



BILL NO. 233

Private Member's Bill

*2nd Session, 60th General Assembly
Nova Scotia
56 Elizabeth II, 2008*

An Act Respecting the Effect of an Apology and to Prohibit its Use as Evidence of Fault or Liability

CHAPTER 34
ACTS OF 2008

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 25, 2008**

Michel Samson
Richmond

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

This page is intentionally blank.

An Act Respecting the Effect of an Apology and to Prohibit its Use as Evidence of Fault or Liability

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Apology Act*.
- 2 In this Act,
 - (a) “apology” means an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault in connection with the matter to which the words or actions relate;
 - (b) “court” includes a tribunal, an arbitrator and any other person who is acting in a judicial or quasi-judicial capacity.
- 3
 - (1) An apology made by or on behalf of a person in connection with any matter
 - (a) does not constitute an express or implied admission of fault or liability by the person in connection with that matter;
 - (b) does not constitute a confirmation of a cause of action or acknowledgment of a claim in relation to that matter for the purpose of the *Limitations of Actions Act*;
 - (c) notwithstanding any wording to the contrary in any contract of insurance or any other enactment or law, does not void, impair or otherwise affect any insurance coverage that is or, but for the apology, would be available to the person in connection with that matter; and
 - (d) may not be taken into account in any determination of fault or liability in connection with that matter.
 - (2) Notwithstanding any other enactment or law, evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in any court as evidence of the fault or liability of the person in connection with that matter.
- 4 Nothing in this Act affects a prosecution for a contravention of an enactment.
- 5
 - (1) The Governor in Council may make regulations
 - (a) defining any word or expression used but not defined in this Act;
 - (b) 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*.

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