



BILL NO. 48

Government Bill

*2nd Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

An Act to Amend Various Statutes Administered by Service Nova Scotia

CHAPTER 43
ACTS OF 2018

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 11, 2018**

The Honourable Geoff MacLellan
Minister of Service Nova Scotia

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

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An Act to Amend Various Statutes Administered by Service Nova Scotia

Be it enacted by the Governor and Assembly as follows:

COLLECTION AGENCIES ACT

1 Section 27 of Chapter 77 of the Revised Statutes, 1989, the *Collection Agencies Act*, is repealed and the following Section substituted:

27 A prosecution for an offence under this Act or the regulations may not be commenced more than three years after the later of

- (a) the date on which the offence was committed; and
- (b) the date on which evidence of the offence first came to the attention of the Registrar.

2 Section 33 of Chapter 40 of the Acts of 2012, the *Debt Collection and Management Reform (2012) Act*, is repealed.

CONSUMER CREDITORS' CONDUCT ACT

3 Subsection 5(3) of Chapter 91 of the Revised Statutes, 1989, the *Consumer Creditors' Conduct Act*, as amended by Chapter 40 of the Acts of 2012, is further amended by striking out "one year from" in the second line and substituting "three years after".

4 Subsection 42(3) of Chapter 40 of the Acts of 2012, the *Debt Collection and Management Reform (2012) Act*, is repealed.

CONSUMER PROTECTION ACT

5 (1) Clause 10(1)(b) of Chapter 92 of the Revised Statutes, 1989, the *Consumer Protection Act*, as amended by Chapter 34 of the Acts of 2000 and Chapter 9 of the Acts of 2015, is further amended by striking out "on credit" in the second line.

(2) Subsection 10(2) of Chapter 92, as amended by Chapter 34 of the Acts of 2000 and Chapter 9 of the Acts of 2015, is further amended by striking out "solely because the borrower or buyer is a woman" in the third and fourth lines and substituting "because of the sex or marital status of the borrower or buyer".

(3) Subsection 10(3) of Chapter 92 is repealed.

6 (1) Subsection 12(1) of Chapter 92, as amended by Chapter 4 of the Acts of 1999, Chapter 34 of the Acts of 2000 and Chapter 9 of the Acts of 2015, is further amended by striking out "in the prescribed form" in the first and second lines and substituting "in the form approved by the Registrar".

(2) Subsection 12(2) of Chapter 92, as enacted by Chapter 4 of the Acts of 1999 and amended by Chapter 34 of the Acts of 2000 and Chapter 9 of the Acts of 2015, is further amended by adding “or such other period as may be prescribed by the regulations” immediately after “issue” in the fourth line.

7 Subsection 18E(2) of Chapter 92, as enacted by Chapter 25 of the Acts of 2006 and amended by Chapter 55 of the Acts of 2011, is further amended by adding “or such other period as may be prescribed in the regulations” immediately after “year” in the second and third lines.

8 Subsection 18U(1) of Chapter 92, as enacted by Chapter 25 of the Acts of 2006 and amended by Chapter 55 of the Acts of 2011, is further amended by adding immediately after clause (d) the following clause:

(da) prescribing when a permit expires;

9 Section 20 of Chapter 92 is amended by adding immediately after subsection (3) the following subsection:

(4) Notwithstanding subsections (1) to (3), where advertising restrictions are set out in the regulations for some or all types of credit,

(a) a lender shall comply with the advertising restrictions prescribed in the regulations; and

(b) a lender is not obligated to comply with subsections (1) to (3) to the extent authorized by the regulations.

10 Subsection 26(5) of Chapter 92 is amended by striking out “and workmanlike” in the third and fourth lines and substituting “, efficient and competent”.

11 Section 30 of Chapter 92 is repealed and the following Section substituted:

30 A prosecution for an offence under this Act or the regulations may not be commenced more than three years after the later of

(a) the date on which the offence was committed; and

(b) the date on which evidence of the offence first came to the attention of the Registrar.

12 Section 33 of Chapter 92, as amended by Chapter 8 of the Acts of 1998, Chapter 4 of the Acts of 1999, Chapter 34 of the Acts of 2000, Chapter 35 of the Acts of 2007, Chapter 9 of the Acts of 2015 and Chapter 9 of the Acts of 2017, is further amended by

(a) adding immediately after clause (c) the following clause:

(ca) prescribing when a permit or any type or class of permit expires;

(b) adding “or lenders” immediately after “sellers” both times it appears in the first line of clause (e);

(c) adding “, the regulations or any part of this Act or the regulations” immediately after “Act” in the first line of clause (g);

(d) adding immediately after clause (o) the following clause:

(oa) prescribing alternative advertisement requirements that apply instead of or in addition to the requirements of Section 20, including different requirements for different forms of credit;

(e) adding immediately after clause (q) the following clauses:

(qa) requiring a contract for consumer sales to which Sections 26 and 27 apply, or for categories of contracts for consumer sales to which Sections 26 and 27 apply, to be written, including setting a minimum value at which a written contract is required;

(qb) respecting disclosure or advertising requirements for consumer sales to which Sections 26 and 27 apply, or for categories of consumer sales to which Sections 26 and 27 apply, including different disclosure or advertising requirements for different categories of consumer sales;

(qc) respecting the form and content of contracts for consumer sales to which Sections 26 and 27 apply, or for categories of consumer sales to which Sections 26 and 27 apply, including different form and content requirements for different categories of consumer sales;

(qd) respecting the cancellation and refunding of money paid under contracts for consumer sales to which Sections 26 and 27 apply, or for categories of consumer sales to which Sections 26 and 27 apply, including different requirements for different categories of consumer sales;

(qe) imposing restrictions on the consumer sale of goods or services, or any category of the consumer sale of goods or services, to which Sections 26 and 27 apply;

and

(f) adding immediately after clause (s) the following clause:

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

CONSUMER REPORTING ACT

13 Subsection 10(3) of Chapter 93 of the Revised Statutes, 1989, the *Consumer Reporting Act*, is amended by

(a) striking out clause (c) and substituting the following clauses:

(c) information regarding any debt more than six years after the last payment was made or, where no payment was made, more than six years after the date on which the default in payment occurred;

(ca) information regarding any judgment against the consumer more than six years after the judgment was given, unless the judgment creditor or an agent of the judgment creditor confirms that the judgment remains unpaid, in whole or in part, and the confirmation appears in the file;

(b) striking out “and the amount or, in the case where a judgment has been fully paid or satisfied as appears from the records on file at the office of the clerk of the court or the prothonotary of the court and six years has expired since the date of the

satisfaction of the judgment, information concerning the judgment unless the consumer has had more than one judgment recorded against him” in the eighth to last lines of clause (d); and

(c) adding immediately after clause (d) the following clause:

(da) information regarding any actions or other court proceedings that are more than six years old or actions or court proceedings commenced against the consumer more than twelve months prior to the making of the report unless the consumer reporting agency has ascertained the current status of the action or proceeding and has a record of this on file;

(d) striking out “or” at the end of clause (h); and

(e) adding immediately after clause (h) the following clause:

(ha) any other information adverse to the consumer’s interest more than six years after the event that gave rise to the information; or

14 Subsections 23(3) and (4) of Chapter 93 are repealed.

15 Chapter 93 is further amended by adding immediately after Section 23 the following Section:

23A A prosecution for an offence under this Act or the regulations may not be commenced more than three years after the later of

(a) the date on which the offence was committed; and

(b) the date on which evidence of the offence first came to the attention of the Registrar.

16 Section 25 of Chapter 93, as amended by Chapter 4 of the Acts of 1999 and Chapter 9 of the Acts of 2017, is further amended by adding immediately after clause (j) the following clause:

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

DIRECT SELLERS’ REGULATION ACT

17 Section 38 of Chapter 129 of the Revised Statutes, 1989, the *Direct Sellers’ Regulation Act*, is repealed and the following Section substituted:

38 A prosecution for an offence under this Act or the regulations may not be commenced more than three years after the later of

(a) the date on which the offence was committed; and

(b) the date on which evidence of the offence first came to the attention of the Registrar.

18 Subsection 39(1) of Chapter 129, as amended by Chapter 12 of the Acts of 2014, is further amended by striking out “which shall be heard in” in the fourth line.

MARRIAGE ACT

19 Subsection 7(1) of Chapter 436 of the Revised Statutes, 1989, the *Marriage Act*, is amended by striking out “any person registered under this Act as authorized to solemnize marriage has ceased to or does not possess the qualifications entitling that person to be so registered,” in the second, third, fourth and fifth lines and substituting the following clauses:

- (a) any person registered under this Act as authorized to solemnize marriage
 - (i) has ceased to or does not possess the qualifications entitling that person to be so registered,
 - (ii) has contravened this Act or the regulations, or
 - (iii) has made a material misstatement in that person’s application for registration; or
- (b) it is contrary to the public interest for any person to continue to be registered under this Act as authorized to solemnize marriage,

20 Section 8 of Chapter 436 is repealed.

21 Subsection 33(1) of Chapter 436, as amended by Chapter 15 of the Acts of 2017, is further amended by relettering clause (a) as (ab) and adding immediately before that clause the following clauses:

- (a) respecting the determination by the Registrar of whether a religious body is sufficiently well established, both as to continuity of existence and as to recognized rites and usages respecting the solemnization of marriage, to warrant the registration of its ministers, clerics or religious representatives as authorized to solemnize marriage;
- (aa) respecting the cancellation and suspension of any person’s registration as authorized to solemnize marriage, including
 - (i) authorizing the Registrar to suspend any person’s registration as authorized to solemnize marriage and prescribing the circumstances under which any person’s registration may be suspended, and
 - (ii) authorizing the Registrar to cancel any person’s registration as authorized to solemnize marriage in circumstances prescribed by the regulations and prescribing such circumstances;

MONEY-LENDERS ACT

22 Section 4 of Chapter 289 of the Revised Statutes, 1989, the *Money-lenders Act*, is amended by striking out “the Supreme Court or in the county court” in the first and second lines and substituting “a court of competent jurisdiction”.

23 Section 5 of Chapter 289 is amended by striking out “the Supreme Court or in the county court, may apply in a summary way to the Trial Division of the Supreme Court

or a judge thereof, or to the county court or a judge thereof,” in the fifth to eighth lines and substituting “a court of competent jurisdiction, may apply in a summary way to the court”.

24 Section 6 of Chapter 289 is amended by striking out “Supreme Court and of a judge thereof and of the county court and a judge thereof” in the fifth and sixth lines and substituting “court”.

MORTGAGE REGULATION ACT

25 Subsection 72(1) of Chapter 11 of the Acts of 2012, the *Mortgage Regulation Act*, is repealed and the following subsection substituted:

(1) A prosecution for an offence under this Act or the regulations may not be commenced more than three years after the later of

- (a) the date on which the offence was committed; and
- (b) the date on which evidence of the offence first came to the attention of the Registrar.

PETROLEUM PRODUCTS PRICING ACT

26 Section 12 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, is amended by striking out “Subject to Section 11” in the first line and substituting “Except as provided by Section 11”.

UNCONSCIONABLE TRANSACTIONS RELIEF ACT

27 Clause 2(a) of Chapter 481 of the Revised Statutes, 1989, the *Unconscionable Transactions Relief Act*, is amended by

- (a) adding “the Registrar General under the *Land Registration Act*,” immediately after “to” in the fifth line; and
- (b) striking out “county or city” in the sixth line.

28 Section 5 of Chapter 481 is repealed and the following Section substituted:

5 (1) In addition to any right that a debtor may have under this or any other Act or otherwise in respect of money lent, the debtor may apply for relief under this Act to a court.

(2) An applicant shall provide two clear days notice to the creditor when making an application under subsection (1).

(3) The court may, on an application received under subsection (1), exercise any of the powers of the court under Section 3.

(4) An order made under subsection (3) may be appealed in accordance with the rules of the court.
