



BILL NO. 16

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

An Act to Amend Chapter 31 of the Acts of 2004, the Police Act

CHAPTER 55
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 20, 2014**

The Honourable Lena Metlege Diab
Minister of Justice

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

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**An Act to Amend Chapter 31
of the Acts of 2004,
the Police Act**

Be it enacted by the Governor and Assembly as follows:

1 (1) Subsection 9(3) of Chapter 31 of the Acts of 2004, the *Police Act*, is amended by striking out “police department” in the third line and substituting “agency”.

(2) Section 9 of Chapter 31 is amended by adding immediately after subsection (3) the following subsection:

(4) Where the Minister removes the investigation of a crime from a municipality, the Minister may assign that investigation to an agency.

2 Chapter 31 is further amended by adding immediately after Section 34 the following Section:

34A The Minister may, subject to the approval of the Governor in Council, enter into an agreement with the Government of Canada respecting policing and the administration of justice.

3 (1) Subsection 57(5) of Chapter 31 is amended by striking out “85” in the second line and substituting “84”.

(2) Section 57 of Chapter 31 is amended by adding immediately after subsection (5) the following subsections:

(5A) Notwithstanding subsection (1), where two or more municipalities have common issues respecting policing in their municipalities and are policed by the Royal Canadian Mounted Police, they may, with the Minister’s approval, establish a joint advisory board by entering into an agreement to do so.

(5B) A joint advisory board established pursuant to subsection (5A) consists of

(a) two members from each council appointed by resolution of that council;

(b) two members from each municipality appointed by resolution of the council, who are neither members of council nor employees of the municipality; and

(c) one member appointed by the Minister.

4 Section 91 of Chapter 31 is amended by adding immediately following subsection (3) the following subsection:

(3A) No auxiliary police officer is liable for damage caused by an act or omission of the auxiliary police officer if

(a) the auxiliary police officer was acting within the scope of the auxiliary police officer's responsibilities at the time of the act or omission; and

(b) the auxiliary police officer was properly certified and authorized, if required by law, by the appropriate authorities for the activities or practices undertaken by the auxiliary police officer at the time the damage occurred,

but the limitations of the liability of the auxiliary police officer under this Act do not apply if

(c) the damage was caused by wilful, reckless or criminal misconduct or gross negligence by the auxiliary police officer;

(d) the damage was caused by the auxiliary police officer while operating a motor vehicle 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 auxiliary police officer was unlawfully using or impaired by alcohol or drugs at the time of the act or omission that caused the damage.
