



BILL NO. 249

Government Bill

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

An Act to Assist in the Enforcement of Court Orders

CHAPTER 40
ACTS OF 2005

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

The Honourable Michael G. Baker, Q.C.
Minister of Justice

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

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An Act to Assist in the Enforcement of Court Orders

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Enforcement of Court Orders Act*.

2 In this Act,

- (a) “administrator” means the administrator of the Provincial Court of Nova Scotia appointed pursuant to the *Provincial Court Act*;
- (b) “driver’s licence” means a driver’s licence as defined in the *Motor Vehicle Act*;
- (c) “owner’s permit” means an owner’s permit as defined in the *Motor Vehicle Act*;
- (d) “Registrar” means the Registrar of Motor Vehicles appointed under the *Motor Vehicle Act* and includes the Deputy Registrar of Motor Vehicles appointed under that Act;
- (e) “vehicle” means a vehicle as defined in the *Motor Vehicle Act*.

3 (1) Where a person is in default of payment of all or part of a fine or costs imposed upon conviction for an offence under any enactment of the Parliament of Canada and payable to Her Majesty in right of the Province, the justice, judge or clerk of the court in which the fine or costs were imposed or the administrator may

- (a) prepare and forward to the Registrar a certificate of default in the form and within the time prescribed by the Attorney General; and
- (b) provide to Service Nova Scotia and Municipal Relations the information required to facilitate recovery of the fine, surcharge or costs.

(2) Upon receipt of a certificate of default pursuant to subsection (1), the Registrar shall, pursuant to the *Motor Vehicle Act* and subject to the regulations, refuse to renew a driver’s licence or owner’s permit or transfer or register a vehicle of that person and refuse to issue a document to that person or provide any other service until the Registrar has received confirmation of payment pursuant to subsection (5).

(3) Where the default continues for at least thirty days, the justice, judge or clerk of the court in which the fine or costs were imposed, the administrator or Service Nova Scotia and Municipal Relations may, subject to the regulations, issue to the Registrar a certificate of continuing default in the form and within the time prescribed by the Attorney General.

(4) Upon receipt of a certificate of continuing default pursuant to subsection (3), the Registrar shall, pursuant to the *Motor Vehicle Act*, suspend the person’s driver’s licence or privilege of obtaining a driver’s licence until the Registrar has received confirmation of payment pursuant to subsection (5).

(5) Upon payment of the outstanding fine or costs, or in the circumstances prescribed in the regulations, Service Nova Scotia and Municipal Relations or the justice, judge or

clerk of the court or the administrator shall provide the Registrar with a confirmation of payment in the form and within the time prescribed by the Attorney General.

(6) Upon receipt of a confirmation of payment, and payment by the person of any re-instatement and other applicable fees imposed by the Registrar, the Registrar shall, pursuant to the *Motor Vehicle Act*, lift the suspension and re-instate the person's driver's licence or privilege of obtaining a driver's licence and provide any other service to the person that was affected by actions taken by the Registrar pursuant to this Act.

(7) Notwithstanding subsection (6), the Registrar shall only re-instate the person's driver's licence or privilege of obtaining a driver's licence if there are no other suspensions or revocations of the person's driver's licence or privilege of obtaining a driver's licence outstanding against the person.

4 (1) The Governor in Council may make regulations

(a) for the purpose of subsections 3(2), (3) and (5);

(b) providing for the filing and enforcement of orders to pay restitution and the application of this Act to assist in the recovery of amounts owing under such orders;

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

(d) deemed necessary or advisable by the Governor in Council 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 regulations within the meaning of the *Regulations Act*.

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