



BILL NO. 124

Government Bill

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

An Act to Amend Chapter 379 of the Revised Statutes, 1989, the Public Trustee Act

CHAPTER 26
ACTS OF 2022

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

The Honourable Brad Johns
Attorney General and Minister of Justice

*Halifax, Nova Scotia
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**An Act to Amend Chapter 379
of the Revised Statutes, 1989,
the Public Trustee Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 379 of the Revised Statutes, 1989, the *Public Trustee Act*, as amended by Chapter 42 of the Acts of 2005 and Chapter 4 of the Acts of 2017, is further amended by

- (a) striking out “him” in the third line of clause (e) and substituting “the person”;**
- (b) striking out “his” in the fourth line of clause (e) and substituting “the person’s”;**
- (c) striking out the period at the end of clause (i) and substituting a semicolon;**
and
- (d) adding immediately after clause (i) the following clause:**
 - (j) “unclaimed human remains” means human remains that are determined to be unclaimed by the Public Trustee pursuant to Section 25A.**

2 (1) Subsection 3(2) of Chapter 379 is amended by striking out “his” in the fourth line and substituting “the Public Trustee’s”.

(2) Subsection 3(5) of Chapter 379 is amended by striking out “he” in the third line and substituting “the Public Trustee”.

(3) Subsection 3(6) of Chapter 379 is amended by striking out “him” in the second line and substituting “the Public Trustee”.

(4) Subsection 3(9) of Chapter 379 is amended by striking out “him” in the third line and substituting “the Public Trustee”.

3 (1) Subsection 4(1) of Chapter 379, as amended by Chapter 9 of the Acts of 2015 and Chapter 4 of the Acts of 2017, is further amended by

- (a) striking out “he” in the third line of subclause (c)(ii) and substituting “the trustee”; and**
- (b) striking out “him” in the second last line of clause (d) and substituting “the Public Trustee”.**

(2) Clause 4(2)(a) of Chapter 379 is amended by striking out “him” in the first line and substituting “the infant”.

(3) Subsection 4(3) of Chapter 379 is amended by

(a) striking out “he” in the second line of clause (b) and substituting “the Public Trustee”;

(b) striking out “his” in the fifth line of clause (e) and substituting “the person’s”;

(c) striking out “his” in the first line of clause (f) and substituting “the Public Trustee’s”; and

(d) striking out “he” in the last line of clause (f) and substituting “the Public Trustee”.

(4) Subsection 4(4) of Chapter 379 is amended by striking out “he” in the last line and substituting “the Public Trustee”.

(5) Subsection 4(5) of Chapter 379 is amended by striking out “him” in the last line and substituting “the Public Trustee”.

4 Subsection 5(1) of Chapter 379, as amended by Chapter 9 of the Acts of 2015 and Chapter 4 of the Acts of 2017, is further amended by striking out “his” in the eighth line and substituting “the Public Trustee’s”.

5 (1) Subsection 7(6) of Chapter 379 is amended by

(a) striking out “he” in the third and in the fourth lines and substituting in each case “the registrar”; and

(b) striking out “him” in the last line and substituting “the Public Trustee”.

(2) Subsection 7(7) of Chapter 379, as amended by Chapter 42 of the Acts of 2005, is further amended by striking out “his” in the fourth line and substituting “the patient’s”.

6 (1) Subsection 8(1) of Chapter 379 is amended by

(a) striking out “his” in the fourth line of clause (a) and substituting “the person’s”; and

(b) striking out “his” in the third and in the fourth lines of clause (b) and substituting in each case “the person’s”.

(2) Subsection 8(2) of Chapter 379 is amended by striking out “he” in the third line and substituting “the Public Trustee”.

(3) Subsection 8(3) of Chapter 379 is amended by striking out “his” in the fourth line and substituting “the person’s”.

(4) Subsection 8(4) of Chapter 379 is amended by

(a) striking out “he” in the fourth line and substituting “the person”; and

(b) striking out “him” in the last line and substituting “the patient”.

7 Subclause 10(1)(b)(ii) of Chapter 379 is amended by striking out “him” in the fourth line and substituting “the Public Trustee”.

8 Subsection 11(4) of Chapter 379 is amended by striking out “his” in the third line and substituting “the Public Trustee’s”.

9 Subclause 14(1)(b)(ii) of Chapter 379 is amended by striking out “him” in the last line and substituting “the missing person”.

10 (1) Clause 15(5)(a) of Chapter 379 is amended by striking out “had his place of residence” in the first and second lines and substituting “resided”.

(2) Subsection 15(6) of Chapter 379 is amended by striking out “his” in the second line and substituting “the registrar’s”.

11 (1) Subsection 16(1) of Chapter 379, as amended by Chapter 8 of the Acts of 1999 (Second Session) and Chapter 32 of the Acts of 2012, is further amended by

(a) striking out “he” in the first line of subclause (a)(ii) and substituting “the Public Trustee”;

(b) striking out “him” in the second line of clause (b) and substituting “the Public Trustee”;

(c) striking out “his” in the second line of clause (e) and substituting “the Public Trustee’s”; and

(d) striking out “he” in the second last line of clause (e) and substituting “the Public Trustee”.

(2) Clause 16(2)(b) of Chapter 379 is amended by striking out “his” in the third line and substituting “the person’s”.

12 Subsection 17(3) of Chapter 379 is amended by striking out “his or its” in the fourth and fifth lines and substituting “the claimant’s”.

13 (1) Subsection 18(1) of Chapter 379 is amended by

(a) striking out “his” in the fourth line and substituting “the Public Trustee’s”; and

(b) striking out “him” in the fourth line and substituting “Public Trustee”.

(2) Subsection 18(2) of Chapter 379 is amended by

(a) adding “, disposition of unclaimed human remains pursuant to clause 25B(c)” immediately after “deceased” in the second line; and

(b) striking out “his” in the third line and substituting “the deceased’s”.

14 Section 19 of Chapter 379 is amended by striking out “his” both times it appears in the fifth line and substituting in each case “the deceased’s”.

15 (1) Subsection 20(1) of Chapter 379 is amended by striking out “his” in the third line and substituting “the deceased’s”.

(2) Subsection 20(2) of Chapter 379 is amended by striking out “his” in the second line and substituting “the creditor’s”.

16 (1) Subsection 22(2) of Chapter 379 is amended by

(a) striking out “his” in the first line of clause (b) and substituting “the person’s”; and

(b) striking out “his” in the second last line and substituting “the Public Trustee’s”.

(2) Clause 22(5)(b) of Chapter 379 is amended by

(a) striking out “he” in the first line of subclause (i) and substituting “the person”; and

(b) striking out “his” in the second line of subclause (iii) and substituting “the person’s”.

17 Section 24 of Chapter 379 is amended by striking out “his” in the last line and substituting “the person’s or the deceased person’s”.

18 Chapter 379 is further amended by adding immediately after Section 25 the following Sections:

25A (1) The Public Trustee shall determine human remains to be unclaimed if

(a) the remains are uncremated; and

(b) no person with any connection to the deceased claims the remains within the time prescribed by the regulations.

(2) For greater certainty, subsection (1) does not apply to remains that have been cremated and are held by a funeral home if the funeral home had directions from a person connected to the deceased to cremate the remains but did not arrange for burial.

25B Where the Public Trustee has made a determination pursuant to subsection 25A(1), the Public Trustee may

(a) assume legal responsibility for the unclaimed human remains;

(b) investigate whether the deceased had an estate;

(c) make disposition arrangements for the remains, including cremation, funeral and burial; and

(d) recover the costs of disposition arrangements made pursuant to clause (c) without opening administration or probate of the deceased's estate.

25C No action lies against Her Majesty in right of the Province or against the Public Trustee for action taken by or on behalf of the Public Trustee with respect to unclaimed human remains.

19 Section 26 of Chapter 379, as amended by Chapter 36 of the Acts of 2010 and Chapter 6 of the Acts of 2019, is further amended by striking out “he” in the third line and substituting “the Public Trustee”.

20 (1) Subsection 29(1) of Chapter 379 is amended by striking out “his” in the second last line and substituting “the person’s”.

(2) Clause 29(2)(a) of Chapter 379 is amended by striking out “him” in the fifth line and substituting “the person”.

(3) Subsection 29(3) of Chapter 379 is amended by striking out “his” in the last line and substituting “the administrator’s”.

(4) Subsection 29(4) of Chapter 379 is amended by

(a) striking out “his” in the ninth line and substituting “the Public Trustee’s”; and

(b) striking out “him” in the 10th line and substituting “the Public Trustee”.

(5) Subsection 29(6) of Chapter 379 is amended by striking out “his” in the second last line and substituting “the administrator’s”.

(6) Subsection 29(8) of Chapter 379 is amended by striking out “him” in the last line and substituting “the Public Trustee”.

21 Section 33 of Chapter 379 is amended by striking out “him” in the last line and substituting “the Minister”.

22 Subsection 34(1) of Chapter 379 is amended by

(a) striking out “his” in the fourth line and substituting “the Public Trustee’s”; and

(b) striking out “he” in the 26th line and substituting “the Governor in Council”.

23 (1) Subsection 35(1) of Chapter 379 is amended by

(a) striking out “his” in the fifth line and substituting “the person’s”; and

(b) striking out “his” in the fifth line of clause (b) and substituting “the person”.

(2) Subsection 35(2) of Chapter 379 is amended by striking out “he” in the third line and substituting “the Minister”.

(3) Subsection 35(3) of Chapter 379 is amended by striking out “he” in the last line and substituting “the Governor in Council”.

24 (1) Subsection 36(1) of Chapter 379 is amended by

(a) striking out “he” in the third line and substituting “the Public Trustee”; and

(b) striking out “under his hand” in the third line.

(2) Subsection 36(3) of Chapter 379 is amended by striking out “his” in the second line and substituting “the person’s”.

25 Subsection 37(1) of Chapter 379 is amended by striking out “his” in the second line and substituting “the trustee’s or the guardian’s”.

26 Section 38 of Chapter 379 is amended by

(a) striking out “him” in the sixth line and substituting “the Public Trustee”; and

(b) striking out “he” in the seventh line and substituting “the Public Trustee”.

27 Section 40 of Chapter 379 is amended by

(a) striking out “him” in the second line and substituting “the Public Trustee”; and

(b) striking out “he” in the third line and substituting “the Public Trustee”.

28 Section 41 of Chapter 379 is amended by

(a) striking out “his” in the third line and substituting “the Public Trustee’s”; and

(b) striking out “he” in the fifth line and substituting “the Public Trustee”.

29 Section 42 of Chapter 379 is amended by striking out “him” in the third line and substituting “the Public Trustee”.

30 Subsection 43(3) of Chapter 379 is amended by striking out “his” in the fifth line and substituting “the Attorney General’s”.

31 Subsection 45(1) of Chapter 379 is amended by striking out “he” in the last line and substituting “the Public Trustee”.

32 Section 48 of Chapter 379 is amended by striking out “his” in the fourth and in the seventh lines and substituting in each case “the person’s”.

33 (1) Subsection 7(1) of Chapter 13 of the Revised Statutes, 1989, the *Anatomy Act*, is amended by striking out “his” in the third line and substituting “the Inspector’s”.

(2) Subsection 7(2) of Chapter 13 is amended by striking out “his” in the second and in the third lines and substituting in each case “the Inspector’s”.

(3) Subsection 7(3) of Chapter 13 is amended by striking out “his” in the ninth line and substituting “the Inspector’s”.

34 Section 8 of Chapter 13 is amended by striking out “to him” in the third line.

35 Subsection 10(2) of Chapter 13 is amended by striking out “his” in the second line and substituting “the Inspector’s”.

36 Subsection 11(2) of Chapter 13, as amended by Chapter 36 of the Acts of 2010 and Chapter 6 of the Acts of 2019, is further amended by striking out “his” in the fourth line and substituting “the Inspector’s”.

37 Section 14 of Chapter 13 is repealed.

38 Section 15 of Chapter 13 is amended by striking out “his” in the third line and substituting “the person’s”.

39 Subsection 16(2) of Chapter 31 of the Acts of 2001, the *Fatality Investigations Act*, is amended by

(a) striking out “Chief Medical Examiner” in the third line and substituting “Public Trustee”; and

(b) striking out “*Anatomy*” in the fourth line and substituting “*Public Trustee*”.
