



BILL NO. 195

Government Bill

*1st Session, 60th General Assembly
Nova Scotia
56 Elizabeth II, 2007*

**An Act to Amend Chapter 218
of the Revised Statutes, 1989,
the Incompetent Persons Act,
and Certain Other Statutes**

CHAPTER 17
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 13, 2007**

The Honourable Murray K. Scott
Minister of Justice

*Halifax, Nova Scotia
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**An Act to Amend Chapter 218
of the Revised Statutes, 1989,
the Incompetent Persons Act,
and Certain Other Statutes**

Be it enacted by the Governor and Assembly as follows:

1 Clause 2(b) of Chapter 218 of the Revised Statutes, 1989, the *Incompetent Persons Act*, is repealed and the following clause substituted:

(b) “incompetent person” includes a person, not an infant, who is incapable from infirmity of mind of managing the person’s own affairs.

2 Section 6 of Chapter 218 is amended by

(a) striking out “lunatic” in the third line and substituting “incompetent person”; and

(b) striking out “or lunatic” in the fifth line.

3 Subsection 13(1) of Chapter 218 is amended by striking out “insane” in the second line and substituting “an incompetent person”.

4 Section 14 of Chapter 218 is amended by striking out “sane” in the second and in the tenth lines and substituting in each case “competent”.

5 The heading immediately preceding Section 16 is amended by striking out “LUNATICS” and substituting “INCOMPETENT PERSONS”.

6 Section 16 of Chapter 218 is amended by striking out “lunatic” in the first line and substituting “incompetent person”.

7 Subsection 18(2) of Chapter 218 is amended by striking out “insane or is a dangerous idiot” in the third and fourth lines and substituting “an incompetent person”.

8 Subsection 19(1) of Chapter 218 is amended by

(a) striking out “acquitted on the ground of insanity” in the fourth line and substituting “found not criminally responsible on account of mental disorder”; and

(b) striking out “insane” in the fifth line and substituting “to be an incompetent person”.

9 Section 20 of Chapter 218 is amended by striking out “or dangerous idiot” in the third and fourth and in the sixth and seventh lines.

10 (1) Subsection 21(1) of Chapter 218 is amended by striking out “or dangerous idiot” in the eighth and ninth lines.

(2) Subsection 21(3) of Chapter 218 is amended by striking out “or dangerous idiot” in the second and third lines.

11 Chapter 218 is further amended by striking out “insane” wherever it appears in Chapter 218, except in subsections 18(2) and 19(2), and substituting in each case “incompetent”.

12 Section 19 of Chapter 47 of the Revised Statutes, 1989, the *Building Societies Act*, is amended by striking out “idiot, lunatic” in the fifth line and substituting “an incompetent person”.

13 (1) Article 101 of Table A in the First Schedule to Chapter 81 of the Revised Statutes, 1989, the *Companies Act*, as enacted by Order in Council 1991-828, is amended by

(a) striking out “of unsound mind” in the first line; and

(b) striking out “having jurisdiction in lunacy” in the second line and substituting “pursuant to the *Incompetent Persons Act*”.

(2) Clause (b) of Article 114 of Table A in the First Schedule to Chapter 81, as enacted by Order in Council 1991-828, is amended by striking out “lunatic” and substituting “to be an incompetent person”.

14 (1) Sub-article 10(1) of the Specimen Articles of Association contained in Form B in the Second Schedule to Chapter 81 is amended by striking out “idiot, lunatic” in the first line and substituting “incompetent person”.

(2) Sub-article 10(2) of the Specimen Articles of Association contained in Form B in the Second Schedule to Chapter 81 is amended by striking out “lunatic” in the second line and substituting “incompetent person”.

15 Section 13 of Chapter 227 of the Revised Statutes, 1989, the *Inebriates Guardianship Act*, is amended by striking out “insane” in the third line and substituting “incompetent”.

16 Section 36 of Chapter 258 of the Revised Statutes, 1989, the *Limitation of Actions Act*, is amended by striking out “idiot” in the third line and substituting “incompetent person”.

17 Clause 13(1)(a) of Chapter 271 of the Revised Statutes, 1989, the *Married Women’s Deeds Act*, is amended by striking out “a lunatic, idiot,” in the second line and substituting “an incompetent person”.

18 Clause 27(c) of Chapter 272 of the Revised Statutes, 1989, the *Married Women’s Property Act*, is amended by striking out “a lunatic” in the first line and substituting “an incompetent person”.

19 Section 14 of Chapter 333 of the Revised Statutes, 1989, the *Partition Act*, is amended by striking out “insane” in the second line and substituting “incompetent”.

20 Clause 38(a) of Chapter 334 of the Revised Statutes, 1989, the *Partnership Act*, is amended by striking out “lunatic by inquisition” in the first and second lines and substituting “to be an incompetent person”.

21 (1) Paragraph 26 of Table A in the Schedule to Chapter 407 of the Revised Statutes, 1989, the *Rural Telephone Act*, is amended by

- (a) striking out “of unsound mind” in the first line; and
- (b) striking out “having jurisdiction in lunacy” in the second line and substituting “pursuant to the *Incompetent Persons Act*”.

(2) Clause (b) of paragraph 34 of Table A in the Schedule to Chapter 407 is amended by striking out “lunatic” and substituting “to be an incompetent person”.

22 Section 2 of Chapter 479 of the Revised Statutes, 1989, the *Trustee Act*, is amended by

- (a) adding immediately after clause (d) the following clause:
 - (da) “incompetent person” means a person found to be an incompetent person pursuant to the *Incompetent Persons Act*;
- (b) repealing clause (h); and
- (c) striking out “a lunatic” in the third line of clause (k) and substituting “an incompetent person”.

23 Subclause 32(b)(i) of Chapter 479 is amended by striking out “a lunatic” and substituting “an incompetent person”.

24 Subclause 40(1)(b)(i) of Chapter 479 is amended by striking out “a lunatic” in the first line and substituting “an incompetent person”.

25 Subsection 68(1) of Chapter 479 is amended by striking out “lunatic” in the seventh line and substituting “incompetent person”.

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