

# Corrections Act

CHAPTER 103 OF THE REVISED STATUTES, 1989

*as amended by*

1990, c. 19, s. 36; 1994-95, c. 7, s. 16; 2000, c. 4, ss. 5, 6;  
2001, c. 4, s. 7; 2005, c. 37, s. 96; 2005, c. 42, s. 85; 2008, c. 2, s. 3;  
2009, c. 29, ss. 6, 7; 2010, c. 37, ss. 44-64; 2011, c. 8, s. 4;  
2011, c. 10, ss. 10-18; 2011, c. 56; 2023, c. 14, ss. 2-5



© 2024 His Majesty the King in right of the Province of Nova Scotia  
Published by Authority of the Speaker of the House of Assembly  
Halifax

This page is intentionally blank.

CHAPTER 103 OF THE REVISED STATUTES, 1989  
 amended 1990, c. 19, s. 36; 1994-95, c. 7, s. 16; 2000, c. 4, ss. 5, 6;  
 2001, c. 4, s. 7; 2005, c. 37, s. 96; 2005, c. 42, s. 85; 2008, c. 2, s. 3;  
 2009, c. 29, ss. 6, 7; 2010, c. 37, ss. 44-64; 2011, c. 8, s. 4;  
 2011, c. 10, ss. 10-18; 2011, c. 56; 2023, c. 14, ss. 2-5

## An Act Respecting Correctional Services and Facilities

### Table of Contents

(The table of contents is not part of the statute)

	Section
Short title.....	1
Interpretation.....	3
Part I	
Corrections	
Interpretation of Part.....	4
Supervision of Part.....	5
Authority of Minister and municipalities.....	12
Inspection of lock-ups.....	20
Municipal lock-up.....	21
Regulations.....	22
Part II	
Municipal Contribution	
Interpretation of Part.....	24
Supervision of Part.....	25
Total municipal contributions.....	26
Payment of debt charges.....	31
Regulations.....	32
Part III	
General	
For greater certainty.....	33
Schedule B	

### Short title

- 1 This Act may be cited as the *Corrections Act*. R.S., c. 103, s. 1.
- 2 *repealed 2005, c. 37, s. 96.*

### Interpretation

- 3 In this Act,
  - (a) “committal order” means a court order for the committal of a person to a correctional facility or a federal penitentiary;

(b) “correctional facility” means a jail, prison, correctional centre, facility or place designated or established pursuant to this Act for the custody of offenders but does not include a lock-up facility;

(c) “custody” means detention, physical care or control pursuant to a committal order or an arrest;

(d) *repealed 2005, c. 37, s. 96.*

(e) “lock-up facility” means a police or court facility for the custody of an offender upon arrest, pending a transfer to a correctional facility or pending a court hearing;

(f) “municipality” means a city, incorporated town or municipality of a county or district;

(g) “prescribed” means prescribed by the regulations. R.S., c. 103, s. 3; 2005, c. 37, s. 96.

## PART I

### CORRECTIONS

#### Interpretation of Part

**4** In this Part,

(a) *repealed 2011, c. 56, s. 1.*

(b) “Minister” means the Minister of Justice;

(c) “municipality” includes a board or commission of the municipality and includes a regional authority or joint expenditure board of which the municipality is a member;

(d) *repealed 2011, c. 56, s. 1.*

R.S., c. 103, s. 4; 2010, c. 37, s. 44; 2011, c. 56, s. 1.

#### Supervision of Part

**5** The Minister has the general supervision and management of this Part. R.S., c. 103, s. 5.

**6 to 8** *repealed 2011, c. 56, s. 1.*

**9 and 10** *repealed 2010, c. 37, s. 47.*

**11** *repealed 2011, c. 56, s. 1.*

#### Authority of Minister and municipalities

**12** (1) With the approval of the Governor in Council,

(a) and (b) *repealed 2006, c. 37, s. 96.*

(c) a member of the Executive Council may enter into an agreement with a municipality respecting the takeover of correctional facilities and, without limiting the generality of the foregoing,

respecting the conveyance, re-conveyance or leasing of correctional facilities;

(d) *repealed 2006, c. 37, s. 96.*

(2) A municipality has all necessary power and authority to carry out the agreement referred to in subsection (1) and, notwithstanding any other special or general Act, may convey or lease real property pursuant to subsection (1) without the consent of the Minister of Municipal Affairs and Housing. R.S., c. 103, s. 12; 2006, c. 37, s. 96; O.I.C. 2021-209.

13 to 19 *repealed 2006, c. 37, s. 96.*

### Inspection of lock-ups

20 (1) The Minister, or a person authorized by the Minister to act on the Minister's behalf, may at any time inspect a lock-up facility.

(2) Where the Minister or person authorized by the Minister inspects a lock-up facility and, in the opinion of the Minister or the person so authorized, the lock-up facility does not meet prescribed standards, the Minister or person so authorized may make recommendations to the municipality operating the lock-up facility for changes to make the lock-up facility comply with the standards.

(3) Where the Minister or a person authorized by the Minister makes recommendations pursuant to this Section and those recommendations are not implemented within a reasonable time having regard to the nature of the recommendations, the Minister or person authorized by the Minister may close the lock-up facility or implement the recommendations or both.

(4) Where the Minister or a person authorized by the Minister closes a lock-up facility pursuant to this Section, the Minister or person so authorized shall transfer all persons detained in the lock-up facility to a correctional facility, or to the lock-up facility of a municipality with the agreement of the municipality operating the lock-up facility to which the persons are transferred, until the lock-up facility is re-opened and upon such transfer to a correctional facility such persons are and are deemed to be inmates of the correctional facility for the purpose of this Part.

(5) Where the Minister or person authorized by the Minister transfers persons to a correctional facility or a lock-up facility pursuant to subsection (4), the municipality operating the lock-up facility from which the persons are transferred shall reimburse the Minister, and where applicable the municipality operating the lock-up facility to which the persons are transferred, for all expenses or costs incurred to transfer the persons or resulting from the transfer.

(6) Where the Minister or person authorized by the Minister implements recommendations in respect of a lock-up facility in accordance with this Section, the municipality operating the lock-up facility shall reimburse the Minister for all expenses or costs incurred to implement the recommendations. R.S., c. 103, s. 20.

### Municipal lock-up

21 (1) and (2) *repealed 2005, c. 37, s. 96.*

(3) Every municipality shall provide a lock-up facility for the municipality or enter into an agreement with the Minister for the provision by the Minister of the services of a correctional facility for a lock-up facility. R.S., c. 103, s. 21; 2005, c. 37, s. 96.

### Regulations

22 (1) The Governor in Council may make regulations

(a) to (c) *repealed 2005, c. 37, s. 96.*

(d) respecting the operation, management, supervision, administration and inspection of lock-up facilities;

(e) to (z) *repealed 2005, c. 37, s. 96.*

(aa) to (ac) *repealed 2011, c. 56, s. 1.*

(ad) defining any word or expression used in this Act and not defined herein;

(ae) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

(2) and (3) *repealed 2011, c. 56, s. 1.*

(4) The exercise by the Governor in Council of the authority contained in this Section shall be regulations within the meaning of the *Regulations Act*. R.S., c. 103, s. 22; 2005, c. 37, s. 96; 2011, c. 56, s. 1.

23 *repealed 2011, c. 56, s. 1.*

## PART II

### MUNICIPAL CONTRIBUTION

#### Interpretation of Part

24 In this Part,

(a) to (c) *repealed 2023, c. 14, s. 2.*

(d) “fiscal year” means the fiscal year of the Province;

(e) “Minister” means the Minister of Municipal Affairs and Housing;

(f) *repealed 2023, c. 14, s. 2.*

R.S., c. 103, s. 24; 2023, c. 14, s. 2.

#### Supervision of Part

25 The Minister has the general supervision and management of this Part. R.S., c. 103, s. 25.

**Total municipal contributions**

**26 (1)** Subject to subsection (2), each municipality shall pay in each fiscal year a contribution towards the expense incurred by the Province for corrections as determined by a calculation prescribed by the regulations.

**(2)** Subsection (1) does not apply to a municipality exempted by the regulations.

**(3)** A municipality shall pay its contribution in four equal, quarterly instalments in April, July, October and January of each fiscal year.

**(4)** Any amount of a contribution owing to the Province by a municipality under this Section is a first charge on the municipality's entitlement to a grant pursuant to the *Municipal Grants Act*. 2023, c. 14, s. 3.

**27 to 30** *repealed 2023, c. 14, s. 3.*

**Payment of debt charges**

**31 (1)** In this Section, "debt charges" means the principal and interest, other than arrears of principal and interest, on debentures issued or other borrowings incurred by a municipality for any purpose related to the capital costs of construction of correctional centres and county jails.

**(2)** On the first day of April, 1986, and in accordance with an agreement entered into pursuant to subsection (1) of Section 12, the Province shall assume the payment of all debt charges.

**(3)** Where a correctional facility is returned to a municipality, the Province shall cease the payment of debt charges in respect of the facility.

**(4)** Where the Province leases a building or facility or part thereof or land from a municipality for a correctional facility, the Province shall pay the portion of the debt charges applicable to the leased space during the life of the lease. R.S., c. 103, s. 31; 2023, c. 14, s. 4.

**Regulations**

**32 (1)** The Governor in Council may make regulations

(a) respecting the calculation of the contribution referred to in subsection 26(1) payable by a municipality or class of municipality;

(aa) exempting a municipality or class of municipality from the requirement to pay a contribution under subsection 26(1);

(ab) defining any word or expression used in this Part and not defined herein;

(b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*. R.S., c. 103, s. 32; 2023, c. 14, s. 5.

## PART III

## GENERAL

**For greater certainty**

**33** For greater certainty, every contract, conveyance, act or proceeding entered into, executed, done or taken to give effect to the takeover of correctional facilities by His Majesty in right of the Province is and is deemed to be valid and have force and effect and be binding upon every person affected by it to the same extent as if Chapter 6 of the Acts of 1986 were enacted prior to the time the contract, conveyance, act or proceeding was entered into, executed, done or taken. R.S., c. 103, s. 33.

SCHEDULE A *repealed 2011, c. 56, s. 1.*

## SCHEDULE B

## BASE YEAR COSTS

**Cities**

City of Dartmouth	1,054,708
City of Halifax	2,178,053
City of Sydney	694,902

**Towns**

Town of Amherst	159,018
Town of Annapolis Royal	4,065
Town of Antigonish	68,211
Town of Bedford	42,153
Town of Berwick	12,112
Town of Bridgetown	6,695
Town of Bridgewater	89,564
Town of Canso	12,484
Town of Clark's Harbour	2,255
Town of Digby	25,337
Town of Dominion	28,339
Town of Glace Bay	362,930
Town of Hantsport	15,307
Town of Kentville	107,418
Town of Liverpool	75,743
Town of Lockeport	14,853
Town of Louisbourg	27,386
Town of Lunenburg	22,224
Town of Mahone Bay	8,556
Town of Middleton	9,991
Town of Mulgrave	10,171
Town of New Glasgow	104,827
Town of New Waterford	103,116
Town of North Sydney	139,076
Town of Oxford	24,412
Town of Parrsboro	22,830
Town of Pictou	29,774
Town of Port Hawkesbury	58,677
Town of Shelburne	19,972

APRIL 1, 2024



Town of Springhill	63,375
Town of Stellarton	45,526
Town of Stewiacke	7,428
Town of Sydney Mines	106,212
Town of Trenton	27,602
Town of Truro	23,868
Town of Westville	22,565
Town of Windsor	26,704
Town of Wolfville	31,585
Town of Yarmouth	201,994

**Rural Municipalities**

Municipality of the County of Annapolis	73,149
Municipality of the County of Antigonish	106,510
Municipality of the District of Argyle	78,288
Municipality of the District of Barrington	16,584
Municipality of the County of Cape Breton	919,470
Municipality of the District of Chester	90,898
Municipality of the District of Clare	34,107
Municipality of the County of Colchester	214,221
Municipality of the County of Cumberland	257,614
Municipality of the District of Digby	99,825
Municipality of the District of Guysborough	62,100
Municipality of the County of Halifax	1,102,346
Municipality of the District of East Hants	96,020
Municipality of the District of West Hants	84,300
Municipality of the County of Inverness	195,338
Municipality of the County of Kings	600,344
Municipality of the District of Lunenburg	159,053
Municipality of the County of Pictou	263,477
Municipality of the County of Queens	105,895
Municipality of the County of Richmond	95,480
Municipality of the District of Shelburne	42,376
Municipality of the District of St. Mary's	14,202
Municipality of the County of Victoria	141,918
Municipality of the District of Yarmouth	94,424

R.S., c. 103, Sch. B.