



BILL NO. 258

Government Bill

*1st Session, 59th General Assembly
Nova Scotia
54 Elizabeth II, 2005*

An Act to Amend Chapter 46 of the Revised Statutes, 1989, the Building Code Act

CHAPTER 47
ACTS OF 2005

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 8, 2005**

The Honourable Kerry Morash
Minister of Environment and Labour

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

This page is intentionally blank.

**An Act to Amend Chapter 46
of the Revised Statutes, 1989,
the Building Code Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 46 of the Revised Statutes, 1989, the *Building Code Act*, is amended by

(a) adding immediately after clause (c) the following clause:

(ca) “building official” means a person appointed as a building official under Section 5;

(b) striking out clause (i); and

(c) striking out “Municipal Affairs” in the first and second lines of clause (j) and substituting “Environment and Labour or the Minister responsible for the *Building Code Act*”.

2 Subsection 4(1) of Chapter 46 is amended by

(a) adding “, interior designer” immediately after “architect” in the third line of clause (h); and

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

(ha) respecting the qualifications required for a building official to inspect a class of buildings;

(hb) prescribing the board, organization or institution from which a building official must have obtained his or her training or certification;

(hc) respecting the requirement for accreditation of a training or certification program for a building official;

(hd) respecting the qualifications required for members of the Committee;

3 Subsection 7(1) of Chapter 46 is amended by

(a) striking out the period at the end of clause (f) and substituting a semicolon; and

(b) adding immediately after clause (f) the following clause:

(g) prescribing an expiry date for construction or demolition permits.

4 Subsection 10(3) of Chapter 46 is amended by striking out “a judge of a county court” in the fifth line and substituting “the Supreme Court of Nova Scotia”.

5 (1) Subsection 13(3) of Chapter 46 is repealed.

- (2) Subsection 13(5) of Chapter 46 is amended by
- (a) striking out “Chairman” in the second line and substituting “Chair”;
- and
- (b) striking out “Vice-chairman” in the second and third lines and substituting “Vice-chair”.

6 (1) Subsection 16(1) of Chapter 46 is amended by striking out “a judge of a county court” in the last two lines and substituting “the Supreme Court of Nova Scotia”.

- (2) Subsection 16(3) of Chapter 46 is amended by
- (a) striking out “a judge” in the first line and substituting “the court”;
 - (b) striking out “judge” in the second, in the sixth and in the eighth lines and substituting, in each case, “court”; and
 - (c) striking out “his” in the eighth line and substituting “its”.

- (3) Subsection 16(4) of Chapter 46 is amended by
- (a) striking out “A judge” in the first line and substituting “The court”;
- and
- (b) striking out “judge” in the seventh line and substituting “court”.

- (4) Subsection 16(5) of Chapter 46 is amended by
- (a) striking out “A judge” in the first line and substituting “The court”;
- and
- (b) striking out “judge” in the fourth and in the eighth lines and substituting, in each case, “court”.

- (5) Subsection 16(6) of Chapter 46 is amended by
- (a) striking out “judges” in the first line and substituting “court’s”; and
 - (b) striking out “judge” in the third line and substituting “court”.

7 Subsection 17(1) of Chapter 46 is amended by

- (a) striking out “county court judge” in the first and second lines and substituting “Supreme Court of Nova Scotia”; and
- (b) striking out “Supreme Court” in the third line and substituting “Nova Scotia Court of Appeal”.

8 (1) Subsection 19(1) of Chapter 46 is amended by

- (a) adding “or the regulations” immediately after “Act” in the second line of clause (b); and

(b) striking out “a fine of not less than one hundred dollars nor more than two thousand dollars or to imprisonment for a term of not more than one year, or both.” in the last four lines and substituting:

(d) in the case of an individual, a fine of not less than five hundred dollars and not more than twenty-five thousand dollars or to imprisonment for a term of not more than one year, or both; and

(e) in the case of a corporation, a fine of not less than one thousand dollars and not more than fifty thousand dollars.

(2) Section 19 of Chapter 46 is further amended by adding immediately after subsection (1) the following subsection:

(1A) Notwithstanding subsection (1), where

(a) an individual knowingly commits;

(b) a director or officer of a corporation knowingly directs or authorizes, assents to, acquiesces in or participates in the commission of; or

(c) a corporation, whose director or officer knowingly directs, authorizes, assents to, acquiesces in or participates in the commission of, an offence referred to in subsection (1) that results in

(d) the loss of human life, injury or damage to the health of a person; or

(e) a catastrophic impact on the community,

that person is guilty of an offence under this subsection and not under subsection (1), and is liable on summary conviction to

(f) in the case of an individual, a fine of not more than one hundred and fifty thousand dollars or to imprisonment for a term of not more than two years, or both; and

(g) in the case of a corporation, a fine of not more than two hundred and fifty thousand dollars.

(3) Subsection 19(2) of Chapter 46 is repealed and the following subsection substituted:

(2) Where an offence under subsection (1), (1A) or (6) is committed on or continued for more than one day, it is deemed to be a separate offence for each day on which the offence is committed or continued.

(4) Section 19 of Chapter 46 is further amended by adding immediately after subsection (3) the following subsections:

(4) In addition to any other penalty imposed for the conviction of an offence under this Act, the court may order the person to pay in trust to the Minister of Finance a sum of money for the purpose of public safety education.

(5) In addition to any other penalty imposed for the conviction of an offence under this Act, the court may order the person to comply with this Act,

the regulations, any by-laws made pursuant to this Act or a licence, a permit or any direction issued under this Act.

(6) Any person who fails to comply with an order issued under subsection (4) or (5) is guilty of an offence and is liable to the penalties set out in this Section.

9 Chapter 46 is further amended by adding immediately after Section 19 the following Section:

19A The limitation period for the prosecution of an offence under this Act is two years from the date of the commission of the alleged offence.

10 Subsection 20(1) of Chapter 46 is amended by striking out “Trial Division of the Supreme Court” in the fourth and fifth lines and substituting “Supreme Court of Nova Scotia”.

11 Subsection 26(2) of Chapter 46 is amended by

- (a) striking out “*Prevention*” in the fourth line and substituting “*Safety*”; and
- (b) striking out “, the *Lightning Rod Act*” in the fourth line.

12 Chapter 46 is further amended by

- (a) striking out “inspector” wherever it appears and substituting in each case “building official”; and
- (b) striking out “inspectors” wherever it appears and substituting in each case “building officials”.

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