



BILL NO. 148

Government Bill

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

An Act Respecting the Administration of Justice

CHAPTER 8
ACTS OF 2005

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MAY 19, 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 Respecting the Administration of Justice

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Justice Administration Amendment (2005) Act*.

PART I

ACCOUNTANT GENERAL OF THE SUPREME COURT ACT

2 Chapter 1 of the Revised Statutes, 1989, the *Accountant General of the Supreme Court Act*, is repealed.

PART II

BUILDERS' LIEN ACT

3 Subsection 13(8) of Chapter 277 of the Revised Statutes, 1989, the *Builders' Lien Act*, is amended by striking out “fifty” in the second line and substituting “sixty-five”.

4 (1) Subsection 26(1) of Chapter 277, as amended by Chapter 14 of the Acts of 2004, is further amended by striking out “office” in the last three lines and substituting “of deeds”.

(2) Section 26 is further amended by adding immediately after subsection (1) the following subsection:

(1A) Where the certificate referred to in subsection (1) relates to land that is a parcel registered pursuant to the *Land Registration Act*, the form of the certificate to be registered is the certificate of *lis pendens* prescribed under that Act.

(3) Subsection 26(2) of Chapter 277 is amended by striking out “subsection (1)” in the last line and substituting “this Section”.

5 Section 27 of Chapter 277, as amended by Chapter 14 of the Acts of 2004, is further amended by striking out “subsection (1) of” in the last line.

PART III

CONVEYANCING ACT

6 Chapter 97 of the Revised Statutes, 1989, the *Conveyancing Act*, is amended by adding immediately after Section 12 the following Section:

12A (1) Where the *Land Registration Act* applies, electronic submission of information and documents in accordance with regulations prescribed by the Minister

of Service Nova Scotia and Municipal Relations has the same effect as registration or recording of the documents in original form that are represented by the electronically submitted information, without the necessity of registering or recording the documents themselves.

(2) The Minister of Service Nova Scotia and Municipal Relations may make regulations for the purpose of subsection (1).

(3) The exercise by the Minister of Service Nova Scotia and Municipal Relations of the authority contained in subsection (2) is regulations within the meaning of the *Regulations Act*.

PART IV

COURT AND ADMINISTRATIVE REFORM ACT

7 Section 2 of Chapter 23 of the Acts of 1996, the *Court and Administrative Reform Act*, as amended by Chapter 31 of the Acts of 2001, is further amended by adding immediately after clause (a) the following clause:

(aa) the Governor in Council may, by regulation, assign to a member of the Executive Council the authority to issue a certificate under Section 37 of the *Crown Lands Act*;

8 Chapter 23 is further amended by adding immediately after Section 3 the following Section:

3A Notwithstanding clause 2(aa), a member of the Executive Council may only exercise the authority referred to in that clause where the Governor in Council has, by regulation, established policies and procedures for the issuance of the certificate referred to in that clause.

PART V

MOTOR VEHICLE ACT

9 Section 292 of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, as enacted by Chapter 10 of the Acts of 2002, is amended by

- (a) adding “, 149” immediately after “148” in the fourth line; and
- (b) adding “, 177” immediately after “172” in the sixth line.

10 Section 293 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002, is amended by striking out “61” in the second line and substituting “62”.

11 Section 294 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002, is amended by

- (a) striking out “19” in the second line and substituting “20”;
- (b) striking out “or 70” in the second line and substituting “70, 70A or 70B”;

- (c) striking out “subsection (4) of Section 103, Section 106A,” in the third and fourth lines and substituting “clause (a) of Section 106A, Section”; and
- (d) adding “, 258” immediately after “242” in the eighth line.

12 Section 295 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002, is amended by

- (a) striking out “56,” in the second line;
- (b) adding “or (4)” immediately after “(1)” in the fourth line; and
- (c) striking out “Section 106B,” in the fourth line and substituting “clause (b) of Section 106A, Section”.

13 Section 297 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 42 of the Acts of 2004, is further amended by

- (a) striking out “Section 106C,” in the third line and substituting “clause (c) of Section 106A, Section”; and
- (b) striking out “or 125A” in the fourth line and substituting “, 125A or 131”.

14 Section 298 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002, is amended by adding “, 56” immediately after “53” in the second line.

15 Section 299A of Chapter 293, as enacted by Chapter 10 of the Acts of 2002, is amended by striking out “or 51” in the second line and substituting “, 51 or 287”.

PART VI

NOTARIES AND COMMISSIONERS ACT

16 Chapter 312 of the Revised Statutes, 1989, the *Notaries and Commissioners Act*, is amended by adding immediately after Section 13 the following Section:

13A Every chief officer of a municipal police department, every commissioned officer of the Royal Canadian Mounted Police being on active service and every non-commissioned officer of the Royal Canadian Mounted Police who is the head of a detachment being on active service in the Province is, by virtue of that person’s office and without appointment by the Governor in Council, authorized to administer oaths and take and receive affidavits, declarations and affirmations within or without the Province for use within the Province.

PART VII

PAYMENT INTO COURT ACT

17 Clause 2(2)(a) of Chapter 338 of the Revised Statutes, 1989, the *Payment into Court Act*, is amended by striking out “in his name” in the first line.

18 Chapter 338 is further amended by adding immediately after Section 4 the following Section:

5 Notwithstanding any Act of the Legislature or any order or rule of any court, whenever money has been paid into court and has remained in court for a period of five years, the money, with accrued interest, must be paid to the Minister of Finance and may be used for the purposes of the Province, except that the Minister of Finance shall account for the money and pay out the money as if it were held by the court.

PART VIII

PUBLIC TRUSTEE ACT

19 Section 9 of Chapter 379 of the Revised Statutes, 1989, the *Public Trustee Act*, is repealed and the following Section substituted:

9 (1) The Attorney General may, by order, appoint a public trustee, official guardian or other public official responsible for managing, handling, administering or caring for the estate of a person residing in another province to be the guardian of that person's estate in the Province.

(2) A person appointed pursuant to subsection (1) has the same rights, powers, privileges, immunities, duties, obligations and functions in respect of the estate as the Public Trustee would have if the Public Trustee were responsible for managing, handling, administering or caring for the estate.

(3) The *Incompetent Persons Act* applies *mutatis mutandis* to an appointment made pursuant to subsection (1), except to the extent that that Act is varied by this Act.

PART IX

SMALL CLAIMS COURT ACT

20 Subsection 8(1) of Chapter 430 of the Revised Statutes, 1989, the *Small Claims Court Act*, is amended by adding "or classes of persons" immediately after "persons" in the second line.

PART X

COMING INTO FORCE

21 (1) This Act, except Sections 7 and 8, comes into force on such day as the Governor in Council orders and declares by proclamation.

(2) Sections 7 and 8 have effect on and after December 20, 1996, upon the Governor in Council so ordering by proclamation.
