



BILL NO. 53

Government Bill

*1st Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

**An Act to Amend Chapter 31
of the Acts of 2004,
the Police Act, Respecting
the Serious Incident Response Team**

CHAPTER 25
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 1, 2014**

The Honourable Lena Metlege Diab
Minister of Justice

*Halifax, Nova Scotia
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**An Act to Amend Chapter 31
of the Acts of 2004,
the Police Act, Respecting
the Serious Incident Response Team**

Be it enacted by the Governor and Assembly as follows:

1 Clause 2(l) of Chapter 31 of the Acts of 2004, the *Police Act*, as enacted by Chapter 68 of the Acts of 2010, is amended by striking out “another” in the second line and substituting “any”.

2 Section 26C of Chapter 31 is repealed and the following Section substituted:

26C (1) The Governor in Council may appoint an interim Director for one term not exceeding one year

- (a) when the Director ceases to hold office; or
- (b) if the Director is unable to act.

(2) The Director may, after consultation with the Director of Public Prosecutions, designate a crown attorney to act as an acting Director in place of the Director while the Director is absent or unable for any reason to perform the duties of his or her office and any act done by the acting Director has the same force, validity and effect as if done by the Director.

(3) Where the Director is unable to designate an acting Director, the Minister may, after consultation with the Director of Public Prosecutions, designate a crown attorney to act as an acting Director in place of the Director while the Director is absent or unable for any reason to perform the duties of his or her office and any act done by the acting Director has the same force, validity and effect as if done by the Director.

(4) An acting Director appointed pursuant to subsection (2) or (3) must be

- (a) appointed for a period not exceeding one month; and
- (b) seconded from the public prosecution service to the acting Director’s position.

3 Section 26H of Chapter 31, as enacted by Chapter 68 of the Acts of 2010, is amended by

- (a) adding “(1)” immediately after the Section number; and**
- (b) adding immediately after subsection (1) as numbered by clause (a) the following subsection:**

(2) On the recommendation of the Director, the Minister may enter into agreements with an agency, the Government of Canada, the government of another province of Canada or a municipality to allow the Serious Incident

Response Team to provide independent oversight assistance or conduct an investigation.

4 Section 26I of Chapter 31, as enacted by Chapter 68 of the Acts of 2010, is amended by adding immediately after subsection (3) the following subsection:

(4) For greater certainty, the Director may determine that it would be in the public interest for an incident alleged to have occurred from the actions of a police officer to be dealt with in accordance with subsection (3).

5 Subsection 6(2) of Chapter 31 of the Acts of 2001, the *Fatality Investigations Act*, is amended by adding “, the Serious Incident Response Team” immediately after “department” in the first and second lines.
