



# **BILL NO. 104**

*Government Bill*

---

*1st Session, 64th General Assembly  
Nova Scotia  
71 Elizabeth II, 2022*

---

## **An Act to Amend Chapter 9 of the Acts of 2002, the Interjurisdictional Support Orders Act**

CHAPTER 16  
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 22, 2022**

The Honourable Brad Johns  
*Attorney General*

---

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

This page is intentionally blank.

**An Act to Amend Chapter 9  
of the Acts of 2002,  
the Interjurisdictional Support Orders Act**

Be it enacted by the Governor and Assembly as follows:

**1 Chapter 9 of the Acts of 2002, the *Interjurisdictional Support Orders Act*, is amended by adding immediately after Section 2 the following Section:**

2A This Act and the regulations are the applicable provincial law for the purpose of subsections 18.1(2), 19(2), 19.1(2) of the *Divorce Act* (Canada) except where the rules of court include specific rules for proceedings under sections 18 to 19.1 of the *Divorce Act* (Canada).

**2 Subsection 6(2) of Chapter 9, as amended by Chapter 24 of the Acts of 2012, is further amended by striking out “sworn” in the first line of clause (d).**

**3 Subsection 7(4) of Chapter 9, as amended by Chapter 24 of the Acts of 2012, is further amended by striking out “certified” in the first line.**

**4 (1) Subsection 8(3) of Chapter 9 is amended by striking out “three certified copies” in the first line of clause (a) and substituting “a certified copy”.**

**(2) Subsection 8(5) of Chapter 9 is amended by striking out “three certified copies” in the third line of clause (b) and substituting “a certified copy”.**

**5 Section 11 of Chapter 9, as amended by Chapter 24 of the Acts of 2012, is further amended by adding immediately after subsection (1) the following subsection:**

(1A) The Nova Scotia court may receive evidence, information or documents under this Section from a party or witness by telephone or other means of technology unless it would not be appropriate to do so in the circumstances.

**6 Subsection 15(2) of Chapter 9 is amended by striking out “copies” in the second line and substituting “a copy”.**

**7 Section 16 of Chapter 9 is amended by striking out “certified” in the third line.**

**8 (1) Subsection 18(1) of Chapter 9, as enacted by Chapter 24 of the Acts of 2012, is amended by striking out “certified” in the third line.**

**(2) Subsection 18(2) of Chapter 9, as enacted by Chapter 24 of the Acts of 2012, is amended by striking out “certified” in the first line.**

**(3) Section 18 of Chapter 9, as enacted by Chapter 24 of the Acts of 2012, is further amended by adding immediately after subsection (2) the following subsections:**

(3) Where the designated authority determines it is appropriate to do so, it may require a certified copy of the order made in a reciprocating jurisdiction in or outside of Canada from the appropriate authority or the party who resides in the reciprocating jurisdiction.

(4) Where the designated authority determines that requiring a certified copy of the order is appropriate under subsection (3), the designated authority may decline to forward a copy of the order to the clerk of the Nova Scotia court until a certified copy of the order is received.

**9 Subsection 19(7) of Chapter 9 is amended by striking out “copies” in the second line and substituting “a copy”.**

**10 (1) Subsection 20(4) of Chapter 9 is amended by**

**(a) striking out “or” at the end of subclause (b)(ii);**

**(b) striking out the period at the end of subclause (b)(iii) and substituting a comma; and**

**(c) adding immediately after subclause (b)(iii) the following subclauses:**

(iv) it is not satisfied with the authenticity or integrity of the order made in a reciprocating jurisdiction outside of Canada, or

(v) in the proceeding in which the order was originally registered within Canada a party to the order did not have proper notice or a reasonable opportunity to be heard.

**(2) Section 20 of Chapter 9, as amended by Chapter 24 of the Acts of 2012, is further amended by adding immediately after subsection (4A) the following subsection:**

(4B) The Nova Scotia court may set aside registration of an order made in a reciprocating jurisdiction outside Canada under subclause 20(4)(b)(iv) only if it has requested a certified copy of the order and a certified copy of the order has not been received.

**11 Chapter 9 is further amended by adding immediately after Section 21 the following Section:**

21A (1) An order made in a reciprocating jurisdiction outside Canada received by the designated authority under this Part is deemed to be an order made in a reciprocating jurisdiction within Canada and subsections 20(2) and (6) and Section 21 do not apply if that order

(a) was previously registered in another province of Canada under an Act that corresponds to this Act; and

(b) the registration has not been set aside in that province of Canada.

(2) Notwithstanding subsection (1), the respondent may apply to the Nova Scotia court under subsection 20(2) if the respondent did not receive notice of registration in the province of Canada where the order was previously registered.

**12 (1) Subsection 29(2) of Chapter 9, as amended by Chapter 24 of the Acts of 2012, is further amended by**

**(a) adding “, unless the designated authority advises the applicant that a non-certified copy is acceptable” immediately after “order” in the first line of clause (b); and**

**(b) striking out “affidavit” in the first line of clause (e) and substituting “document”.**

**(2) Subsection 29(3) of Chapter 9 is amended by striking out “affidavit” in the first line and substituting “document”.**

**13 Subsection 30(4) of Chapter 9 is amended by striking out “certified” in the first line.**

**14 (1) Subsection 32(3) of Chapter 9 is amended by striking out “three certified copies” in the first line of clause (a) and substituting “a certified copy”.**

**(2) Subsection 32(5) of Chapter 9 is amended by striking out “three certified copies” in the third line of clause (b) and substituting “a certified copy”.**

**15 Section 36 of Chapter 9, as amended by Chapter 24 of the Acts of 2012, is further amended by adding immediately after subsection (1) the following subsection:**

(1A) The Nova Scotia court may receive evidence, information or documents under this Section from a party or witness by telephone or other means of technology unless it would not be appropriate to do so in the circumstances.

**16 Subsection 39(2) of Chapter 9 is amended by striking out “copies” in the second line and substituting “a copy”.**

**17 Section 40 of Chapter 9, as amended by Chapter 24 of the Acts of 2012, is further amended by striking out “certified” in the third line.**

**18 Chapter 9 is further amended by adding immediately after Section 44 the following Sections:**

44A An order or other document referred to in Section 44 may be transmitted electronically with the approval of the appropriate authority of the reciprocating jurisdiction.

44B Subject to the regulations, the designated authority may receive documents transmitted electronically from an appropriate authority in a reciprocating jurisdiction.

44C The designated authority may remove any contact or other identifying information from any document to be sent or disclosed by the designated authority.

44D On application by a party, the designated authority or on its own motion, the court may order that any information provided for the purpose of a proceeding under this Act be kept confidential and not form part of the public record.

**19 Section 48 of Chapter 9 is amended by adding “, including giving effect to statements contained in a document in accordance with subsections 51(3) and (4)” immediately after “document” in the last line.**

**20 (1) Subsection 51(1) of Chapter 9 is amended by**

**(a) adding “or affirmed” immediately after “to” in the first line; and**

**(b) adding “are deemed to have been sworn or affirmed by an authority under Section 64 of the *Evidence Act* and” immediately after “jurisdiction” in the third line.**

**(2) Section 51 of Chapter 9 is further amended by adding immediately after subsection (2) the following subsections:**

(3) Where a document from a reciprocating jurisdiction corresponding to a support application described in subsection 7(2) or a support-variation application described in subsection 30(2) has not been sworn to or affirmed, the Nova Scotia court may receive the document in evidence as proof of the content of the document in the absence of evidence to the contrary if

(a) the document includes a statement by the claimant or applicant declaring that the matters set out in the document are true; and

(b) the document was transmitted by an appropriate authority in a reciprocating jurisdiction to the designated authority in accordance with the regulations.

(4) Where the Nova Scotia court is not satisfied with the authenticity or integrity of the document referred to in subsection (3), it may require the claimant or applicant to

(a) swear to or affirm the document;

(b) provide a sworn or affirmed statement that attests to the truth of the statements set out in the document; or

(c) appear before the Nova Scotia court by telephone or other means of technology to

(i) swear or affirm that the contents of the document are true, or

(ii) give oral evidence.

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

---