) is incapable, the person who stands in the place of the parents of the child;

- (d) if there is no person to whom clause (a), (b) or (c) applies, the person required to give notice of the birth under Section 3; or

- (e) if there is no person to whom clause (a), (b), (c) or (d) applies, the occupier of the premises in which the child is born, if the occupier of the premises has knowledge of the birth,

shall complete and deliver or mail a statement in the prescribed form respecting the birth to the division registrar.

(3) Where more than one child is delivered during a single confinement, a separate statement for each child must be completed and delivered or mailed as provided in subsection (2), and in each statement the number of children born during the confinement and the number of the child in the order of birth must be given.

(4) Except as provided in subsections (5) and (13), the birth of a child of a married woman must be registered showing the particulars of the husband as those of the father of the child.

(5) Where a child is born to a married woman, if she files with the Registrar or the division registrar a statutory declaration that at the time of the conception she was living separate and apart from her husband, and that her husband is not the father of the child, no particulars as to the father may be given in the statement required under subsection (2) unless the mother files with the Registrar or division registrar a statutory declaration in which the mother declares that a named person is the father of the child and the person so named by the mother declares that he is the father of the child and both request in writing that the particulars of the person declaring that he is the father of the child, be given as the particulars of the

father, in which case the particulars of the person so declaring that he is the father may be given as the particulars of the father, and if the request is made after the registration of the birth, the Registrar may amend the registration in accordance with the request by making the necessary notation thereon.

(6) Except as provided in subsections (7) and (8), the registration of the birth of a child of an unmarried woman must show as the surname of the child the surname chosen by the mother, and no particulars as to the father may be given.

(7) Where an unmarried woman who is the mother of a child and a person acknowledging himself to be the father file with the Registrar or the division registrar a statutory declaration to that effect, the particulars of the person so acknowledging may be given as the particulars of the father, and, if the request is made after the registration of the birth, the Registrar may amend the registration in accordance with the request by making the necessary notation thereon.

(8) The birth of a child must be registered showing as the surname of the child the surname chosen by both the mother of the child and the person shown on the registration, in accordance with subsections (4) to (7), of the birth of the child as the father of the child, and where the mother and such person cannot agree on the surname of the child, the surname must be the hyphenated combination of the surnames of the mother and that person, in alphabetical order.

(9) Notwithstanding subsection (8), where, in accordance with subsection (5) or (7), the birth of a child is registered without giving particulars as to the father of the child, the birth of the child must be registered showing as the surname of the child the surname chosen by the mother.

(10) Where the statement is not completed and delivered or mailed in the manner and within the time herein provided, every person upon whom the duty of completing and delivering or mailing the statement is imposed remains liable to perform that duty notwithstanding the expiration of the time provided, and is, in respect of each successive period of 30 days thereafter during which the person neglects or fails to complete and deliver or mail the statement, guilty of a violation of this Act.

(11) Upon receipt within one year from the day of the birth of a statement in the prescribed form respecting the birth, the division registrar, if satisfied of the truth and sufficiency thereof, shall sign the statement and transmit it to the Registrar for registration.

(12) Upon receipt by the Registrar of a statement delivered or mailed to a division registrar within one year of the date of birth, the Registrar, if satisfied of the truth and sufficiency thereof, shall register the birth.

(13) Notwithstanding subsection (12), where the statement received by the Registrar is incomplete and the Registrar is satisfied that sufficient effort has been made to obtain the missing information, the Registrar shall register the birth with the information received. R.S., c. 494, s. 4; 1998, c. 8, s. 62; 2004, c. 48, s. 1; 2018, c. 44, s. 2.

Delayed registration

5 Where a birth is not registered within one year from the day of the birth, or the division registrar has referred the matter to the Registrar, if application for the registration thereof is made by any person to the Registrar in the prescribed form, verified by statutory declaration and accompanied by the prescribed fee and by a statement in the prescribed form respecting the birth and such other evidence as may be prescribed, the Registrar, if satisfied of the truth and sufficiency of the matters stated in the application and that the application is made in good faith, shall register the birth. R.S., c. 494, s. 5.

Where legitimation after registration of birth

6 (1) Where a child is legitimated by the intermarriage of the child's parents subsequent to the child's birth, then upon the parents

(a) completing and signing the statement required under subsection 4(2);

(b) delivering to the Registrar the statement, together with such evidence as to the legitimation as is required by the Registrar; and

(c) paying the prescribed fee,

the Registrar shall,

(d) register the birth as if the parents had been married to each other at the time of the birth; and

(e) make a notation on the statement that the registration was made under this Section.

(2) Upon proof that one of the parents is incapable, the statement may be made and the evidence submitted by the other parent.

(3) Where the birth has been registered under subsection 4(7) or where both parents are incapable, the statement and evidence may be submitted by the child.

(4) Where the birth has been previously registered, the date of a registration made under this Section is deemed to be the date of the original registration, and the original registration must be withdrawn from the registration files and kept in a separate file and sealed, and must not be opened except upon the order of a judge of the Supreme Court of Nova Scotia or the written order of the Minister. R.S., c. 494, s. 6.

Information on deserted newborn

7 (1) Where a newborn child is found deserted, the person who finds the child, and any person in whose charge the child is, shall give to the division registrar, within seven days after the finding or taking charge of the child, such information as the person possesses respecting the particulars required to be registered concerning the birth of the child.

(2) The division registrar, upon receipt of such information regarding the birth of the child and upon being satisfied that every reasonable effort has been made to identify the child without success, shall

(a) require the person who found or has charge of the child to complete a statutory declaration concerning the facts of the finding of the child and to complete, so far as the person is able, a statement in the prescribed form required under subsection 4(2);

(b) cause the child to be examined by the local medical officer of health or a medical practitioner with a view to determining as nearly as possible the date of the birth of the child, and require the examiner to make a statutory declaration setting forth the facts as determined by the examination; and

(c) make a detailed report of the case and transmit to the Registrar the evidence regarding the birth of the child.

(3) A medical practitioner making an examination under subsection (2) must be paid the prescribed fee for the examination out of the General Revenue Fund.

(4) The Registrar, upon receipt of the report and the evidence mentioned in subsection (2), shall review the case and, if the Registrar is satisfied of the correctness and sufficiency of the matters stated, shall register the birth, and the registration, subject as herein provided, establishes for the child a date of birth, a place of birth and a surname and given name.

(5) The Registrar, upon registering a birth under this Section, shall transmit forthwith to the Minister of Community Services a copy of all documents respecting the child filed pursuant to this Section.

(6) Where subsequent to the registration of a birth under this Section the identity of the child is established to the satisfaction of the Registrar or further information with respect thereto is received by the Registrar, and the Registrar is satisfied of the accuracy of the information, the Registrar shall cancel, add to or correct the registration of the birth made under this Section.

(7) The Registrar shall notify the Minister of Community Services forthwith of any action taken under subsection (6).

(8) Where a person has received a certificate issued in respect of the registration of the birth of a child made under subsection (4), if the registration is cancelled, added to or corrected under subsection (6), the person shall deliver the certificate to the Registrar for cancellation if the Registrar so requires.

(9) Where a person delivers a certificate to the Registrar under subsection (8), the person is entitled to receive without fee a certificate respecting the registration of the birth of the child if there is a registration. R.S., c. 494, s. 7; 1998, c. 8, s. 63.

Application to court for finding as to birth

8 (1) Any person whose birth has not been registered in accordance with Section 4, 5, 6 or 7 may, notwithstanding Section 42, apply to a judge of the Supreme Court of Nova Scotia for a finding that the said person was born in the Province on a certain date or before a certain date, and as to the person's parentage.

(2) Such application must be on at least 20 days notice to the Registrar in the form prescribed by the regulations.

(3) Upon the hearing of such application,

(a) the applicant and the Registrar may appear in person or by counsel;

(b) the judge may hear or receive such evidence whether *viva voce*, documentary, by affidavit or otherwise, as the judge may consider admissible and relevant under the law of evidence;

(c) the burden of proof to be discharged by the applicant is that resting upon a plaintiff in an ordinary civil action; and

(d) if the applicant discharges the said burden of proof then the judge shall make a finding that the applicant was born in the Province on a certain day or before a certain day, as the case may be, and as to the applicant's parentage and such finding must be in the form prescribed by the regulations.

(4) The clerk of the Supreme Court of Nova Scotia shall forthwith forward a certified copy of such finding to the Registrar who shall forthwith, upon receipt thereof and upon receipt of an application of registration from the applicant in the prescribed form verified by statutory declaration and accompanied by the prescribed fee, register the birth of the applicant according to the tenor thereof.

(5) No costs of such application may be awarded against the applicant or the Registrar.

(6) The clerk is entitled to a fee of one dollar for performing all the duties to be performed by the clerk in pursuance of this Section in respect of each application.

(7) Any certificate respecting the registration of a birth made under this Section may bear a notation that the birth was registered under this Section. R.S., c. 494, s. 8.

Restriction on court

9 Nothing in Section 8 authorizes a judge of the Supreme Court of Nova Scotia to change the name or make a ruling as to a change of name of a person applying to the judge under subsection 8(1). R.S., c. 494, s. 9.

Where change of name after registration of birth

10 (1) Except in a case to which Section 27 applies, where the birth of a child has been registered, and,

(a) the given name under which the child was registered is changed; or

(b) the child was registered without a given name,

both parents, the surviving parent, the guardian of the child, the persons procuring the name to be changed or given or the child after the child has attained the age of 19 years, may deliver to the Registrar an application setting forth the particulars of

the change or of the name given, accompanied by a statutory declaration completed by the applicant, and

(c) a baptismal certificate, showing the given name under which the child was baptized; or

(d) if a baptismal certificate is not procurable, such other documentary evidence as is satisfactory to the Registrar,

and the Registrar, upon being satisfied that the application is made in good faith and upon payment of the prescribed fee, shall make a notation of the change in the registration of the birth.

(2) No alteration of or addition to a given name may be made under this Section in any registration of a birth unless the name of the child was changed or the name was given to the child within 16 years next after the day of the birth. R.S., c. 494, s. 10.

Where change of name of birthplace

11 Where the birth of a child has been registered and the name of the place of birth has been changed, both parents, the surviving parent, the guardian of the child or the child after the child has attained the age of majority, may deliver to the Registrar an application setting forth the particulars of the change, accompanied by a statutory declaration completed by the applicant and such other evidence as the Registrar may require, and the Registrar, upon being satisfied that the application is made in good faith and upon payment of the prescribed fee, shall make a notation of the change in the registration of the birth. R.S., c. 494, s. 11.

Paternity order

12 (1) In this Section and Sections 13 and 14, “court” means the Supreme Court of Nova Scotia (Family Division) or the Family Court of Nova Scotia as the case may be.

(2) The court may, on application by any person having an interest in the paternity of a child, make a declaratory order with respect to the paternity of the child.

(3) Where the court makes an order pursuant to subsection (2), the court may order that

(a) the name and particulars of the father of the child be registered or removed from the register, as the case may be; and

(b) the surname of the child be registered in accordance with subsection 4(8).

(4) An order made pursuant to subsection (3) must contain

(a) the full name of the father of the child;

(b) the date and place of birth of the father of the child;
and

(c) sufficient particulars of the birth of the child to identify the birth record that is to be changed.

(5) Upon receipt of an order made pursuant to subsection (3), the Registrar shall take whatever action is required under that subsection. 2004, c. 48, s. 2.

Genetic testing

13 (1) Where an application has been made for an order with respect to the paternity of a child, the court may order genetic testing by a duly qualified medical practitioner or other person designated in the order to determine the biological father of the child.

(2) Unless the court otherwise orders, the cost of genetic testing carried out pursuant to subsection (1) must be paid by the party bringing the application. 2004, c. 48, s. 2.

Refusal to make order

14 Notwithstanding any proof of the paternity of a child, the court may decline to make an order pursuant to subsection 12(2) or (3) where the court considers it in the best interest of the child. 2004, c. 48, s. 2.

STILLBIRTHS

Registration of stillbirth

15 (1) Every stillbirth in the Province must be registered as provided herein.

(2) Where a stillbirth occurs, the person who would have been responsible for the registration thereof under Section 4, if it had been a birth, shall complete and deliver to the funeral director a statement in the prescribed form respecting the stillbirth.

(3) The medical practitioner in attendance at a stillbirth, or, where there is no medical practitioner in attendance, a medical practitioner or the Chief Medical Examiner shall complete the medical certificate included in the prescribed form showing the cause of the stillbirth and shall deliver it to the funeral director.

(4) Upon receipt of the statement, the funeral director shall complete the statement setting forth the proposed date and place of burial, cremation or other disposition of the body and shall deliver the statement to the division registrar of the registration division in which the stillbirth occurred.

(5) Upon receipt of the statement, the division registrar, if satisfied of the truth and sufficiency thereof, shall sign the statement and transmit it to the Registrar for registration.

(6) When the division registrar signs the statement, the division registrar shall prepare a burial permit and deliver it to the person requiring it.

(7) Upon receipt within one year from the day of a stillbirth of a statement in the prescribed form respecting the stillbirth, the Registrar, if satisfied of the truth and sufficiency thereof, shall register the stillbirth.

(8) Subject to this Section, Sections 3 to 5 and 20 to 25 apply with necessary changes to stillbirths. R.S., c. 494, s.12; 2001, c. 31, s. 46.

REGISTRATION OF ADOPTIONS

Registration of adoption order

16 (1) Upon receipt of a certified copy of an adoption order transmitted under the *Children and Family Services Act*, or any predecessor thereof or a certified copy of an order, judgment or decree of adoption made by a court of competent jurisdiction of another province of Canada or of a foreign state, issued under the seal of the proper certifying authority, the Registrar General shall register the order, judgment or decree.

- (2)** Where the birth of the person adopted,
- (a) was registered in the Province before the adoption; or
 - (b) is registered in the Province after the adoption in accordance with this Act,

the Registrar General, upon production of evidence satisfactory to the Registrar General of the identity of the person together with an application for the registration of the birth in the prescribed form, may set aside any registration made pursuant to Section 4, 5, 6, 7 or 8 or this Section and cause the substitution of a new registration of the birth in accordance with the facts contained in the adoption order, judgment or decree as if the adopted person had, on the date and in the place of birth recorded in the original registration, been born in lawful wedlock to the adopting parent.

(3) Where the Registrar General set aside a registration under subsection (2), the Registrar General shall cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed.

(4) Where the Registrar General sets aside a registration under subsection (2), whether or not such an application is made, the Registrar General shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the original registration of the birth of the person, and shall cause a reference to the original registration of the birth to be endorsed on the copy of the order, judgment or decree.

(5) Where a new registration is made pursuant to subsection (2), the date of the new registration is the date of the original registration.

(6) Where a new registration has been made pursuant to subsection (2) and application is made for a birth certificate, the certificate must be issued in accordance with the new registration.

(7) Where a new registration has not been made pursuant to subsection (2) and where a notation of adoption and of a change of name consequent thereon has been made on a registration of birth, any certificate respecting the registration of the birth issued thereafter must be issued as if the registration had been made in the name as changed.

(8) The original registration withdrawn from the registration files and sealed pursuant to subsection (3) must not be opened except upon the order of a judge of the Supreme Court of Nova Scotia or the written order of the Minister. R.S., c. 494, s. 13.

Where adoption of person born outside Province

17 Where a person born outside the Province is adopted under the *Children and Family Services Act*, the Registrar, upon receipt of a certified copy of the order of adoption, shall transmit a certified copy of the order to the person having charge of the registration of births in the province, state or country in which the person was born. R.S., c. 494, s. 14.

REGISTRATION OF MARRIAGES

Registration of marriage required

18 (1) Every marriage solemnized in the Province must be registered as provided herein.

(2) Every person authorized by law to solemnize marriage in the Province shall, immediately after the person solemnizes a marriage, prepare a statement in the prescribed form respecting the marriage, which statement must be signed by

- (a) each of the parties to the marriage;
- (b) at least two witnesses to the marriage; and
- (c) the person by whom the marriage was solemnized.

(3) The person by whom the marriage was solemnized shall, within two days after the day of the marriage, deliver or mail the completed statement to the deputy issuer of marriage licences who issued the marriage licence or permit under which the marriage was solemnized.

(4) Upon receipt of the statement, the deputy issuer, if satisfied of the truth and sufficiency thereof, shall sign the statement and transmit it to the Registrar for registration.

(5) Upon receipt within one year from the day of a marriage of a completed statement in the prescribed form respecting the marriage, the Registrar, if satisfied of the truth and sufficiency thereof, shall register the marriage. R.S., c. 494, s. 15.

Delayed registration

19 Where a marriage is not registered within one year from the day of the marriage, if application for registration thereof is made by any person to the Registrar in the prescribed form, verified by statutory declaration and accompanied by the prescribed fee and by a statement in the prescribed form respecting the marriage and such other evidence as may be prescribed, the Registrar, if the Registrar is satisfied of the truth and sufficiency of the matters stated in the application and that the application is made in good faith, shall register the marriage. R.S., c. 494, s. 16.

REGISTRATION OF DEATHS

Registration of death required

20 (1) The death of every person who dies in the Province must be registered as provided herein.

(2) The funeral director shall forthwith after the death of any person obtain the personal particulars of that person from

- (a) the nearest relative of the deceased person present at the death or in attendance at the last illness of the deceased;
 - (b) if no such relative is available any relative of the deceased;
 - (c) if no relative is available any adult person present at the death;
 - (d) any other adult person having knowledge of the facts;
 - (e) the occupier of the house in which the death occurred;
- or
- (f) the Chief Medical Examiner where the Chief Medical Examiner has been notified of the death and has made an inquiry or held an inquest regarding the death,

and the funeral director shall, from the particulars so obtained, complete a statement in the prescribed form of the personal particulars of the deceased person.

(3) The funeral director shall forthwith after the death obtain from

- (a) the medical practitioner who was last in attendance during the last illness of the deceased;
- (b) a nurse practitioner in the circumstances prescribed by the regulations;
- (c) a qualified person authorized by the regulations and in the circumstances prescribed by the regulations; or
- (d) where the Chief Medical Examiner has conducted an inquest on the body or an inquiry into the circumstances of the death, the Chief Medical Examiner,

a medical certificate in the prescribed form stating the cause of death according to the International List of Causes of Death, as last revised by the International Commission assembled for that purpose.

(4) Upon the request of the funeral director, the person who has been asked to provide the medical certificate pursuant to subsection (3) shall complete the medical certificate in the prescribed form and cause it to be delivered to the funeral director.

(5) Where a death occurs without medical attendance, or where the medical practitioner, a nurse practitioner or a qualified person mentioned in subsection (3) is not available to complete the medical certificate, and where there is no reason to believe that the death was the result of any of the circumstances set forth in subsection (6), the funeral director shall forthwith notify the Chief Medical Examiner, or the local medical health officer or a medical practitioner designated by the Chief Medical Examiner or by a medical health officer, who shall thereupon inquire into the facts and shall complete the medical certificate in accordance with subsection (4).

(6) Subject to subsection (7), where there is reason to believe that a person has died in any of the circumstances referred to in Sections 9 to 12 of the

Fatality Investigations Act, no burial permit may be issued by the division registrar unless

- (a) the body has been examined by the Chief Medical Examiner and inquiry is being made by the Chief Medical Examiner into the circumstances of the death;
- (b) the Chief Medical Examiner where the Chief Medical Examiner has signed the medical certificate of the cause of death in accordance with subsection (4); and
- (c) the other provisions of this Act respecting the registration of the death have been complied with.

(7) Where a person dies under any of the circumstances referred to in subsection (6) and it is impossible for the Chief Medical Examiner to complete a medical certificate, the division registrar, upon the Chief Medical Examiner releasing the body for burial, shall issue a burial permit and the Chief Medical Examiner shall, within two days of determining the cause of death, or of the completion of the Chief Medical Examiner's investigation, deliver or mail to the division registrar a medical certificate.

(8) Upon obtaining the personal particulars respecting the deceased and the medical certificate, the funeral director shall complete the statement in the prescribed form, and shall forthwith deliver the completed statement to the division registrar for the area in which the death occurred, or if the place of death is not known, to the division registrar for the area in which the body was found. R.S., c. 494, s. 17; 1998, c. 8, s. 64; 2001, c. 31, s. 46; 2011, c. 48, s. 3.

Burial permit upon receipt of statement

21 Upon the receipt of a statement in the prescribed form respecting the death, the division registrar, if satisfied of the truth and sufficiency thereof, shall sign the statement and issue a burial permit. R.S., c. 494, s. 18; 1998, c. 8, s. 65.

Burial permit from Registrar

22 Where a death is not registered within one year from the day of the death, or where the division registrar refuses to accept a statement respecting the death and to issue a burial permit, if application for registration thereof is made by any person to the Registrar in the prescribed form verified by statutory declaration, and accompanied by a statement in the prescribed form respecting the death and such other evidence as may be prescribed, the Registrar, if satisfied of the truth and sufficiency of the matters stated in the application and that the application is made in good faith, shall register the death and may issue a burial permit. R.S., c. 494, s. 19.

Requirement for burial permit

23 (1) No person shall bury or otherwise dispose of the body of a person who dies in the Province unless a burial permit respecting the body has been obtained.

(2) Unless a statement in the prescribed form respecting the death of the person has been completed,

(a) no person shall remove the body of the person from the area in which the death occurred or the body was found, except for the purpose of preparing the body for burial;

(b) no person shall remove or permit the removal from a public or municipal hospital or institution of the body of a person who has died therein.

(3) No person shall conduct a funeral or religious service in connection with the burial or other disposition of a body unless the person is satisfied that a burial permit has been issued.

(4) A common carrier shall not remove the body of any person to the place of burial or other disposition unless the burial permit is affixed to the outside of the casket.

(5) The funeral director at the place of burial or other disposition shall remove the burial permit affixed to the outside of the casket, exhibit the burial permit to the person conducting the funeral or religious service and deliver it to the cemetery owner.

(6) Where a death occurs outside the Province and the burial or other disposition of the body is to take place in the Province, a burial permit or such other document as is prescribed under the law of the province or country in which the death occurs, signed by the division registrar or other proper officer, is sufficient authority for the burial or other disposition of the body. R.S., c. 494, s. 20; 1998, c. 8, s. 66.

Cemetery owners

24 (1) No cemetery owner shall permit the burial or cremation of a dead body in the cemetery unless the funeral director or the person officiating at burial has delivered to the cemetery owner the burial permit.

(2) Every cemetery owner shall file in chronological order and carefully preserve all burial permits delivered to the cemetery owner.

(3) Where there is no manager, superintendent, caretaker or other person in charge of a cemetery, a funeral director who buries a body in the cemetery shall write across the face of the burial permit the words "no person in charge" and shall file in chronological order and carefully preserve all such burial permits.

(4) The Registrar or any person designated by the Registrar for the purpose may at all reasonable times examine the files of burial permits kept under this Section and any burial permit in those files. R.S., c. 494, s. 21.

REGISTRATION OF BIRTHS AND DEATHS OCCURRING ON THE HIGH SEAS

Registration of birth or death occurring on ship

25 Upon receipt from the Minister of Transport for Canada of information transmitted under the *Canada Shipping Act, 2001* respecting the birth of a child or the death of a person on board a ship whose port of registry is within the Prov-

ince, the Registrar, if satisfied of the truth and sufficiency of the particulars received, shall register the birth or death. R.S., c. 494, s. 22.

CHURCH RECORDS

Church records

26 Where registers or records of baptisms, marriages or burials kept by any church or religious body in the Province were on file on April 10, 1952, or are after that date with the approval of the Registrar placed on file in the office of the Registrar, the registers or records must be preserved and remain in the custody of the Registrar as part of the records of the Registrar's office. R.S., c. 494, s. 23.

CHANGE OF NAME

Name change under statute after registration

27 (1) Where the name of a person is changed by or under a statute of the Province or of another province, the Registrar, on production of proof of the change and evidence satisfactory to the Registrar as to the identity of the person,

(a) if the birth, marriage or domestic partnership of the person is registered in the Province, shall cause a notation of the change to be made on the registration thereof; and

(b) if the change was made by or under a statute of the Province, and the person was born or married outside the Province, shall transmit to the officer in charge of the registration of births and marriages in the province in which the person was born or married a copy of the proof of the change of name produced to the Registrar.

(2) Every birth, marriage or domestic partnership certificate issued after the making of a notation under this Section must be issued as if the registration had been made in the name as changed. R.S., c. 494, s. 24; 2001, c. 5, s. 41.

CHANGE OF GENDER IDENTITY

Application to change gender identity

28 (1) A person whose birth is registered in the Province may apply to the Registrar to change the sex indicator on the person's birth registration to correspond with the person's gender identity.

(2) A person whose birth is not registered in the Province and who has been ordinarily resident in the Province for at least three months may apply to the Registrar to register a change of the person's gender identity.

(3) An application may be made under subsection (1) or (2) by providing to the Registrar

(a) an application in the prescribed form;

(b) a statutory declaration by the applicant that the applicant identifies with

(i) in the case of an application under subsection (1), the gender identity that corresponds with the sex indicator requested, or

(ii) in the case of an application under subsection (2), the gender identity to be registered; and

(c) in the case of an applicant under the age of 16 years,

(i) a written statement from a person who is a member of a prescribed profession and practises the profession

(A) in the Province, or

(B) where the applicant is habitually resident outside the Province, in or outside the Province,

that the person has treated or evaluated the applicant and that, in the person's opinion,

(C) the sex indicator on the applicant's birth registration, whether the birth was registered in the Province or elsewhere, does not correspond with the applicant's gender identity, and

(D) the applicant has the capacity to make an informed decision about whether to make an application under this Section, and

(ii) the written consent of every person who has care and custody of the applicant.

(4) The Registrar, on payment of the prescribed fee, shall grant an application made under subsection (1) or (2) if the Registrar is satisfied that

(a) the requirements of subsection (3) have been satisfied; and

(b) the application was made in good faith.

(5) Where a judge of the Supreme Court of Nova Scotia is satisfied that a person whose consent is required under subclause (3)(c)(ii)

(a) is dead;

(b) is of unsound mind;

(c) is missing or cannot be found;

(d) has deserted or neglected to provide proper care and maintenance for the applicant; or

(e) is a person whose consent in all the circumstances of the case ought to be dispensed with,

the judge may order that the person's consent be dispensed with, if it is in the interest of the applicant to do so. 2018, c. 44, s. 3.

Change to be made by Registrar

29 (1) Where an application made under subsection 28(1) is granted, the Registrar shall cause a notation of the change of sex indicator to be made on the birth registration of the applicant.

(2) Where an application made under subsection 28(2) is granted, the Registrar shall register the change of the applicant's gender identity.

(3) Where the Registrar has made a notation of the change of sex indicator on the birth registration of a person or registered a change of a person's gender identity, the Registrar shall cause a notation of the change to be made on every other registration in the Registrar's office pertaining to the person.

(4) Where

(a) a person's birth is registered under the laws of another jurisdiction and the sex indicator on the person's birth registration is changed under those laws; or

(b) a person's birth is registered in the Province and a change of the person's gender identity is registered under the laws of another jurisdiction,

the Registrar, on production to the Registrar of proof of the change and evidence satisfactory to the Registrar as to the identity of the person, shall cause a notation of the change to be made on every registration in the Registrar's office pertaining to the person.

(5) Every birth, marriage, gender identity or domestic partnership certificate issued after the making of a notation or the registration of a change of gender identity under this Section must be issued as if the registration had been made of the sex indicator that corresponds with the person's gender identity. 2018, c. 44, s. 3.

FRAUDULENT REGISTRATIONS AND CERTIFICATES**Fraudulent registration**

30 (1) Where, on the written application of any person and after notice to and hearing of all persons interested or, where the holding of a hearing is not possible, upon receipt of evidence satisfactory to the Registrar, the Registrar is satisfied that a registration was fraudulently or improperly made, the Registrar may order that a notation be made on the registration to the effect that the registration is cancelled and order that every certificate issued in respect of that registration be delivered to the Registrar for cancellation.

(2) Where a notation has been made under subsection (1), no certificate may be issued thereafter in respect of the registration.

(3) On written application by any person and after notice to and hearing of all persons interested or, where the holding of a hearing is not possible, on receipt of evidence satisfactory to the Registrar as may be adduced by any person interested, the Registrar, if satisfied that a certificate was obtained or is being used for fraudulent or improper purposes, may make an order requiring the delivery to the Registrar of that certificate.

(4) A person who has in the person's possession or under the person's control a certificate in respect of which an order has been made under subsection (1) or (3) shall forthwith upon receipt of the order deliver the certificate to the Registrar, who shall preserve it in a permanent file together with the order and all documents relating thereto.

(5) Where pursuant to subsection (1) the Registrar has ordered that a notation be made on a registration, the registration and the documents relating to it must not be removed but a new registration of the birth, stillbirth, marriage, domestic partnership or death may be made in accordance with the relevant provisions of this Act. R.S., c. 494, s. 26; 2000, c. 29, s. 35.

Statement error corrected by notation on statement

31 (1) Where, while the statement respecting a birth, stillbirth or death is in the possession of a division registrar, the division registrar is satisfied that an error exists in the statement, the division registrar may correct the error according to the facts by making a notation of the correction on the statement without altering the original entry.

(2) Where the person who furnished the information contained in the statement so requests, a division registrar may correct or permit correction by altering the original entry.

(3) Where after a registration of a birth, stillbirth, marriage, domestic partnership or death has been made by the Registrar, the Registrar is satisfied that an error exists in the registration, the Registrar may correct the error by making a notation of the correction on the registration without altering the original entry.

(4) After the correction of an error, every certificate in respect to the registration so corrected must be prepared as if the registration had been made containing correct particulars at the time of the registration. R.S., c. 494, s. 27; 2000, c. 29, s. 36.

ADMINISTRATION

Registrar General and administration of Act

32 The Minister is the Registrar General for the Province and, as such Registrar General, has general supervision over the administration of this Act. R.S., c. 494, s. 28.

Deputy Registrar General and other officers

33 (1) The Governor in Council may appoint a person to be Deputy Registrar General and may determine the Deputy Registrar General's salary.

(2) The Governor in Council may appoint a person in the public service to be Assistant Deputy Registrar General who shall, when the Deputy Registrar General is absent from the Deputy Registrar General's office or unable to act or when the office of Deputy Registrar General is vacant, perform the functions of and have all the power and authority of the Deputy Registrar General.

(3) The Deputy Registrar General may delegate any of the Deputy Registrar General's powers, duties or functions to the Assistant Deputy Registrar General and the Assistant Deputy Registrar General has authority to the same extent as if the power, duty or function was being exercised by the Deputy Registrar General. R.S., c. 494, s. 29; 2010, c. 27.

Division registrars

34 The Registrar may appoint persons to be division registrars for the purpose of this Act. 1998, c. 8, s. 68; 2006, c. 15, s. 16.

Duties of division registrar

35 (1) Every division registrar shall, under the supervision and direction of the Registrar, perform the duties prescribed by this Act and the regulations, and in accordance therewith shall enforce this Act in the division registrar's registration division and shall make an immediate report to the Registrar of any violation of this Act of which the division registrar has knowledge.

(2) Every division registrar shall transmit to the Registrar on Saturday of each week all statements respecting births, stillbirths and deaths signed by the division registrar during that week. R.S., c. 494, s. 32.

Oath may be taken before division registrar

36 An oath, affirmation, affidavit or statutory declaration, authorized or required to be made under this Act, may be taken before the division registrar. R.S., c. 494, s. 33.

REMUNERATION OF DIVISION REGISTRARS

Duties of Registrar and others

37 (1) The Registrar shall

(a) prepare and issue such detailed instructions as may be required to procure the uniform observance of the provisions of this Act and the maintenance of a system of complete and accurate registration and that no forms may be used other than those supplied by the Registrar;

(b) carefully examine the statements received from the division registrars and deputy issuers of marriage licences and, where any such are incomplete or unsatisfactory, the Registrar shall require such further information to be supplied as may be necessary to make the record complete and satisfactory;

(c) arrange, bind and permanently preserve the registrations in a systematic manner;

(d) prepare and maintain a comprehensive and continuous index of births, stillbirths, marriages, domestic partnerships and deaths;

(e) inform all division registrars what diseases are infectious, contagious or communicable and dangerous to the public health, in order that when deaths occur from such diseases, proper precautions may be taken to prevent the spread of disease; and

(f) evaluate requests for access to information from the Office of the Registrar and, where the Registrar is satisfied that the request is not for an unlawful purpose, may authorize the release in accordance with any conditions the Registrar may prescribe.

(2) A religious official, physician, nurse, undertaker or other person having knowledge of the particulars of any birth, stillbirth, marriage or death shall, if the Registrar so requests, either personally, by mail or through a division registrar, furnish to the Registrar on a form provided by the Registrar, or on the original statement, such information as the Registrar requests and the person possesses respecting the particulars of the birth, stillbirth, marriage or death.

(3) No statement respecting a birth, stillbirth, marriage, domestic partnership or death, after its acceptance by a division registrar or a deputy issuer of marriage licences, and no other record made in pursuance of this Act may be altered or changed in any respect otherwise than in accordance with this Act. R.S., c. 494, s. 35; 2000, c. 29, s. 37; 2006, c. 15, s. 17.

SEARCHES

Right to have records searched

38 (1) Any person, upon applying in the prescribed form and paying the prescribed fee, may, if the Registrar is satisfied that the information is not to be used for an unlawful or improper purpose, have a search made by the Registrar

(a) for the registration in the Registrar's office of any birth, stillbirth, marriage, domestic partnership, death, adoption, change of name, termination of domestic partnership or dissolution or annulment of marriage; or

(b) for the record of any baptism, marriage or burial placed on file in the office of the Registrar under Section 26.

(2) The Registrar shall make a report on the search which must state whether or not the birth, stillbirth, marriage, domestic partnership, death, adoption, change of name, termination of domestic partnership or dissolution or annulment of marriage, baptism or burial is registered or recorded, and if registered, must state the registration number thereof, and must contain no further information. R.S., c. 494, s. 36; 2000, c. 29, s. 38; revision corrected 2018.

ISSUANCE OF CERTIFICATES AND COPIES

Certificates

39 (1) No certificate of birth or certified copy, photostatic copy or photographic print of a registration of birth may be issued by the Registrar except as provided in this Act.

(2) Subject to the regulations, a certificate of birth may be issued by the Registrar, on application in the prescribed form and on payment of the prescribed fee, to

(a) a person named in the certificate;

(b) a parent whose name appears on the registration from which the certificate is to be issued;

- (c) a person on the authorization in writing of the person named in the certificate or of a parent of the person named in the certificate;
 - (d) an agent of the person named in the certificate or of a parent of the person named in the certificate;
 - (e) a person by order of a court;
 - (f) a person who requires the certificate in connection with a petition for adoption;
 - (g) an executor, administrator or trustee of an estate who requires the certificate for the administration of an estate;
 - (h) a person on the authority in writing of the Minister.
- (3) A birth certificate must contain
- (a) the name of the person;
 - (b) the date of birth;
 - (c) the place of birth;
 - (d) the date of registration; and
 - (e) the serial number of the registration.
- (4) A birth certificate may contain any of the following:
- (a) the names and places of birth of the parents;
 - (b) the sex indicator for the person.
- (5) A certificate of birth or certified copy, photostatic copy or photographic copy of a registration of birth may be issued by the Registrar for use in connection with the administration of justice upon the written request of the Minister of Justice.
- (6) Subject to the regulations, a certified copy, photostatic copy or photographic print of the registration of a birth, may be issued, on application in the prescribed form and on payment of the prescribed fee, by the Registrar to
- (a) a person to whom the registration applies, or a parent shown on the birth registration of the person in respect of whom the registration applies;
 - (b) a person by order of a court;
 - (c) a person who requires it for a petition for adoption;
 - (d) a person on the authority in writing of the Minister.
- (7) No order may be made by a judge or a court under clause (2)(e) or clause (6)(b) unless an application is made for the order and the Registrar is given at least four days notice of the application.
- (8) Where a notation of adoption has been made on a registration of birth, pursuant to subsection 16(2), no certified copy, photostatic copy or photographic print or certificate of the full particulars of the registration of the birth may be issued if it shows the name or names of either or both the parents before adoption except

- (a) upon the authority in writing of the Minister; or
- (b) upon the order of a judge or a court.

(9) Any person, upon applying in the prescribed form and paying the prescribed fee, may, if the Registrar is satisfied that it is not to be used for an unlawful or improper purpose, obtain a certificate in respect of the registration of a marriage, which certificate must contain only the following particulars of the registration:

- (a) the names of the parties to the marriage;
- (b) the date of the marriage;
- (c) the place where the marriage was solemnized;
- (d) the date of registration;
- (e) the ages of the parties; and
- (f) the serial number of the registration.

(10) A certified copy, photographic print or certificate of the full particulars of the registration of a marriage may not be issued except to

- (a) a party to the marriage;
 - (b) a person upon the authority in writing of the Minister;
- or
- (c) a person upon the order of a judge or a court,

and upon application in the prescribed form and payment of the prescribed fee.

(11) Subject to the regulations, a certificate of gender identity for a person in respect of whom the Registrar has made a notation of the change of sex indicator on the birth registration of the person or registered a change of the person's gender identity may be issued by the Registrar, on application in the prescribed form and on payment of the prescribed fee, to

- (a) the person;
- (b) where the person is under 16 years of age, any other person who has care and custody of the person; and
- (c) any other person who has been given written authorization by a person referred to in clause (a) or (b) to be issued the certificate of gender identity.

(12) Any person, upon applying in the prescribed form and paying the prescribed fee, may, if the Registrar is satisfied that it is not to be used for an unlawful or improper purpose and subject to subsection (13), obtain a certificate in the prescribed form in respect of the registration of a death or stillbirth.

(13) No certificate issued in respect of the registration of a death or stillbirth may be issued in such a manner as to disclose the cause of death or stillbirth as certified on the medical certificate, except

- (a) upon the authority in writing of the Minister; or
- (b) upon the order of a judge or a court.

(14) A certified copy, photographic print or certificate of the full particulars of a death or stillbirth may not be issued except

(a) to a person upon the authority in writing of the Minister; or

(b) to a person upon the order of a judge or a court,

and upon application in the prescribed form and payment of the prescribed fee.

(15) Any person, upon applying in the prescribed form and paying the prescribed fee, may, with the approval of the Registrar and subject to the same limitations as those respecting certified copies, photographic prints and certificates of full particulars of registrations, set out in subsections (6), (10), (13) and (14), obtain a certificate in the prescribed form in respect of the record of a baptism, marriage or burial placed on file under Section 26.

(16) No certificate, certified copy or photographic print may be issued under this Act in respect of the registration of an adoption, change of name or dissolution or annulment of marriage.

(17) Any person, upon applying in the prescribed form and paying the prescribed fee, may, if the Registrar is satisfied that it is not to be used for an unlawful or improper purpose, obtain a certificate in respect of the registration of a domestic partnership, which certificate must contain only the following particulars of the registration:

(a) the names of the parties to the domestic partnership;

(b) the date of registration of the domestic partnership; and

(c) the serial number of the registration.

(18) A certified copy, photographic print or certificate of the full particulars of the registration of a domestic partnership may not be issued except to

(a) a party to the domestic partnership;

(b) a person upon the authority in writing of the Minister;
or

(c) a person upon the order of a judge or court. R.S., c. 494, s. 37; 2000, c. 29, s. 39; 2001, c. 5, s. 43; 2001, c. 45, s. 1; 2018, c. 44, s. 4.

Manner in which documents issued

40 (1) Every certificate, certified copy or photographic print issued under Section 39 must be issued by the Registrar, and no person other than a person herein authorized to do so shall issue any document that purports to be issued under this Act.

(2) Where the signature of the Registrar is required for any purposes of this Act, the signature may be written, engraved, lithographed or reproduced by any other mode of reproducing words in visible form.

(3) Every document issued under this Act under the signature of the Registrar is and remains valid, notwithstanding that the Registrar has ceased to hold office before the issue of the document. R.S., c. 494, s. 38.

Certificate or copy as prima facie evidence

41 (1) Every certificate purporting to be issued under Section 39 is admissible in any court in the Province as prima facie evidence of the facts certified to be recorded, and every certified copy or photographic print purporting to be issued under Section 39 is so admissible as prima facie evidence of the facts recorded therein, and it is not necessary to prove the signature or official position of the person by whom the certificate or certified copy purports to be signed.

(2) Notwithstanding subsection (1) or any other Act, no registration of a birth or stillbirth and no document filed or registered with the Registrar in relation to such a registration, no certificate respecting the registration of a birth or stillbirth and no certified copy or photographic print of a registration of birth or stillbirth, purporting to be issued under Section 39, is admissible in evidence to affect a presumption of legitimacy. R.S., c. 494, s. 39.

Court application where refused registration

42 (1) Where an application for the registration of a birth, stillbirth, marriage, domestic partnership or death is refused by the Registrar, if, within one year of the refusal, an application is made to a judge of the Supreme Court of Nova Scotia, the judge, upon being satisfied that the application is made in good faith and of the truth and sufficiency of the evidence adduced on the application, and having regard to the standards respecting delayed registration set forth in the regulations, may make an order requiring the Registrar to accept the application, and register the birth, stillbirth, marriage, domestic partnership or death.

(2) The clerk of the court shall forthwith send a copy of the order to the Registrar who shall comply with the order and attach the copy to the registration.

(3) Where an application for a certificate or a search in respect of the registration of a birth, stillbirth, marriage, domestic partnership, termination of domestic partnership or death is refused by the Registrar, if, within one year of the refusal, application is made to a judge of the Supreme Court of Nova Scotia, the judge, upon being satisfied that the application is made in good faith and that the applicant has good reason for requiring the certificate or search, may make an order requiring the Registrar to issue the certificate or make the search, and the clerk of the court shall forthwith forward a copy of the order to the Registrar, who shall comply therewith.

(4) Where the Registrar has made an order under Section 30, any person interested may, within six years thereafter, appeal therefrom to a judge of the Supreme Court of Nova Scotia, and the judge may make an order confirming or setting aside the order of the Registrar, and the order of the judge is final and is binding on the Registrar.

(5) At least 30 days notice of the application or appeal must be served on the Registrar. R.S., c. 494, s. 40; 2000, c. 29, s. 40; 2001, c. 5, s. 44.

GENERAL

Publication of statistical information

43 The Registrar may compile, publish and distribute such statistical information respecting the births, stillbirths, marriages, domestic partnerships, deaths, adoptions, changes of name, terminations of domestic partnerships and dissolutions and annulments of marriages registered during any period as the Registrar considers necessary and in the public interest. R.S., c. 494, s. 41; 2000, c. 29, s. 41.

Registrar as division registrar

44 The Registrar may exercise the functions of a division registrar. R.S., c. 494, s. 42; 1998, c. 8, s. 70.

Annual statistical report

45 As soon as convenient after January 1st in each year, the Registrar shall make for the use of the Legislative Assembly and for public information a statistical report of the births, stillbirths, marriages, domestic partnerships, deaths, adoptions, changes of name, terminations of domestic partnerships and dissolutions and annulments of marriage during the preceding calendar year. R.S., c. 494, s. 43; 2000, c. 29, s. 42.

Records and books

46 (1) All records, books and other documents pertaining to any office under this Act are the property of the Crown.

(2) Where a vacancy occurs in any office under this Act the person having the possession, custody or control of any books, records or other documents pertaining to the office shall give up possession of and deliver them to the Registrar or to any person appointed by the Registrar to demand and receive them, and any person who fails to comply with this subsection is guilty of an offence. R.S., c. 494, s. 44.

Protection of information

47 (1) No division registrar and no person employed in the service of the Crown shall communicate or allow to be communicated to any person not entitled thereto any information acquired by the division registrar or person in the performance of the division registrar's or person's duties under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act.

(2) Nothing in subsection (1) prohibits the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to any particular person. R.S., c. 494, s. 45.

Records transferred to Public Archives of Nova Scotia

48 Where records made pursuant to this Act have been transferred to the Public Archives of Nova Scotia, the Provincial Archivist may, notwithstanding any other enactment, upon being satisfied that access to the records is being requested for the purpose of valid historical or genealogical research, authorize access to records that are, at the time of the access,

- (a) birth registrations for births that occurred more than 100 years before that time;
- (b) marriage registrations for marriages that occurred more than 75 years before that time; or
- (c) death registrations for deaths that occurred more than 50 years before that time. 2006, c. 15, s. 18.

Manner of effecting notation

49 Every notation made under this Act is effected without altering or defacing any entry on the registration, and must be dated and initialled by the person making the notation. R.S., c. 494, s. 46.

PENALTIES**Penalty if notice or statement or certificate not given**

50 (1) Every person who fails to give any notice, or to furnish any statement, certificate or particulars required under or pursuant to this Act, within the time limited by this Act, is liable on summary conviction to a penalty not exceeding \$50, and in default of payment thereof to imprisonment for not more than one month.

(2) Where more than one person is required to give any notice, or to register or to furnish any statement, certificate or particulars required under or pursuant to this Act and the duty is carried out by any of such persons, the other or others shall not be liable. R.S., c. 494, s. 47.

Penalty to deface public notice

51 Every person who wilfully removes, defaces or destroys a public notice relating to the registration of births, stillbirths, marriages, domestic partnerships, terminations of domestic partnerships or deaths is liable on summary conviction to a penalty not exceeding \$10, and in default of payment thereof to imprisonment for not more than 10 days. R.S., c. 494, s. 48; 2000, c. 29, s. 43; 2001, c. 5, s. 45.

Penalty on common carrier

52 (1) Subject to subsection (2) and any other Act, a common carrier transporting, or accepting through its agents or employees for transportation or carriage, the body of a deceased person without the prescribed burial permit issued under this Act, is liable on summary conviction to a penalty not exceeding \$200.

(2) Where the death occurred outside the Province and the body is accompanied by a burial permit issued in accordance with the law in force where the death occurred, the burial permit is sufficient to authorize the transportation or carriage of the body into or through the Province. R.S., c. 494, s. 49.

Penalty for obtaining certificate for improper purpose

53 Every person who obtains or attempts to obtain a birth certificate or a certified copy, photostatic copy or photographic copy of the registration of a birth for a fraudulent or other improper purpose is guilty of an offence and liable on sum-

mary conviction to a penalty not exceeding \$50,000 or to imprisonment for not more than two years or to both. 2001, c. 45, s. 2.

Penalty for contravention of Act

54 Every person who fails to comply with or violates any provisions of this Act or the regulations, for which failure or violation no penalty is otherwise provided, is liable on summary conviction to a penalty not exceeding \$200, and in default of payment thereof to imprisonment for not more than three months. R.S., c. 494, s. 50.

REGULATIONS

Regulations

- 55** (1) The Governor in Council may make regulations
- (a) prescribing the duties of the Registrar;
 - (b) prescribing the duties of and records to be kept by division registrars;
 - (c) prescribing the information and returns to be furnished to the Registrar;
 - (d) for the registration of births, marriages, domestic partnerships, deaths, stillbirths, dissolutions and annulments of marriage, termination of domestic partnerships, adoptions or changes of name in cases not otherwise provided for in this Act;
 - (e) specifying qualified persons for the purpose of Section 20;
 - (f) prescribing the circumstances under which, including when and where, a nurse practitioner or a qualified person is authorized to complete and sign a medical certificate of death;
 - (g) requiring a person applying for a change of the sex indicator on the person's birth registration to provide additional information to the Registrar and prescribing the additional information to be provided;
 - (h) prescribing professions whose members may provide a written statement for the purpose of subclause 28(3)(c)(i);
 - (i) prescribing the fees to be paid for searches, certificates and anything done or permitted to be done under this Act and providing for the waiver of payment of any such fees or part thereof in favour of any person or class of persons;
 - (j) prescribing the requirements for obtaining a birth certificate or a certified copy, photostatic copy or photographic print of the registration of a birth, including security measures the Governor in Council considers necessary or advisable to safeguard against the fraudulent obtaining or use of a birth certificate or a certified copy, photostatic copy or photographic copy of the registration of a birth;
 - (k) prescribing the evidence on which the Registrar may register a birth, stillbirth, marriage, domestic partnership or death after one year from the date thereof;

(l) prescribing the evidence on which the Registrar may make a registration of birth in the case of a child legitimated by the intermarriage of the child's parents, subsequent to the child's birth;

(m) prescribing the evidence on which the Registrar may correct an error in a registration;

(n) requiring persons in charge of hospitals to make returns of the births of all children born in the hospitals, and of all stillbirths and deaths occurring in the hospitals;

(o) exempting persons or classes of persons from the application of all or part of this Act;

(p) for the purpose of effectively securing the due observance of this Act, and generally for the better carrying out of this Act and obtaining the information required thereby;

(q) defining any word or expression used but not defined in this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. R.S., c. 494, s. 51; 1998, c. 8, s. 71; 2000, c. 29, s. 44; 2001, c. 5, s. 46; 2001, c. 45, s. 3; 2006, c. 15, s. 19; 2011, c. 48, s. 4; 2015, c. 13, s. 4; 2018, c. 44, s. 6.

Minister may prescribe forms

56 (1) The Minister may make regulations prescribing the forms to be used for the purpose of this Act.

(2) The forms contained in the Schedule to Chapter 494 of the Revised Statutes, 1989, are deemed to be prescribed pursuant to subsection (1) and to have been published in accordance with the *Regulations Act* and may be amended or repealed pursuant to this Act.

(3) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2018, c. 44, s. 5.

PART II

DOMESTIC PARTNERS

Interpretation of Part

57 In this Part,

“domestic partner” means an individual who is a party to a registered domestic-partner declaration made in accordance with Section 58 and does not include a former domestic partner;

“former domestic partner” means an individual who becomes a former domestic partner pursuant to subsection 60(1);

“register” means the register maintained by the Registrar. 2000, c. 29, s. 45.

Domestic-partner declaration

58 (1) Subject to this Section, two individuals who are cohabiting or intend to cohabit in a conjugal relationship may make a domestic-partner declaration in the prescribed form.

(2) The domestic-partner declaration must be signed by both parties and witnessed by one or more people.

(3) A person may not make a domestic-partner declaration if the person is a minor.

(4) A person may not make a domestic-partner declaration if the person is not ordinarily resident in the Province or the owner of real property in the Province at the time of the registration of the declaration.

(5) A person may not make a domestic-partner declaration if the person is married.

(6) A person may not make a domestic-partner declaration if the person is a party to another subsisting declaration while the other party to that declaration is still alive.

(7) A domestic-partner declaration executed by two persons who intend to revoke it is invalid. 2000, c. 29, s. 45.

Registration and rights and obligations

59 (1) In accordance with this Act, either of two individuals who are cohabiting in a conjugal relationship may submit a domestic-partner declaration made under Section 58 to the Registrar for registration together with

- (a) prescribed registration fees; and
- (b) such proof as the Registrar may require that the parties are eligible to make a domestic-partner declaration,

and the Registrar shall, if satisfied of its truth and sufficiency, register the domestic-partner declaration.

(2) Upon registration of a domestic-partner declaration, domestic partners, as between themselves and with respect to any person, have as of the date of the registration the same rights and obligations as

- (a) a spouse under Sections 10 or 39 of the *Assessment Act*;
- (b) a spouse under the *Drug Dependency Act*;
- (c) a spouse under the *Fatal Injuries Act*;
- (d) a spouse under the *Fatality Investigations Act*;
- (e) a spouse under the *Hospitals Act*;
- (f) a spouse under the *Insurance Act*;
- (g) a spouse under the *Intestate Succession Act*;

- (h) a spouse under the *Involuntary Psychiatric Treatment Act*;
- (i) an employee with respect to a spouse under Sections 74 and 77 of the *Labour Standards Code*;
- (j) a spouse under the *Matrimonial Property Act*;
- (k) a spouse under the *Members' Retiring Allowances Act*;
- (l) a spouse or a person who is married under the *Municipal Government Act*;
- (m) a spouse under the *Parenting and Support Act*;
- (n) a spouse under the *Pension Benefits Act*;
- (o) a spouse under the *Personal Directives Act*;
- (p) a spouse under the *Probate Act*;
- (q) a spouse under the *Provincial Court Act*;
- (r) a spouse under the *Public Service Superannuation Act*;
- (s) a spouse under the *Teachers Pension Act*;
- (t) a widow or widower under the *Testators Family Maintenance Act*;
- (u) a wife or husband under the *Wills Act*;
- (v) a spouse under the *Workers' Compensation Act*,

and the domestic partners, the registration of their domestic-partner declaration and their domestic partnership are subject to and give rise to the same operations of law that relate to those classes of persons under those Acts and those Acts apply with necessary changes with respect to the domestic partners, the registration of their domestic-partner declaration and their domestic partnership.

(3) The Governor in Council may make regulations adding to the list in subsection (2) of classes of persons under Provincial statutes to which domestic partners have rights and obligations upon registration of a domestic-partner declaration and specifying those rights and obligations. 2000, c. 29, s. 45; 2001, c. 5, s. 47; 2001, c. 31, s. 46; 2003 (2nd Sess.), c. 4, s. 3; 2004, c. 10, s. 5; 2005, c. 9, s. 19; 2005, c. 42, s. 91; 2008, c. 8, s. 43; 2015, c. 13, s. 5.

Termination of domestic partnership

60 (1) A domestic partner becomes the former domestic partner of another person after the earliest of the following events occur:

- (a) the parties file with the Registrar an executed statement of termination in the prescribed form;
 - (b) the parties live separate and apart for more than one year and one or both parties has the intention that the relationship not continue;
 - (c) one of the domestic partners marries another person;
- and
- (d) the parties have an agreement registered with the court pursuant to Section 61 of the *Parenting and Support Act*.

(2) For the purpose of clause (1)(b) and subsection 58(4), a period during which parties have lived separate and apart is not considered to have been interrupted or terminated

(a) by reason only that either party has become incapable of forming or having an intention that the relationship not continue if it appears to the court that the separation would probably have continued if the party had not become so incapable; or

(b) by reason only that the parties have resumed cohabitation during a period of, or periods totalling, not more than 90 days with reconciliation as its primary purpose.

(3) Where a circumstance listed in subsection (1) occurs terminating the domestic partnership, subject to the provisions of any other statute expressly addressing the rights of domestic partners, each of the former domestic partners has the same rights and obligations under the statutes referred to in subsection 59(2) that accrue to spouses by separation, separation agreement, court order or death, as the case may be. 2000, c. 29, s. 45; 2001, c. 5, s. 48; 2015, c. 44, s. 57.

Validity of domestic-partner declaration

61 (1) A domestic-partner declaration made in accordance with Section 58 is binding until terminated in the circumstances listed in Section 60 whether or not

(a) there is valuable consideration for the domestic-partner declaration; or

(b) one or both parties had independent legal advice.

(2) Registration of an invalid domestic-partner declaration does not validate the declaration.

(3) A person who makes a domestic-partner declaration intending to revoke it is liable in damages to compensate

(a) a person who is not a party to the domestic-partner declaration for pecuniary loss incurred in reliance on the declaration; and

(b) an innocent person with whom the domestic partnership is claimed for pecuniary and non-pecuniary loss incurred as a consequence of the domestic-partner declaration.

(4) A domestic-partner declaration is invalid if it was obtained by fraud, duress or undue influence or in circumstances under which a marriage could be annulled.

(5) Where a person

(a) purports to make a domestic-partner declaration in circumstances under which the person is not permitted to do so by Section 58; or

(b) uses a domestic-partner declaration to claim a domestic partnership with another person who has not signed the declara-

tion, or whose signature has been obtained in the circumstances referred to in subsection (4),

the invalid domestic-partner declaration is, where relevant, evidence of a marriage-like relationship with the other party to the declaration, and the person is liable in damages to compensate

(c) a person who is not a party to the domestic-partner declaration who suffers pecuniary loss incurred in reliance of the invalid domestic-partner declaration; and

(d) an innocent party with whom the domestic partnership is claimed for pecuniary and non-pecuniary loss incurred as a consequence of the invalid domestic-partner declaration. 2000, c. 29, s. 45.

Registrar to note termination

62 The Registrar shall note on the register the termination of a registered domestic-partner declaration upon the payment of the prescribed filing fees and upon receipt of

(a) a statement of termination in the prescribed form signed by both domestic partners;

(b) an affidavit in the prescribed form swearing or affirming to the fact that the domestic partnership has ended under clause 60(1)(a) by reason of the parties having been separated for more than one year and one or both parties has the intention that the relationship not continue;

(c) a true copy of the certificate of marriage of the domestic partners or of one of the domestic partners to another person; or

(d) a copy of an agreement showing proof of registration with the court pursuant to Section 61 of the *Parenting and Support Act*. 2000, c. 29, s. 45; 2001, c. 5, s. 49; 2015, c. 44, s. 58.

Partnership Act does not apply

63 For greater certainty, the *Partnership Act* does not apply to the relationship created by the making of a domestic-partner declaration. 2000, c. 29, s. 45.

Regulations

64 (1) The Governor in Council may make regulations

(a) providing for the registration of domestic partnerships or registration of the termination of domestic partnerships, in cases not otherwise provided for in this Part;

(b) prescribing the registration fees to be paid under this Part.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2000, c. 29, s. 45; 2018, c. 44, s. 7.

CHAPTER V-9

An Act to Recognize Volunteer Firefighters and Volunteer Ground Search and Rescue Workers and to Protect Volunteer Fire Departments and Volunteer Ground Search and Rescue Organizations

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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 *Volunteer Fire and Ground Search and Rescue Services Act*. 2002, c. 13, s. 1; 2010, c. 28, s. 2.

Purpose

2 The purpose of this Act is to recognize the contribution made by volunteer firefighters and volunteer fire departments to their communities. 2002, c. 13, s. 2.

Interpretation

3 In this Act,

“damage” includes both physical and non-physical losses and both economic and non-economic losses;

“economic loss” means any pecuniary loss resulting from damage, including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs and loss of business or employment opportunities;

“non-economic losses” means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium, other than loss of domestic service, injury to reputation and all other non-pecuniary losses of any kind or nature;

“volunteer firefighter” means an individual performing services for a volunteer fire department who does not receive in respect of those services

(a) compensation, other than reasonable reimbursement or allowance for expenses actually incurred; or

(b) money or any other thing of value in lieu of compensation in excess of \$500 per year or such other amount as prescribed by the regulations;

“volunteer ground search and rescue organization” means a volunteer ground search and rescue organization recognized by the Department of Municipal Affairs and Housing;

“volunteer ground search and rescue worker” means a volunteer ground search and rescue worker as defined in subsection 60(1) of the *Income Tax Act*. 2002, c. 13, s. 3; 2010, c. 28, s. 3.

Volunteer Fire Service Recognition Day

4 The Governor in Council shall, in every year, designate a day in October as Volunteer Fire Service Recognition Day. 2002, c. 13, s. 4.

Payment upon accidental death

5 (1) This Section applies with respect to the death of

(a) a volunteer firefighter occurring on or after January 1, 2003; and

(b) a volunteer ground search and rescue worker occurring on or after May 10, 2010.

(2) Upon the accidental death of

(a) a volunteer firefighter directly as a result of the firefighter’s responsibilities in the volunteer fire department of which the firefighter is a member; or

(b) a volunteer ground search and rescue worker directly as a result of the volunteer ground search and rescue worker’s responsibilities in the ground search and rescue organization of which the ground search and rescue worker is a member,

while responding to an emergency, the Minister of Finance and Treasury Board shall pay to the surviving spouse or domestic partner of the firefighter or volunteer ground search and rescue worker or, where there is no surviving spouse or domestic partner, the estate of the firefighter or volunteer ground search and rescue worker, the sum of \$100,000.

(3) The payment pursuant to subsection (2) is in addition to any other payment to which the surviving spouse, domestic partner or estate is entitled. 2002, c. 13, ss. 5, 9; 2010, c. 28, ss. 4, 8.

Department property exempt from seizure

6 (1) This Section applies to any claim for damage cause by

(a) an act or omission of a volunteer firefighter if the claim is filed on or after January 1, 2003; and

(b) an act or omission of a volunteer ground search and rescue worker if the claim is filed on or after May 10, 2010.

(2) Notwithstanding any enactment, no real property, vehicle, apparatus, equipment, money or other asset of a volunteer fire department or volunteer ground search and rescue organization is subject to seizure because of the liability of the department or volunteer ground search and rescue organization for damage caused by an act or omission of a volunteer firefighter or volunteer ground search and rescue worker on behalf of the department or organization if the firefighter or volunteer ground search and rescue worker was acting within the scope of the firefighter's or volunteer ground search and rescue worker's responsibilities in the department or organization at the time of the act or omission.

(3) Subsection (2) does not apply if

(a) the damage was caused by willful, reckless or criminal misconduct or gross negligence by the firefighter or volunteer ground search and rescue worker;

(b) the damage was caused by the firefighter or volunteer ground search and rescue worker while operating a motor vehicle, vessel, aircraft or other vehicle for which the owner is required by law to maintain insurance;

(c) the act or omission that caused the damage constitutes an offence; or

(d) the firefighter or volunteer ground search and rescue worker was unlawfully using or impaired by alcohol or drugs at the time of the act or omission that caused the damage.

(4) Nothing in subsection (2) affects the liability of a municipality or the enforcement of a judgment against a municipality. 2002, c. 13, ss. 6, 9; 2010, c. 28, ss. 5, 8.

Application of Volunteers in Non-profit Organizations Act

7 Notwithstanding the definition of "volunteer" in Section 2 of the *Volunteers in Non-profit Organizations Act*, a volunteer firefighter or a volunteer ground search and rescue worker is a volunteer within the meaning of that Act. 2010, c. 28, s. 6.

Regulations

8 (1) The Governor in Council may make regulations

(a) setting the maximum amount for the purpose of clause (b) of the definition of "volunteer firefighter" in Section 2;

(b) defining any word or expression used in this Act and not defined in this Act;

(c) further defining "volunteer firefighter", "volunteer ground search and rescue organization" or "volunteer ground search and rescue worker";

(d) respecting any matter or thing that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2002, c. 13, s. 8; 2002, c. 40, s. 1; 2010, c. 28, s. 7.

CHAPTER V-10

An Act Respecting the Protection of Persons Who Voluntarily Render Services or Assistance

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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 *Volunteer Services Act*. R.S., c. 497, s. 1.

Interpretation

2 (1) In this Act, “volunteer” means any individual, not in receipt of fees, wages or salary for the services or assistance within the meaning of this Act, who renders services or assistance, whether or not that individual has special training to render the service or assistance and whether or not the service or assistance is rendered by the individual alone or in conjunction with others, and includes an individual, corporation or organization that

(a) donates or distributes, for free, food or sundries to those in need; or

(b) owns or occupies premises, other than a hospital or other premises used primarily for the purpose of providing healthcare to individuals, in which an automatic external defibrillator is made available for use.

(2) For greater certainty, a person who is a volunteer firefighter is not, for the purpose of subsection (1), in receipt of fees, wages or salary by reason only of receiving a payment, not made as a result of an employer-employee relationship, in recognition of services performed by that person as a firefighter or for performing services customarily rendered by a volunteer fire department. R.S., c. 497, s. 2; 1992, c. 34, s. 1; 2018, c. 20, s. 1.

Emergency assistance to person

3 Where, in respect of a person who is ill, injured or unconscious as a result of an accident or other emergency, a volunteer renders services or assistance at any place, the volunteer is not liable for damages for injuries to or the death of

that person alleged to have been caused by an act or omission on the part of the volunteer while rendering services or assistance, unless it is established that the injuries or death were caused by gross negligence on the part of the volunteer, and no proceeding may be commenced against a volunteer which is not based upon the volunteer's alleged gross negligence. R.S., c. 497, s. 3.

Assistance respecting endangered property

4 Where, in respect of real or personal property in danger, a volunteer renders services or assistance to protect or preserve the endangered property, the volunteer is not liable for damage resulting to the property alleged to have been caused by an act or omission on the part of the volunteer while rendering services or assistance, unless it is established that the damage was caused by gross negligence on the part of the volunteer, and no proceeding may be commenced against a volunteer which is not based upon the volunteer's alleged gross negligence. R.S., c. 497, s. 4.

Food or sundries to person in need

5 A volunteer is not liable for damages incurred as a result of injury, illness, disease or death resulting from the consumption of food or the use of sundries by a person in need unless it is established that

- (a) the injury, illness, disease or death was caused by the gross negligence or the wilful misconduct of the volunteer; or
- (b) the volunteer knew that the food or sundries were contaminated or otherwise unfit for human consumption or use at the time of donation or distribution, respectively. 1992, c. 34, s. 2.

Automatic external defibrillator

6 (1) A volunteer is not liable for damages incurred as a result of injury, illness, disease or death resulting from the use of an automatic external defibrillator unless it is established that the injury, illness, disease or death was caused by the gross negligence or the wilful misconduct of the volunteer, and no proceeding may be commenced against the volunteer that is not based upon the alleged gross negligence or wilful misconduct of that person.

(2) A volunteer responsible for an automatic external defibrillator is not responsible for damages incurred as a result of injury, illness, disease or death resulting from the use of the automatic external defibrillator unless it is established that the volunteer did not take reasonable steps to ensure the defibrillator was maintained in accordance with the manufacturer's guidelines and other applicable guidelines. 2018, c. 20, s. 2.

Common law

7 Sections 3 and 4 are declaratory and are deemed to be the common law of the Province as it always has been and as it is. R.S., c. 497, s. 5; 1992, c. 34, s. 3.

Regulations

8 (1) The Governor in Council may make regulations specifying items that are included in the definition of "sundries".

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*, 1992, c. 34, s. 4.

CHAPTER V-11

An Act to Limit the Liability of Volunteers Serving Non-profit Organizations

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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 *Volunteers in Non-profit Organizations Act*. 2002, c. 14, s. 1.

Interpretation

2 In this Act,

“damage” includes both physical and non-physical losses and both economic and non-economic losses;

“economic loss” means any pecuniary loss resulting from damage, including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs and loss of business or employment opportunities;

“education entity” means an education entity as defined in the *Education Act*;

“hospital” means a hospital as defined in the *Hospitals Act*;

“municipality” means a municipality as defined in Part XX of the *Municipal Government Act*;

“non-economic losses” means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium, other than loss of domestic service, injury to reputation and all other non-pecuniary losses of any kind or nature;

“non-profit organization” means any non-profit body corporate or society incorporated under the *Societies Act* organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, health, sport, recreation, tourism, heritage or culture purposes, and includes a municipality, an education entity, a regional library board or a hospital and, for greater certainty, includes each body designated as a non-profit organization by the Governor in Council in the regulations;

“volunteer” means an individual performing services for a non-profit organization who does not receive in respect of those services

(a) compensation, other than reasonable reimbursement or allowance for expenses actually incurred; or

(b) money or any other thing of value in lieu of compensation in excess of \$500 per year,

and may include a director, officer, trustee or employee of the organization. 2002, c. 14, s. 2; 2018, c. 1, Sch. A, s. 154.

Application of Act

3 This Act applies to any claim for damage caused by an act or omission of a volunteer where that claim is filed on or after January 1, 2003. 2002, c. 14, s. 4.

Limitations on liability

4 (1) Notwithstanding any enactment, no volunteer of a non-profit organization is liable for damage caused by an act or omission of the volunteer on behalf of the organization if

(a) the volunteer was acting within the scope of the volunteer’s responsibilities in the non-profit organization at the time of the act or omission; and

(b) the volunteer was properly licensed, certified or authorized, if required by law, by the appropriate authorities for the activities or practice undertaken by the volunteer at the time the damage occurred,

but the limitations on the liability of a volunteer under this Act do not apply if

(c) the damage was caused by wilful, reckless or criminal misconduct or gross negligence by the volunteer;

(d) the damage was caused by the volunteer while operating a motor vehicle, vessel, aircraft or other vehicle for which the owner is required by law to maintain insurance;

(e) the act or omission that caused the damage constitutes an offence; or

(f) the volunteer was unlawfully using or impaired by alcohol or drugs at the time of the act or omission that caused the damage.

(2) Nothing in this Section affects the liability of any non-profit organization with respect to damage caused to any person, including damage caused by an act or omission of a volunteer of the organization, for which the volunteer is not liable pursuant to subsection (1).

(3) For greater certainty, where damages are awarded against or any amount is paid by a non-profit organization in respect of damage caused by a volunteer of the organization for which the volunteer is not liable pursuant to subsection (1), the organization has no right of recovery against the volunteer. 2002, c. 14, s. 3.

Solicitor-and-client costs

5 Where an action that is brought against a volunteer for damages caused by an act or omission of the volunteer on behalf of a non-profit organization does not result in a judgment against the volunteer, the volunteer is entitled to costs on a solicitor-and-client basis. 2003 (2nd Sess.), c. 8, s. 1.

Regulations

6 (1) The Governor in Council may make regulations

(a) designating any agency, association, board, commission, corporation, office, society or other body as a non-profit organization;

(b) defining any word or expression used but not defined in this Act;

(c) considered necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2002, c. 14, s. 5.
