



BILL NO. 210

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
1 Charles III, 2022*

An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act

CHAPTER 54
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 9, 2022**

The Honourable Brad Johns
Minister responsible for the Regulations Act

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

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**An Act to Amend Chapter 393
of the Revised Statutes, 1989,
the Regulations Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 393 of the Revised Statutes, 1989, the *Regulations Act*, as amended by Schedule A of Chapter 1 of the Acts of 2018, is further amended by

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

(a) “Deputy Attorney General” means the Deputy Attorney General and includes a lawyer employed in the Legal Services Division of the Department of Justice;

(b) adding “and the regulations” immediately after “3” in the second line of clause (b); and

(c) striking out clauses (d) and (e).

2 Chapter 393 is further amended by adding immediately after Section 2 the following Section:

2A The Attorney General is responsible for the general supervision and management of this Act and the regulations.

3 (1) Subsection 3(1) of Chapter 393 is repealed and the following subsections substituted:

(1) Every regulation or a certified copy thereof must be filed in duplicate with the Registrar, together with two copies of the following:

(a) the original or a certified copy of the executive order or other instrument that made the regulation and contains all of the information set out in subsection (1A); or

(b) where the executive order or instrument referred to in clause (a) is not available or where requested by the Registrar, a certificate signed by the person filing the regulation that contains all of the information set out in subsection (1A).

(1A) The following information is required for the purpose of subsection (1):

(a) the name of the person who made the regulation;

(b) the Act and Section number under which the regulation was made;

(c) the date on which the regulation was made; and

(d) where approval by another authority is required, the date of the approval and two copies of the certificate referred to in subsection (2).

(2) Subsection 3(3) of Chapter 393 is amended by adding “, (1A)” immediately after “(1)” in the sixth line.

(3) Subsection 3(5) of Chapter 393 is amended by striking out “his” in the eleventh line and substituting “the Registrar’s”.

(4) Section 3 of Chapter 393, as amended by Chapter 46 of the Acts of 2004, is further amended by adding immediately after subsection (5) the following subsection:

(5A) A regulation is considered filed under this Act when the Registrar has endorsed on the regulation, either physically or electronically,

(a) the number assigned under Section 18, the day, month and year of filing and the word “filed”; and

(b) any words adopted by the Registrar to identify the Registrar or the Registrar’s office and the Province.

(5) Subsection 3(6) of Chapter 393 is repealed and the following subsection substituted:

(6) A regulation comes into force on the day on which it is filed with the Registrar unless

(a) the regulation expressly states that it comes into force on a day that is later than the day on which it is filed, in which case it comes into force on such later day;

(b) the regulation expressly states that it comes into force on a day that is earlier than the day on which it is filed and the Act under which it is made expressly authorizes the making of the regulation with retroactive effect, in which case it comes into force as provided by that Act; or

(c) the Act under which the regulation is made expressly authorizes a different method for the regulation to come into force, in which case it comes into force as provided by that Act.

(6) Subsection 3(8) of Chapter 393 is repealed.

4 Chapter 393 is further amended by adding immediately after Section 3 the following Sections:

3A (1) Notwithstanding subsection (6) of Section 3, where the Attorney General considers it in the public interest to do so, the Attorney General may, by regulation, order that a regulation is deemed to have been filed on any specified date that is on or after the date it was made but before it is filed and, where the Attorney General so orders, the regulation is deemed to have been filed on the specified date.

(2) To prevent persons from being affected adversely by a regulation that is deemed to have been filed on a specified date under subsection (1), the Attorney General may include in the regulation conditions that vary the effect of the regulation that is being deemed to be filed on a specified date during the period between the specified date of filing and the actual date of filing.

3B (1) A person may file a regulation electronically if the regulation is filed in a format and manner acceptable to the Registrar.

(2) A regulation filed electronically under this Section is deemed to comply with the requirements in clause 3(1)(a) for an original or certified copy.

(3) Notwithstanding subsection 3(1), only one copy of the regulation and the certificate required by clause 3(1A)(d) is required for a regulation that is filed electronically.

3C Any regulation, executive order, certificate or form that is required to be signed by a person for filing with the Registrar may be filed with the Registrar if it is signed with an electronic signature acceptable to the Registrar.

5 (1) Subsection 4(1A) of Chapter 393 is repealed and the following subsection substituted:

(1A) The publication of the Royal Gazette in print or electronic form constitutes the official gazette of the Province in accordance with subsection (1) of Section 17 of the *Communications and Information Act*.

(2) Subsection 4(2) of Chapter 393 is amended by striking out “Governor in Council” in the first line and substituting “Attorney General”.

(3) Subsection 4(3) of Chapter 393 is repealed and the following subsection substituted:

(3) The Attorney General, on the recommendation of the Registrar, may by order dispense with the publication of a regulation if, in the opinion of the Attorney General,

(a) the regulation is of such length or complexity to render publication in the Royal Gazette unpractical or unduly expensive;

(b) alternative reasonable steps have been taken for the purpose of bringing the purport of the regulation to the notice of the public or persons likely to be affected by it;

(c) an electronic version of the regulation is not available;

(d) the electronic version of the regulation is in a format that renders publication in the Royal Gazette unpractical;

(e) the regulation is no longer in force at the time of publication and alternative notice of the regulation has been provided to the public;

(f) the regulation belongs to a class of regulations prescribed by the regulations as being permitted to be dispensed with as a class; or

(g) such other criteria, as prescribed by the regulations, exist,

and the regulation upon filing is as valid against all persons as if it had been published.

(4) Subsection 4(4) of Chapter 393 is amended by striking out “Governor in Council” in the first line and substituting “Attorney General”.

6 Section 6 of Chapter 393 is amended by adding “in accordance with Section 4” immediately after “published” in the second line.

7 Section 7 of Chapter 393 is amended by adding “in accordance with Section 4” immediately after “published” in the first line.

8 (1) Subsection 9(1) of Chapter 393 is amended by adding “in accordance with Section 4” immediately after “regulation” in the first line.

(2) Subsection 9(2) of Chapter 393 is amended by adding “in accordance with Section 4” immediately after “published” in the second line.

9 Subsection 10(2) of Chapter 393 is amended by striking out “his” in the second line and substituting “the person’s”.

10 Chapter 393 is further amended by adding immediately after Section 10 the following Sections:

10A (1) Subject to subsection (2), the Registrar may replace with a copy a regulation, or a document filed with a regulation, that the Registrar considers to be deteriorating, worn or damaged beyond repair.

(2) Where a regulation or document is replaced under subsection (1), the Registrar shall attach to, or endorse on, the replacement copy a certificate by the Registrar stating that the replacement copy is a true copy of the original regulation or document.

10B (1) For the purpose of preserving the laws of the Province, a regulation that has been superseded or that the Registrar considers to be deteriorating, worn or damaged beyond repair must be transferred to the Public Archives of Nova Scotia in accordance with a schedule for the retention and archiving of Provincial regulations.

(2) The Deputy Attorney General and the Registrar shall establish the schedule referred to in subsection (1) after consultation with the Provincial Archivist of Nova Scotia or such other officer or employee of the Public Archives as the Provincial Archivist may designate.

(3) The schedule referred to in subsection (1) may also provide for the transfer and archiving of regulations other than those referred to in subsection (1) and the Registrar may transfer those regulations to the Public Archives in accordance with the schedule.

11 (1) Subsection 11(1) of Chapter 393, as amended by Chapter 23 of the Acts of 1996, is further amended by adding “or a member of the Executive Council” immediately after “Council” in the second line.

(2) Subsection 11(3) of Chapter 393 is amended by striking out “his” in the sixth line and substituting “the Deputy Attorney General’s”.

12 Chapter 393 is further amended by adding immediately after Section 13 the following Section:

13A The Registrar may, with the approval of the Attorney General and in accordance with the process and procedures prescribed by the regulations, discharge the filing of any document filed with the Registrar if

- (a) in the opinion of the Deputy Attorney General, the document is not a regulation within the meaning of this Act; or
- (b) this Act does not apply to the document by reason of an exemption or other statement to that effect in an enactment.

13 (1) Subsection 14(1) of Chapter 393 is repealed and the following subsection substituted:

(1) The Attorney General may, in accordance with the *Civil Service Act*, appoint a person to be the Registrar of Regulations, who shall perform such duties as are set forth in this Act and as the Attorney General may assign.

(2) Subsection 14(2) of Chapter 393 is amended by

- (a) striking out “Minister” in the second line of clause (a) and substituting “Attorney General”; and**
- (b) striking out “him” in the second line of clause (b) and substituting “the Registrar”.**

14 (1) Subsection 15(1) of Chapter 393 is repealed and the following subsection substituted:

(1) The Attorney General may, in accordance with the *Civil Service Act*, appoint a person to be the Deputy Registrar of Regulations, who shall perform such duties as are set forth in this Act and as the Attorney General may assign.

(2) Subsection 15(2) of Chapter 393 is amended by

- (a) striking out “Minister” in the second line of clause (a) and substituting “Attorney General”; and**
- (b) striking out “Minister” in the third line of clause (b) and substituting “Attorney General”.**

15 Clause 20(1)(a) of Chapter 393 is amended by striking out “pursuant to this Act” and substituting “in accordance with Section 4”.

16 Subsection 21(1) of Chapter 393 is amended by adding immediately after clause (c) the following clauses:

(ca) prescribing methods and rules for the electronic filing and indexing of regulations that supplement or provide alternatives to the rules described in this Act to

permit the establishment of an electronic regulations filing system or otherwise address technology;

(cb) prescribing criteria that allows the Attorney General to dispense with the publication of a regulation or a class of regulations in accordance with Section 4;

17 Chapter 393 is further amended by adding immediately after Section 21 the following Sections:

21A The Attorney General may make regulations

(a) ordering that a regulation is deemed to have been filed on a specified date that is on or after the date it was made but before it is filed in accordance with Section 3A;

(b) prescribing the process and procedures required to be followed in discharging the filing of any document under Section 13A;

(c) prescribing the manner in which a copy of a regulation may indicate that it is an authorized version prepared by the authority of the Registrar.

21B (1) The exercise by the Governor in Council of the authority contained in Section 21 is a regulation within the meaning of this Act.

(2) The exercise by the Attorney General of the authority contained in Section 21A is a regulation within the meaning of this Act.

18 Subsection 22(5) of Chapter 393 is amended by striking out “he” in the third line and substituting “the Attorney General”.

19 Chapter 393 is further amended by adding immediately after Section 22B the following Section:

22BA(1) The Registrar may from time to time prepare and publish, in print or electronic form, a consolidation of the regulations filed with the Registrar.

(2) In preparing a consolidation of the regulations under this Section, the Registrar may, without altering the legal effect of any regulation,

(a) correct spelling, capitalization, punctuation, grammatical errors or other errors of a clerical, typographical or similar nature;

(b) alter the style or presentation of text or graphics to be consistent with the style and formatting practices of the Registrar’s office or to improve electronic or print presentation and accessibility;

(c) alter the numbering and structure of a provision or other portion of a regulation to accord with current legislative standards and practices, and to make any corrections to cross-references required as a result of the alteration;

(d) correct an error in a cross-reference;

(e) replace a description of a date or time with the actual date or time;

(f) make minor editorial changes required in order to preserve a uniform mode of expression;

(g) make such minor editorial corrections to a regulation as are necessary in order to reconcile inconsistent provisions or to state more clearly what the Registrar deems to have been intended by the regulation or an amendment to the regulation;

(h) combine a regulation with any other regulation or part thereof or subdivide a regulation into two or more regulations;

(i) add, change or omit any title to a regulation;

(j) alter headings to a regulation;

(k) replace a form of reference to an Act or regulation, or a provision or other portion of an Act or regulation, with a different form of reference, in accordance with the drafting practices of the Registrar's office; and

(l) include legislative history, referential aids or other information that may be helpful to the public in understanding the relevant legislative history or otherwise enhances the readability of the consolidation.

(3) The Registrar shall record all changes made in accordance with subsection (2) as the Registrar considers appropriate.

(4) Tables of contents, marginal notes, information included to provide legislative history, parenthetical cross-referential aids, headnotes, headers, except for Section numbers that may appear as part of headers, and other readability aids that are inserted by the Registrar into a consolidated regulation prepared by the Registrar are for convenience of reference only and do not form part of the regulation.

(5) Consolidated regulations prepared by the Registrar under this Section are not new laws, but must be interpreted, construed and given effect as a consolidation of the regulations.

(6) Other than a regulation to which subsection 22C(2) applies, where a regulation consolidated under this Section is amended, the amendments must be to the regulation as consolidated.

(7) In the event of an inconsistency between a consolidated regulation prepared by the Registrar under this Section and the regulation or a subsequent amendment as filed with the Registrar under Section 3, the regulation or amendment as filed prevails to the extent of the inconsistency.

20 Section 23 of Chapter 393 is repealed.

21 Subsection 7(1) of Chapter 79 of the Revised Statutes, 1989, the *Communications and Information Act*, is amended by striking out “the Royal Gazette,” in the second and third lines.

22 Subsection 17(1) of Chapter 79 is amended by adding “as published under the authority of the Attorney General in print or electronic form” immediately after “Gazette” in the second line.

23 (1) Clause 18(1)(c) of Chapter 79 is repealed and the following clause substituted:

(c) regulate the price of copies of the Royal Gazette, or portions thereof, and the charges to be paid for the publication of notices, advertisements and documents, or notices of correction for anything previously published.

(2) Subsection 18(3) of Chapter 79 is repealed.

24 Section 6 of Chapter 154 of the Revised Statutes, 1989, the *Evidence Act*, is amended by

(a) adding “(1)” immediately after the Section number; and

(b) adding immediately after subsection (1) the following subsection:

(2) For greater certainty, any regulation or consolidated regulation or copy of a regulation or consolidated regulation purporting to be published in accordance with the *Regulations Act* shall be received in evidence without further proof to its contents.

25 Subsections 3(4) and (5) come into force on such day as the Governor in Council orders and declares by proclamation.
