

BILL NO. 10

(as passed, with amendments)



*2nd Session, 58th General Assembly
Nova Scotia
50 Elizabeth II, 2001*

Government Bill

Order of Nova Scotia Act

CHAPTER 9 OF THE ACTS OF 2001

The Honourable Rodney J. MacDonald
Minister of Tourism and Culture

[First Reading](#): March 28, 2001

Second Reading: May 28, 2001

[Third Reading](#): June 1, 2001 (WITH COMMITTEE AMENDMENTS)

Royal Assent: June 1, 2001



**An Act to Establish
the Order of Nova Scotia**

WHEREAS Nova Scotians have distinguished themselves in the arts, academics, research, agriculture, business, industry, community leadership, public service, volunteer service and other fields of endeavour and thereby brought honour and prestige to themselves and to Nova Scotia;

AND WHEREAS it is fitting that the Government of Nova Scotia encourage excellence by recognizing Nova Scotians who have made outstanding contributions or achievements;

THEREFORE, be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Order of Nova Scotia Act*.

2 In this Act,

(a) "Advisory Council" means the Order of Nova Scotia Advisory Council;

(b) "Chancellor" means the Chancellor of the Order;

(c) "Order" means the Order of Nova Scotia;

(d) "Secretary" means the Secretary of the Order.

3 The Minister of Tourism and Culture has the general supervision and management of this Act.

4 The Order of Nova Scotia is hereby established.

5 The object of the Order is to honour individual Nova Scotians who have distinguished themselves by an outstanding contribution to the cultural life or to the social or economic well-being of the Province, by an outstanding achievement or by excelling in any field of endeavour to the benefit of the people of the Province or elsewhere.

6 The Lieutenant Governor is the Chancellor of the Order.

7 The Order consists of the Chancellor and the individuals who become members of the Order pursuant to this Act.

8 (1) There shall be an Order of Nova Scotia Advisory Council consisting of

(a) a Chair, appointed by the President of the Executive Council;

(b) the Chief Justice of Nova Scotia or a judge of the Nova Scotia Court of Appeal or the Supreme Court of Nova Scotia designated by the Chief Justice of Nova Scotia;

(c) the Clerk of the Executive Council;

(d) the president of a university in the Province, appointed by the President of the Executive Council;

(e) one member of the Order, appointed by the President of the Executive Council;

(f) one other person appointed by the President of the Executive Council;

(g) one person appointed by the Leader of the Opposition in the House of Assembly; and

(h) one person appointed by each leader of a recognized party in the House of Assembly, other than the leaders referred to in clauses (f) and (g).

(2) Every member of the Advisory Council must be a resident of the Province.

(3) Subject to the regulations,

(a) a person appointed pursuant to clause (1)(a), (f), (g) or (h) holds office for a term of three years and may be re-appointed once; and

(b) a person appointed pursuant to clause (1)(d) or (e) holds office for a term of three years and may not be re-appointed to succeed himself or herself.

(4) Where there is no person eligible or willing to be appointed pursuant to clause (1)(e), an additional person may be appointed pursuant to clause (1)(f).

9 A vacancy on the Advisory Council does not impair the right of the remaining members to act.

10 The Chair and other members of the Advisory Council are not entitled to any remuneration but shall be reimbursed for reasonable expenses necessarily incurred in the performance of their duties.

11 The Advisory Council shall

(a) meet at least annually;

(b) consider nominations for membership in the Order;

(c) submit to the President of the Executive Council lists of nominees who, in the opinion of the Advisory Council, are worthy of membership in the Order; and

(d) advise the President of the Executive Council on any other matter respecting the Order that the President of the Executive Council may refer to the Advisory Council.

12 The Advisory Council may determine the procedures for the conduct of its business.

13 (1) The President of the Executive Council may designate a person in the public service as the Secretary of the Advisory Council.

(2) The Secretary shall

(a) maintain the records of the Order and the Advisory Council;

(b) receive nominations for membership in the Order;

(c) arrange for investitures; and

(d) perform any other functions with respect to the Order that the Advisory Council may require.

14 (1) Subject to subsections (2) and (3), Canadian citizens who are current or former long-term residents of the Province are eligible to become members of the Order.

(2) No member of the Senate, the House of Commons, the House of Assembly or a municipal council or judge of any court in Canada is eligible to become a member of the Order while holding that office.

(3) A person may be invested as a member of the order posthumously if the person is nominated within one year of the date of that person's death.

15 (1) The Chancellor is a member of the Order for life.

(2) Every former Lieutenant Governor living on the coming into force of this Act is a member of the Order for life.

16 (1) Individuals and organizations may nominate individuals to become members of the Order.

(2) For greater certainty, members of the Advisory Council may nominate individuals to become members of the Order.

(3) Nominations shall be submitted to the Secretary.

(4) Each year the Advisory Council shall select, from the nominations submitted to it, up to five candidates for membership in the Order and submit their names to the President of the Executive Council for approval.

(5) Notwithstanding subsection (4), the Advisory Council may select up to ten candidates in the first year.

17 Each year the President of the Executive Council may recommend to the Chancellor the candidates selected by the Advisory Council and approved by the President of the Executive Council for investiture as a member of the Order.

18 The Chancellor shall invest as a member of the Order each person recommended by the President of the Executive Council pursuant to this Act.

19 Subject to this Act, upon being invested with the Order, a person is a member of the Order for life.

20 The Order is the highest honour of the Province and takes precedence over any other honour conferred by the Her Majesty in right of the Province.

21 A member of the Order is entitled to

(a) wear the insignia of the Order as a decoration; and

(b) use the initials "O. N. S." after the member's name.

22 (1) A member may resign from the Order by giving written notice of intention to resign, signed by the member, to the Secretary.

(2) The Chancellor may terminate a person's membership in the Order

(a) on the recommendation of the Advisory Council; and

(b) with the approval of the President of the Executive Council.

(3) Where a person ceases to be a member of the Order pursuant to this Section, that person shall immediately return to the Secretary any documentation of membership in the Order and the insignia of the Order that were presented to that person on that person's investiture as a member of the Order.

23 (1) No person who is not a member of the Order shall

(a) hold himself or herself out as a member of the Order;

(b) display or use any insignia of the Order to indicate membership in the Order; or

(c) use the initials "O. N. S." after that person's name to indicate membership in the Order.

(2) Any person who contravenes this Section is guilty of an offence and is liable on summary conviction to a fine of not more than two thousand dollars.

24 (1) The Governor in Council may make regulations

(a) prescribing the terms of office of members of the Advisory Council;

(b) respecting nominations for membership in the Order for consideration by the Advisory Council;

- (c) respecting documentation of membership in the Order;
 - (d) prescribing the insignia of the Order and governing their use and display;
 - (e) defining any word or expression used but not defined in this Act;
 - (f) respecting any other matter necessary or advisable to carry out the intent and purpose of this Act.
- (2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

25 The moneys required for the purpose of this Act shall be paid out of the Consolidated Fund of the Province.

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



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