

House of Assembly Act

CHAPTER 1 (1992 SUPPLEMENT) OF THE REVISED STATUTES, 1989,

as amended by

amended 1993, c. 50; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 1994 noted; 1994-95, c. 20; 1997 (2nd Sess.), c. 6, s. 4; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 1999; 1999, c. 10; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 2000; 2001, cc. 16, 47; 2002, c. 33; 2002, c. 34, ss. 1-4; 2004, c. 3, s. 24; 2004, cc. 13, 36, 37; 2005, c. 51; 2006, c. 9; 2007, c. 40; 2008, cc. 17, 18; 2009, c. 5, ss. 9, 10; 2010, c. 5, ss. 30-34; 2011, c. 5, ss. 366-368; 2011, c. 9, s. 23; 2011, c. 39, ss. 20, 21; 2012, c. 61; 2013, c. 10, s. 4; 2013, cc. 19-23, 38; 2014, c. 36, ss. 1, 2; 2015, c. 21; 2016, c. 7, s. 10; 2016, c. 10; 2017, c. 6, ss. 4-6; 2018, c. 11; 2019, cc. 32, 33; 2020, c. 10; 2022, c. 33



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An Act Respecting the Constitution, Powers and Privileges of the House of Assembly

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Short title

1 This Act may be cited as the *House of Assembly Act*. R.S. (1992 Supp.), c. 1, s. 1.

INTERPRETATION

Interpretation

- 2 (1)** In this Act,
- (a) “committee” means any standing, special or select committee of the House;
 - (b) “House” means the House of Assembly;
 - (c) “leader of a recognized party” means the leader in the House of a party represented by two or more members, other than the Premier or the Leader of the Opposition, whose party was a registered party in accordance with the *Elections Act* and had candidates standing for election for three quarters of the seats of members in the House and whose party received ten per cent or more of the votes officially recorded in the latest general election of members of the House;
 - (d) “municipal district” means a polling district as defined in the *Municipal Act*;
 - (e) “ordinarily resident” means ordinarily resident as provided in subsection (1A);
 - (ea) “outside member” means a member of the House who is ordinarily resident more than one hundred kilometres from the place where the House ordinarily sits;
 - (f) “Speaker” means the Speaker of the House.

(1A) Subject to the regulations made pursuant to the *House of Assembly Management Commission Act*, a member of the House is ordinarily resident at the principal place where the member is settled in and maintains an ordinary mode of living with its accessories, relationships and conveniences and where the member lives as an inhabitant and not as a visitor, and a member may only be ordinarily resident at one place for the purpose of this subsection.

(1B) In determining whether a member of the House is an outside member, the distance between the place where the member is ordinarily resident and the place where the House ordinarily sits is measured along the shortest normal route between the two places open to the travelling public.

(2) In this Act, description references to streets, roads, rights-of-way, water features or railways signifies the centre line of the streets, roads, rights-of-way, water features or railways unless otherwise described or stated. R.S. (1992 Supp.), c. 1, s. 2; 2011, c. 5, ss. 366, 367; 2014, c. 36, s. 1.

Division of Act

3 It is expressly declared that the division of this Act into Parts is for convenience only. R.S. (1992 Supp.), c. 1, s. 3.

PART I

CONSTITUTION OF THE HOUSE OF ASSEMBLY

Composition of House of Assembly

4 (1) The House is composed of fifty-five members, of whom one is elected from each of the fifty-five electoral districts named as follows:

Annapolis
Antigonish
Argyle
Bedford Basin
Bedford South
Cape Breton Centre–Whitney Pier
Cape Breton East
Chester–St. Margaret's
Clare
Clayton Park West
Colchester–Musquodoboit Valley
Colchester North
Cole Harbour
Cole Harbour–Dartmouth
Cumberland North
Cumberland South

Dartmouth East
Dartmouth North
Dartmouth South
Digby–Annapolis
Eastern Passage
Eastern Shore
Fairview–Clayton Park
Glace Bay–Dominion
Guysborough–Tracadie
Halifax Armdale
Halifax Atlantic
Halifax Chebucto
Halifax Citadel–Sable Island
Halifax Needham
Hammonds Plains–Lucasville
Hants East
Hants West
Inverness
Kings North
Kings South
Kings West
Lunenburg
Lunenburg West
Northside–Westmount
Pictou Centre
Pictou East
Pictou West
Preston
Queens
Richmond
Sackville–Cobequid
Sackville–Uniacke
Shelburne
Sydney–Membertou
Timberlea–Prospect
Truro–Bible Hill–Millbrook–Salmon River

Victoria–The Lakes
 Waverley–Fall River–Beaver Bank
 Yarmouth

(2) The boundaries of the electoral districts are as recommended in the final report, dated April 2019, of the independent electoral boundaries commission appointed pursuant to Section 5.

(3) The Chief Electoral Officer shall make a **digital map** showing the boundaries referred to in subsection (2) publicly accessible on the Elections Nova Scotia website. 2019, c. 32, s. 1.

Independent electoral boundaries commission

5 (1) In this Section, “commission” means the independent electoral boundaries commission appointed pursuant to this Section.

(2) The electoral districts described in Section 4 have effect until new electoral districts are approved pursuant to this Section.

(3) No later than the thirty-first day of December, 2012, and, thereafter, within ten years after the last change in electoral districts made pursuant to this Section, and at least once in every ten years from the thirty-first day of December, 2012, an independent electoral boundaries commission shall be appointed and issued terms of reference by a select committee of the House constituted to appoint the members of the commission.

(4) The commission shall prepare, for approval by the House, a report recommending the boundaries and names for the electoral districts comprising the House.

(5) The commission must be broadly representative of the population of the Province, including at least one person representing the Acadian community of the Province and at least one person representing the African Nova Scotian community.

(5A) The commission may not include a present or former

- (a) member of the House;
- (b) member of the House of Commons;
- (c) member of the Senate; or
- (d) Chief Electoral Officer.

(5B) The terms of reference of the commission include the following:

- (a) there is a right to effective representation and elector parity is the prime factor in determining the electoral boundaries;
- (b) deviation from elector parity is justified because of geography;

(c) deviation from elector parity may be justified because of historical, cultural or linguistic settlement patterns and because of political boundaries;

(d) subject to clause (e), the estimated number of electors in each electoral district may vary by no more than 25% above or below the estimated average number of electors per electoral district;

(e) subject to subsection (5C), there may be one or more exceptional electoral districts where, in exceptional circumstances, the estimated number of electors in the electoral district is more than 25% above or below the estimated average number of electors per electoral district;

(f) electoral districts may be non-contiguous;

(g) subject to subsection (5C), the preliminary report must include electoral boundaries for the existing number of electoral districts and for at least one different total number of electoral districts; and

(h) for greater certainty, the final report must include only one recommendation of electoral boundaries.

(5C) In determining the terms of reference of the commission in addition to those in subsection (5B), the select committee may

(a) define terms in subsection (5B) and this subsection;

(b) define the parameters for deviation more than 25% above or below the estimated average number of electors per electoral district in exceptional electoral districts, including the scope for deviation, and determining the circumstances, such as communities and community interests, justifying the exceptional electoral districts;

(c) determine the minimum and maximum number of electoral districts that the commission may consider;

(d) direct or authorize the commission to recommend the number of electoral districts;

(e) determine the number of different total numbers of electoral districts to be included in the preliminary report; and

(f) determine such other matters as the select committee considers necessary or advisable.

(5D) The terms of reference are binding on the commission.

(5E) The commission shall

(a) prepare a draft of proposed boundary changes prior to its first public hearings;

(b) prepare a preliminary report and hold public hearings prior to preparing the preliminary report; and

(c) following the preparation of the preliminary report, hold further public hearings prior to preparing its final report.

(6) The final report of the commission shall be laid before the House, if the House is then sitting, and the Premier, or the Premier's designate, shall table the report in the House on the next sitting day.

(7) If the House is not sitting when the final report of the commission is completed, the final report of the commission shall be filed with the Clerk of the House and the Premier, or the Premier's designate, shall table the final report in the House within ten days after the House next sits.

(8) Within ten sitting days after the final report of the commission is tabled in the House pursuant to subsection (6) or (7), the Government shall introduce legislation to implement the recommendations contained in the final report of the commission. R.S. (1992 Supp.), c. 1, s. 5; 2002, c. 34, s. 2; 2012, c. 61, s. 2; 2018, c. 11, s. 1.

Report of Chief Electoral Officer

5A (1) The Chief Electoral Officer may prepare, for approval by the House, a report recommending changes in the boundaries for the electoral districts comprising the House if, in the opinion of the Chief Electoral Officer, the transfer of electors from one of those electoral districts to another contiguous electoral district would improve the administration of the elections in those electoral districts.

(2) The changes recommended by the report must not alter the number of electors in any electoral district by more than three hundred as reckoned using the most recent voters' lists.

(3) The report of the Chief Electoral Officer shall be laid before the House, if the House is then sitting, and the Premier, or the Premier's designate, shall table the report in the House on the next sitting day.

(4) If the House is not sitting when the report of the Chief Electoral Officer is completed, the report shall be filed with the Clerk of the House and the Premier, or the Premier's designate, shall table the report in the House within ten days after the House next sits.

(5) Within ten sitting days after the report of the Chief Electoral Officer is tabled in the House pursuant to subsection (3) or (4), the Government shall introduce legislation to implement the recommendations contained in the report.

(6) If the changes recommended by the report of the Chief Electoral Officer are approved by the House, they have effect on and after the next dissolution or the next determination by the effluxion of time of the House. 2002, c. 34, s. 3.

Mi'kmaq representative

6 (1) The House hereby declares its intention to include as an additional member a person who represents the Mi'kmaq people, such member to be chosen and to sit in a manner and upon terms agreed to and approved by representatives of the Mi'kmaq people.

(2) Until the additional member referred to in subsection (1) is included, the Premier, the Leader of the Official Opposition and the leader of a recognized party shall meet at least annually with representatives of the Mi'kmaq people concerning the nature of Mi'kmaq representation in accordance with the wishes

of the Mi'kmaq people, and the Premier shall report annually to the House on the status of the consultations. R.S. (1992 Supp.), c. 1, s. 6.

Electoral boundaries

7 (1) *repealed 2019, c. 32, s. 2.*

(2) Subject to subsection (3), the boundaries of an electoral district determined by this Act shall be altered only by amendment to this Act.

(3) Where an electoral boundary as recommended in the final report referred to in Section 4 is uncertain, the Chief Electoral Officer may determine the boundary to the extent necessary to remove the uncertainty for the purpose of conducting an election.

(4) *repealed 2019, c. 32, s. 2.*

R.S. (1992 Supp.), c. 1, s. 7; 2012, c. 61, s. 3; 2019, c. 32, s. 2.

Duration and sittings of House

8 (1) The House shall continue for five years from the expiration of forty days next after the issuing of writs for any general election unless sooner dissolved, and no longer.

(2) In each calendar year beginning in 1994, there shall be at least one sitting of the House during the six-month period beginning on the first day of January and one sitting of the House during the four-month period ending the thirty-first day of December.

(3) Nothing in subsection (2) prevents the House from sitting at a time other than the periods set out in subsection (2).

(4) Subsection (2) does not apply during the six months immediately following ordinary polling day of a general election. R.S. (1992 Supp.), c. 1, s. 8; 1993, c. 50.

Demise of Crown

9 No House shall determine or be dissolved by the demise of the Crown. R.S. (1992 Supp.), c. 1, s. 9.

By-election

10 (1) Where a seat in the House becomes vacant, a writ for an election to fill the vacancy shall be issued within six months after the vacancy occurs and such election shall be held within forty-six days of the issuance of the writ.

(2) This Section does not apply where a vacancy occurs within twelve months before the expiry of the time limited for the duration of the House by Section 8.

(3) If the House is dissolved after the issue of a writ pursuant to this Section, such writ shall thereupon be deemed to have been superseded and withdrawn. R.S. (1992 Supp.), c. 1, s. 10; 2016, c. 7, s. 10.

PART II

MEMBERS OF THE HOUSE

A - QUALIFICATIONS

Qualifications

11 A person eligible as a member of the House shall be a British subject by birth or naturalization of not less than eighteen years of age. R.S. (1992 Supp.), c. 1, s. 11; 2002, c. 33, s. 1.

Commencement of membership

12 A person shall be a member of the House when that person has been declared elected and returned as such by the returning officer. R.S. (1992 Supp.), c. 1, s. 12.

B - RESIGNATIONS

Vacation of seat by member

13 Any member of the House may vacate that member's seat by written notice to the Speaker, if the House is in session, or to the Provincial Secretary, if the House is not in session. R.S. (1992 Supp.), c. 1, s. 13.

Vacation of seat or resignation by Speaker

14 (1) The Speaker may vacate the Speaker's seat by a declaration to that effect in the House, if in session, or by written notice to the Provincial Secretary, if the House is not in session.

(2) The Speaker may resign office as Speaker by a declaration to that effect in the House, if in session, or by written notice to the Provincial Secretary, if the House is not in session.

(3) In case of a vacancy happening in the office of Speaker by death, resignation or otherwise, the House shall, with all practicable speed, proceed to elect another of its members to be Speaker and, until the election of a Speaker as aforesaid, the Deputy Speaker shall perform all the duties and exercise all the authority of Speaker. R.S. (1992 Supp.), c. 1, s. 14.

Duration of occupation of office of Speaker

15 Subject to Section 14, the Speaker shall be considered to have occupied that position from the date of the Speaker's election as a member of the House or from the date the previous Speaker vacated office, whichever last occurs, until the date of the next following general election or a new Speaker is elected, whichever first occurs. R.S. (1992 Supp.), c. 1, s. 15.

Duration of occupation of office of Deputy Speaker

16 Unless the Deputy Speaker's seat is vacated or the Deputy Speaker resigns or dies, the Deputy Speaker shall be considered to have occupied that position from the date of the Deputy Speaker's election as a member of the House or from the date the previous Deputy Speaker vacated office, whichever last occurs,

until the date of the next following general election or a new Deputy Speaker is elected, whichever first occurs. R.S. (1992 Supp.), c. 1, s. 16.

PART III

DISQUALIFICATIONS AND INDEPENDENCE

Disqualification as member

- 17 (1) Except as hereinafter specially provided, no person who
- (a) is a member of the Senate;
 - (b) is a member of the House of Commons of Canada;
 - (c) is selected in a nomination contest or otherwise chosen with the person's consent by a political party registered under the *Canada Elections Act* or the elections legislation of another province of Canada to be a candidate for that party for the representation of any electoral district in the House of Commons or the legislature of another province of Canada;
 - (ca) is confirmed as a candidate under the *Canada Elections Act* or the elections legislation of another province of Canada for the representation of any electoral district in the House of Commons or the legislature of another province of Canada;
 - (d) accepts or holds any office in the service of the Government of Canada, or the Government of Nova Scotia to which any salary or wage of any kind is attached; or
 - (e) is officially nominated as a candidate under the *Municipal Elections Act*,

shall be eligible as a member of the House unless that person has resigned such office before nomination for election as such member, and given notice of such resignation to the Provincial Secretary, or shall sit or vote in the House during the time that person holds such office.

(2) Clause (d) of subsection (1) does not include the office of a member of the Executive Council or any office that is held by a member of the Executive Council as such a member. R.S. (1992 Supp.), c. 1, s. 17; 2019, c. 33, s. 1.

Conflict of interest

18 Except as otherwise provided in this Act, no person holding or enjoying, undertaking or executing, directly or indirectly, alone or with another, personally or by the interposition of a trustee or third person, any contract or agreement with the Government of Nova Scotia or with any minister or department thereof for which any public money of Nova Scotia is to be paid for any service, work, matter or thing, shall be eligible as a member of the House or shall sit or vote therein. R.S. (1992 Supp.), c. 1, s. 18.

Vacation of seat required

- 19 (1) Except as otherwise provided in this Act, if a member of the House
- (a) becomes a member of the Senate;

(b) is selected in a nomination contest or otherwise chosen with the person's consent by a political party registered under the *Canada Elections Act* or the elections legislation of another province of Canada to be a candidate for that party for the representation of any electoral district in the House of Commons or the legislature of another province of Canada;

(ba) is confirmed as a candidate under the *Canada Elections Act* or the elections legislation of another province of Canada for the representation of any electoral district in the House of Commons or the legislature of another province of Canada;

(c) accepts or holds any office in the service of the Government of Canada, or the Government of Nova Scotia to which any salary or wage of any kind is attached; or

(d) is officially nominated as a candidate under the *Municipal Elections Act*,

that member's seat in the House shall thereupon become vacant and that member shall immediately advise the Speaker in writing accordingly.

(2) Clause (c) of subsection (1) does not include the office of a member of the Executive Council or any office that is held by a member of the Executive Council as such a member. R.S. (1992 Supp.), c. 1, s. 19; 2019, c. 33, s. 2.

Exceptions

20 (1) Unless otherwise disqualified, nothing in Section 17, 18 or 19 shall render any person ineligible or disqualify that person from sitting or voting in the House by reason of that person being

(a) a member of Her Majesty's Army, Navy or Air Force while on active service in wartime or an officer in the militia or a militiaman;

(b) in receipt of a pension or disability allowance for a disability incurred in active service in wartime;

(c) a justice of the peace, notary public, commissioner for administering oaths or coroner;

(d) interested as an executor, administrator or trustee only having otherwise no beneficial interest in any contract or agreement, as aforesaid, or being a person on whom the completion of any contract or agreement, express or implied devolves by descent or limitation or by marriage or as devisee or legatee, until twelve months have elapsed after the same has so devolved upon that person;

(e) a shareholder of an incorporated company having any such contract or agreement, unless such contract or agreement is for the building of a public work for the Province and such work has not been let by tender to the lowest bidder;

(f) a contractor for the loan of money or for securities for money to the Government of Nova Scotia, under the authority of the Legislature after public competition, or respecting the purchase or payment of the bonds, public stock or debentures of Nova Scotia on terms common to all persons;

(g) the proprietor of or otherwise interested in any newspaper in which official advertisements are inserted or that is subscribed for by the Government of Nova Scotia or any minister, department or institution thereof;

(h) a surety or contractor or otherwise liable for the payment of money for or on account of any person in any Government institution;

(i) a surety for a public officer or other person required by law to furnish security to the Crown;

(j) a member of any medical board or commission of any hospital;

(k) in receipt of, or agreeing to receive, compensation in respect of any property taken or purchased by the Crown or any department or commission of the Government of Nova Scotia where the amount of such compensation has been fixed by an award made pursuant to the *Expropriation Act* or other Act of the Province, or where the judge of the county court for the county in which the property is situated has certified in writing that the amount of compensation is fair and reasonable;

(l) a party to any contract or agreement of a casual nature for the supplying of any service, work, matter or thing where such contract or agreement is not made in the course of continued and successive transactions of like character;

(m) in the temporary or part-time employment or service of the Dominion of Canada or of the Province of Nova Scotia where such employment requires special qualifications or professional skill;

(n) a member of any commission, committee or other body appointed under the authority of any Act of the Legislature and declared by such Act to be entitled to remuneration or allowance while a member of the Assembly;

(o) a person holding a permanent, interim or temporary certificate or a permit as a teacher pursuant to the *Education Act*, including a principal, vice-principal or department head, and employed in the public service of the Province in a vocational school or community college.

(2) Sections 35, 36 and 38 to 40 of the *Civil Service Act* do not apply to a person referred to in clause (o) of subsection (1).

(3) *repealed 1994-95, c. 20, s. 1.*

R.S. (1992 Supp.), c. 1, s. 20; 1994-95, c. 20, s. 1.

Disqualification for election

21 No person who is disqualified by the judgment of a court of competent jurisdiction from being elected to or sitting in the House of Commons of Canada, by reason of any violation of any Act of the Parliament of Canada relating to elections or to the trial of controverted elections of members of the House of Com-

mons of Canada, shall be eligible for election as a member of the House so long as such disqualification continues. R.S. (1992 Supp.), c. 1, s. 21.

Disqualification on account of conviction

22 (1) A person who stands convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years is not eligible to be

(a) nominated as a candidate for election as a member of the House; or

(b) elected as a member of the House,

for a period of five years from the date of conviction and, if the sentence imposed for the offence or substituted by a competent authority has not been fully served at the end of that period, for the further time remaining to be served in that sentence.

(2) Where a conviction is set aside by a competent authority, any disability imposed by this Section is removed. R.S. (1992 Supp.), c. 1, s. 22.

Conviction of member

23 Where a person who is a member of the House is convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years, that member forthwith ceases to be a member, and the seat of that member is and is deemed to be vacant until an election is held in that electoral district according to law. R.S. (1992 Supp.), c. 1, s. 23.

Promotion of bill or other matter

24 (1) No member of the House, and no barrister or solicitor who in the practice of the profession of law is a partner of any member of the House, shall accept or receive, either directly or indirectly, any fee, compensation or reward for or in respect of the promoting of any bill, resolution, matter or thing submitted or intended to be submitted to the consideration of the House, or any committee.

(2) Any person violating this Section shall be liable to a penalty of three hundred dollars, in addition to the amount or value of the fee, compensation or reward accepted or received by that person.

(3) Such penalty and such amount or value may be recovered in the Trial Division of the Supreme Court by any person who sues for the same.

(4) One half of the amount recovered shall belong to the Crown and one half to the person who sues, unless that person was a party to or implicated in the violation of this Act in respect of which the action was brought, or was a witness at the trial of the action in which cases the whole shall belong to the Crown. R.S. (1992 Supp.), c. 1, s. 24.

Ineligible person not to sit or vote

25 (1) No person declared by this Act or by any other law ineligible as a member of the House shall sit or vote in the House while under such disability.

(2) If any such person sits or votes in the House, that person shall forfeit the sum of one thousand dollars for every day that that person sits or votes,

and such sum may be recovered by an action against that person in the Trial Division of the Supreme Court at the suit of any person. R.S. (1992 Supp.), c. 1, s. 25.

PART IV

POWERS AND PRIVILEGES

A - THE HOUSE OF ASSEMBLY

Privileges, immunities and powers

26 (1) In all matters and cases not specially provided for by an enactment of this Province, the House and the committees and members thereof respectively shall hold, enjoy and exercise such and the like privileges, immunities and powers as are from time to time held, enjoyed and exercised by the House of Commons of Canada, and by the committees and members thereof respectively.

(2) Such privileges, immunities and powers shall be part of the general and public law of the Province, and it shall not be necessary to plead the same, but the same shall in all courts of justice in this Province, and by and before all justices, be taken notice of judicially. R.S. (1992 Supp.), c. 1, s. 26.

Liability of member

27 No member of the House shall be liable to any civil action or to prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by the member by petition, bill, resolution, motion or otherwise, or said by the member, before the House. R.S. (1992 Supp.), c. 1, s. 27.

No arrest of member during session

28 Except for any violation of this Act, no member of the House shall be liable to arrest, detention or molestation for any debt or cause whatever of a civil nature, during any session of the Legislature, or during the fifteen days preceding or the fifteen days following such session. R.S. (1992 Supp.), c. 1, s. 28.

Exemption from jury duty

29 During the periods mentioned in Section 28, all officers and servants of the House, or any committee, shall be exempt from serving or attending as jurors before any court of justice. R.S. (1992 Supp.), c. 1, s. 29.

Power of House to compel attendance and production

30 (1) The House may at all times command and compel the attendance before the House, or before any committee, of such persons and the production of such papers and things as the House or committee deems necessary for any of its proceedings or deliberations.

(2) Whenever the House requires the attendance of any person before the House or before any committee, the Speaker may issue a warrant, directed to the person named in the order of the House, requiring the attendance of such person before the House or committee, and the production of such papers and things as are ordered. R.S. (1992 Supp.), c. 1, s. 30.

No liability for act done on direction of House

31 (1) No person shall be liable to damages or otherwise for any act done under the authority and within the legal power of the House, or under or by virtue of any warrant issued under such authority.

(2) All persons to whom such warrants are directed may command the aid and assistance of all sheriffs, bailiffs, constables and others, and every refusal or failure to give such aid or assistance when required shall be a violation of this Act.

(3) No action shall be brought against the Speaker or any officer of the House, or any person assisting the Speaker or such officer, for any act or thing done by authority of the House. R.S. (1992 Supp.), c. 1, s. 31.

Rules

32 (1) The House may establish rules for its government and the attendance and conduct of its members, and alter, amend and repeal the same, and may punish members for disorderly conduct or breach of the rules of the House.

(2) The rules and orders of the House existing on the fourth day of April, 1876, continue in force until altered, amended or repealed.

(3) All rules of the House not inconsistent with this Act have the force and effect of law until altered, amended or repealed. R.S. (1992 Supp.), c. 1, s. 32.

Workplace harassment policy

32A (1) The House may establish a policy for the prevention of harassment in the workplace of its members, officers and staff and the resolution of complaints regarding harassment in that workplace.

(2) A person or office retained as an investigator under a policy established pursuant to subsection (1) may, in the manner prescribed in the policy, carry out all inquiries necessary to meet the investigative requirements set out in the policy. 2016, c. 10, s. 1.

Court of record and powers and jurisdiction

33 (1) The House is a court of record, and has all the rights and privileges of a court of record for the purpose of summarily inquiring into and punishing the acts, matters and things herein declared to be violations of this Act.

(2) For the purposes of this Act, the House is hereby declared to possess all such powers and jurisdiction as is necessary for inquiring into, judging and pronouncing upon the commission or doing of any such acts, matters or things, and awarding and carrying into execution the punishment therefor provided by this Act.

(3) Every warrant of commitment under this Section shall succinctly and clearly state and set forth on its face the nature of the offence in respect of which it is issued.

(4) The House has power to make such rules as are deemed necessary or proper for its procedure as such court as aforesaid. R.S. (1992 Supp.), c. 1, s. 33.

B - COMMITTEES OF THE HOUSE

Power of committee to compel attendance and production

33A (1) A committee of the House may at all times command and compel the attendance before the committee of such persons and the production of such papers and things as the committee deems necessary for any of its proceedings or deliberations.

(2) Whenever a committee of the House requires the attendance of any person before the committee, the chair of the committee may issue a warrant, directed to the person named in the order of the committee, requiring the attendance of such person before the committee, and the production of such papers and things as are ordered. 2004, c. 36, s. 1.

Oral examination of witness by committee

34 Any committee may require that facts, matters and things relating to the subject of inquiry before such committee be verified, or otherwise ascertained by the oral examination of witnesses, and may examine such witnesses, upon oath, and for that purpose the chair or any member of such committee may administer an oath in the form following or to the like effect, to any such witness:

The evidence you shall give to the committee, touching (*stating here the matter then before the committee*), shall be the truth, the whole truth, and nothing but the truth. So help you God.

R.S. (1992 Supp.), c. 1, s. 34.

Taking of affidavit

35 Where witnesses are not required to be orally examined before such committee, any oath, affirmation, declaration or affidavit in writing, that is required to be made or taken by or according to any rule or order of the House, or by direction of any such committee, and in respect of any matter or thing pending or proceeding before such committee, may be made and taken before any clerk of the House, any commissioner for taking affidavits in the Supreme Court or any notary public. R.S. (1992 Supp.), c. 1, s. 35.

Continuation of committee after House prorogues

36 (1) The House may declare that a committee is not dissolved by prorogation of the House and may authorize it to continue its inquiries after the House is prorogued.

(2) The committee has and may exercise the same powers after the House is prorogued as it had or could have exercised before the House prorogued.

(3) The House at the next session shall appoint a new committee consisting of the same or other members to inquire into the same matter as the committee that was authorized to continue its inquiries pursuant to subsection (1) and the last mentioned committee is thereupon dissolved and shall deliver to the new committee all material considered, evidence taken by it and its findings thereon, if any.

(4) The new committee may consider all material, evidence and findings delivered to it pursuant to subsection (3) and may continue to inquire into the matter. R.S. (1992 Supp.), c. 1, s. 36.

PART V

OFFENCES AND PENALTIES

Offences

37 The following acts, matters and things are prohibited and shall be deemed violations of this Act:

- (a) insults to or assaults or libels upon members of the House during the session of the Legislature;
- (b) obstructing, threatening or attempting to force or intimidate members of the House;
- (c) the refusal or failure of any member or officer of the House, or other person, to obey any rule, order or resolution of the House;
- (d) the offering to or acceptance by any member of the House of a bribe to influence the member in the member's proceedings as such member, or the offering to or acceptance by any such member of any fee, compensation or reward for or in respect of the promotion of any bill, resolution, matter or thing submitted to or intended to be submitted to the House or any committee;
- (e) assaults upon or interference with officers of the House while in the execution of their duty;
- (f) tampering with any witness in regard to evidence to be given by the witness before the House or any committee;
- (g) giving false witness or prevaricating, or otherwise misbehaving in giving or refusing to give evidence or to produce papers before the House or any committee;
- (h) disobedience to a warrant issued under the authority of this Act requiring the attendance of witnesses before the House or any committee;
- (i) presenting to the House or to any committee any forged or falsified document, with intent to deceive the House or committee;
- (j) forging, falsifying or unlawfully altering any of the records of the House or of any committee, or any document or petition presented or filed, or intended to be presented or filed, before the House or committee, or the setting or subscribing by any person of the name of any other person to any such document or petition with intent to deceive;
- (k) the bringing of any civil action or prosecution against, or the causing or effecting of any arrest or imprisonment of any member of the House in any civil proceeding for or by reason of any matter or thing brought by the member by petition, bill, resolution, motion or otherwise, or said by the member before the House;
- (l) the causing or effecting the arrest, detention or molestation of a member of the House for any debt or cause whatever of a civil nature, dur-

ing a session of the Legislature, or during the fifteen days preceding or the fifteen days following such session;

(m) the bringing of any civil action against the Sergeant-at-Arms, the Chief Messenger, official or servant of the House for removing on the direction of the Speaker of the House, chair of a committee of the House, or any member of the House, any person from the House lobbies, corridors, or halls of the building who is creating a disturbance, using violent or insulting language or otherwise disturbing the peace within the said House, committee rooms, corridors or lobbies thereof. R.S. (1992 Supp.), c. 1, s. 37.

Penalty and Determination of House to be final

38 (1) Every person who is guilty of a violation of this Act shall be liable, in addition to any other penalty or punishment to which that person is by law liable, to imprisonment for such time during the session of the Legislature then being held as is determined by the House.

(2) The determination of the House, upon any proceeding pursuant to this Act, is final and conclusive. R.S. (1992 Supp.), c. 1, s. 38.

PART VI

INDEMNITY OF MEMBERS

Annual indemnity and expenses

39 (1) Each member of the House shall be paid out of the General Revenue Fund of the Province an annual indemnity in the amount determined pursuant to Section 45A.

(2) Notwithstanding subsection (1), no member of the House is entitled to receive a total indemnity exceeding the amount referred to in subsection (1) in any calendar year regardless of the number of sittings or sessions of the House or the number of Houses constituted in that calendar year.

(3) Notwithstanding subsection (1), if during a calendar year a person becomes a member or ceases to be a member, then the maximum indemnity to which that member is entitled in the calendar year is the total amount of the indemnity referred to in subsection (1) divided by twelve and multiplied by the number of months in the calendar year that the member is a member.

(4) For the purpose of this Section,

(a) a member is and is deemed to be a member from the ordinary polling day on which the member is elected;

(b) a member is and is deemed to continue to be a member until

(i) the member dies,

(ii) the member resigns, or

(iii) when the House of which the member is a member is dissolved, the day preceding the polling day fixed in the writ issued immediately following the dissolution,

whichever occurs first; and

(c) a person who is a member for any part of a month is and is deemed to be a member for the whole of that month.

(5) Each outside member, except a member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or departments or a member occupying the recognized position of Leader of the Opposition or a member occupying the recognized position of leader of a recognized party, shall be paid out of the General Revenue Fund of the Province an amount to reimburse the member for reasonable travelling expenses incurred for fifty-two trips each year between the City of Halifax and the member's constituency and for reasonable expenses incurred for accommodation and other reasonable expenses incurred as a result of being in the City of Halifax as a member, as determined by the Legislature Internal Economy Board. R.S. (1992 Supp.), c. 1, s. 39; 2010, c. 2, s. 84; 2017, c. 6, s. 4; 2018, c. 11, s. 2.

Transition allowance

40 (1) A person who

(a) is a member of the House immediately before the House is dissolved or is ended by the passage of time and does not become a member of the next following House; or

(b) is a member of the House and resigns as a member of the House,

(ba) *repealed 2015, c. 21, s. 1.*

shall be paid a transition allowance equal to the product of

(c) one twelfth of the person's number of months of service as a member of the House; and

(d) one twelfth of the annual indemnity for a member at the rate in force immediately before the person ceased to be a member,

but in any case not less than twenty-five per cent nor greater than one hundred per cent of the annual indemnity referred to in clause (d).

(1A) Where a person who is a member of the House of Assembly dies, the transitional allowance shall be paid to the person's estate.

(1B) Notwithstanding subsections (1) and (1A), no transition allowance is payable to a person, or the estate of a person, who is or would have been entitled to receive an immediate retiring allowance pursuant to the *Members' Retiring Allowances Act* other than a reduced allowance pursuant to Section 12A of that Act or an allowance by reason of being totally and permanently disabled.

(2) The transition allowance referred to in subsection (1) shall be paid in twelve equal instalments commencing thirty days after the person ceases to be a member.

(3) Notwithstanding the provisions of the *Members' Retiring Allowances Act*, no Retiring Allowance shall be paid pursuant to that Act to or on behalf of a member until the Transition Allowance paid or to be paid in accordance with subsection (2) has been exhausted or unless the Transition Allowance or the balance remaining thereof is waived.

(4) Notwithstanding subsection (2), the transition allowance may be paid to a member in a lump sum payment within thirty days after ceasing to be a member, if the member so chooses.

(5) Subsection (3) does not apply to a member who ceases to be a member and who prior to ceasing to be a member, is in receipt of a retiring allowance.

(6) Where a member had been previously a member of the House and had received a severance allowance or a transition allowance upon ceasing to be a member, and subsequently is re-elected as a member of a House then the transition allowance shall be calculated by using as a calculator the total number of years the member served in the House in the formula of the transition allowance that is in force at the time that member last ceases to be a member and deducting from the dollar amount so determined the dollar amount that the member previously received as a severance allowance or a transition allowance. Recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 1999; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 2000; 2001, c. 47, s. 1; 2011, c. 39, s. 20; 2015, c. 21, s. 1; 2018, c. 11, s. 3.

NOTE - *The report dated November 30, 1998, made by the Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials has, pursuant to Section 45 of the House of Assembly Act, the same force and effect as if enacted by the Legislature and is in substitution for the provisions of the House of Assembly Act. In a letter dated December 3, 1998, which was supplementary to the report, it was recommended that the recommendation in the report should be read to permit any member to receive the transition allowance in a lump sum payment within thirty days after ceasing to be a member, if the member so chooses.*

Counselling or retraining services

40A (1) A person who confirms in writing that he or she will not seek re-election at the next general election may apply to the Speaker for approval to obtain retirement counselling, career counselling or career retraining services.

(2) Where

(a) the Speaker is satisfied that the person is able to obtain the counselling or retraining services within twelve months of the commencement of the payment of the person's transition allowance;

(b) the counselling or retraining services are provided by a service provider approved by the Speaker;

(c) the services are obtained within twelve months of the commencement of the payment of the person's transition allowance; and

(d) the Speaker is satisfied with the services provided,

the Speaker shall authorize payment for the counselling or retraining services to a maximum of seven thousand five hundred dollars.

(3) A member of the House re-elected after having received payment pursuant to subsection (2) shall immediately reimburse any such payment. 2011, c. 39, s. 21; 2014, c. 36, s. 2.

41 *repealed 2010, c. 5, s. 30.*

Speaker, Deputy Speaker and opposition leaders

42 (1) In addition to the amounts payable pursuant to Section 39, there shall be paid out of the General Revenue Fund of the Province an annual salary, in the amount determined pursuant to Section 45A, to

- (a) the Speaker; and
- (b) the Deputy Speaker.

(2) The Speaker and the Deputy Speaker shall be paid from the General Revenue Fund of the Province such sums of money as are necessary to indemnify them for reasonable expenses of travel, accommodation or otherwise incurred while absent from their ordinary place of residence in connection with the business of the House, or as a representative of the House or of the Province, whether the House is in session or not.

(3) In addition to the amounts payable pursuant to Section 39, there shall be paid out of the General Revenue Fund of the Province to the member occupying the recognized position of Leader of the Opposition an annual salary, in the amount determined pursuant to Section 45A, payable in monthly instalments, and the salary shall commence as of the month in which the member commences to hold the position and shall be discontinued as of the last day of the month in which the member ceases to hold the position.

(4) In addition to the amounts payable pursuant to Section 39, there shall be paid out of the General Revenue Fund of the Province to the member occupying the recognized position of leader of a recognized party other than the Premier and the Leader of the Opposition, an annual salary, in the amount determined pursuant to Section 45A, payable in monthly instalments, and the salary shall commence as of the month in which the member commences to hold the position and shall be discontinued as of the last day of the month in which the member ceases to hold the position.

(5) Every leader of a party, except the Premier, who is an outside member as defined by this Act shall be paid out of the General Revenue Fund of the Province in addition to the amounts to which the leader is entitled pursuant to this Act an amount to reimburse the leader for travelling expenses for fifty-two trips each year between the City of Halifax and the leader's constituency and for actual expenses for accommodation and other reasonable expenses incurred as a result of being in the City of Halifax while the House is in session and such other expenses as are authorized by regulation of the House of Assembly Management Commission for an assistant travelling with the leader. R.S. (1992 Supp.), c. 1, s. 42; 2010, c. 2, s. 84; 2010, c. 5, s. 31; 2017, c. 6, s. 5.

Offices for opposition leaders

43 (1) The Leader of the Opposition shall be provided with office facilities consisting of a private office for the Leader, a private office for a senior assistant or senior secretary, a private office for a director of research and a research assistant, a reception area for the Leader's secretary and a working area for a secretary for the director of research and the research assistant and necessary equipment for the office and the cost of the office facilities and the necessary equipment shall be paid out of the General Revenue Fund of the Province.

- (2) The salaries, as determined pursuant to subsection (5), of
- (a) two secretaries;
 - (b) a director of research;
 - (c) a research assistant; and
 - (d) a senior assistant or senior secretary,

employed by the Leader of the Opposition shall be paid out of the General Revenue Fund of the Province.

(3) The leader of a recognized party, other than the Premier and the Leader of the Opposition, shall be provided with the office facilities consisting of a private office for the leader, a senior assistant or senior secretary, and a private office for the leader's research assistant and a reception area for the leader's secretary and necessary equipment for the office and the cost of the office facilities and the necessary equipment shall be paid out of the General Revenue Fund of the Province.

- (4) The salaries, as determined pursuant to subsection (5), of
- (a) a secretary;
 - (b) a research assistant; and
 - (c) a senior assistant or senior secretary,

employed by the leader of a recognized party pursuant to subsection (3) shall be paid out of the General Revenue Fund of the Province.

(5) The Civil Service Commission from time to time shall fix and determine schedules of compensation for the senior assistant or senior secretary, for the director of research, the secretaries and the research assistants in the same manner as it fixes and determines schedules of compensation for civil servants, provided that the initial salary of the research assistants shall not exceed fifteen thousand dollars *per annum*.

(6) The senior assistant or senior secretary, director of research, the secretaries and the research assistants are deemed to be employees of the Province for the purposes of the *Public Service Superannuation Act*, vacation and sick leave pursuant to the *Civil Service Act*, group life insurance and other forms of insurance or benefits to which civil servants are entitled from time to time.

(7) The Leader of the Opposition and the leader of a recognized party, other than the Premier, shall be paid from the General Revenue Fund of the Province such sum as is determined by the House of Assembly Management Commission to indemnify them for reasonable expenses incurred for travelling or otherwise in the discharge of their official duties. R.S. (1992 Supp.), c. 1, s. 43; 2010, c. 2, s. 84; 2010, c. 5, s. 32.

Regulations

44 (1) *repealed, 2010 c. 5, s. 33.*

(2) The House may by resolution adopt regulations fixing penalties for non-attendance of members and any monetary penalty so fixed and assessed is a charge against any money that the member is entitled to under this Act.

(3) Notwithstanding Sections 48, 50 and 53, the House of Assembly Management Commission may determine the salary of the Chief Clerk, the Assistant Clerk and the Sergeant-at-Arms after review by that Commission. R.S. (1992 Supp.), c. 1, s. 44; 2010, c. 5, s. 33.

45 *repealed 2013, c. 38, s. 1.*

Salaries and allowances for 2007 and subsequent years

45A (1) Within sixty days after ordinary polling day in each general election, the Speaker shall appoint three persons to make an inquiry and a report respecting the annual indemnity to be paid to members of the House pursuant to this Act, the salaries to be paid to the Speaker, the Deputy Speaker, the Leader of the Opposition and the leader of any other recognized opposition party pursuant to this Act and the salaries to be paid to members of the Executive Council pursuant to the *Executive Council Act*.

(1A) Subsection (1) does not apply with respect to a general election for which ordinary polling day occurs after the coming into force of this subsection and before January 1, 2018.

(2) Where no Speaker is elected by the House within sixty days after ordinary polling day, the Chief Clerk shall appoint the three persons to make the inquiry and report.

(3) *repealed 2013, c. 38, s. 2.*

(4) The persons appointed pursuant to subsection (1) or (2) have all the powers, privileges and immunities of a commissioner pursuant to the *Public Inquiries Act* and shall complete their inquiry and deliver their report containing recommendations to the Speaker or, where no Speaker has been elected, the Chief Clerk within ninety days after ordinary polling day.

(5) The Speaker or Chief Clerk, as the case may be, upon receipt of the report containing the recommendations of the persons appointed pursuant to subsection (1) or (2), shall cause their recommendations respecting the annual indemnity to be paid to members of the House pursuant to this Act, the salaries to be paid to the Speaker, the Deputy Speaker, the Leader of the Opposition and the leader of any other recognized opposition party pursuant to this Act and the salaries to be paid to members of the Executive Council pursuant to the *Executive Council Act* to be implemented and those recommendations have the same force and effect as if enacted by the Legislature and are in substitution for provisions of this Act and the *Executive Council Act*, as the case may be.

(6) The recommendations are effective the first day of the month immediately following the month in which ordinary polling day occurred.

(6A) Notwithstanding subsections (5) and (6), the recommendations in the report pursuant to subsection (1) following the 2021 general election and dated July 15, 2022, are of no effect.

(7) In each subsequent year on January 1st, the annual indemnity and salaries shall be increased by the percentage increase in salary provided to civil servants for the current fiscal year.

(7A) Notwithstanding subsection (7), no increase in the annual indemnity and salaries shall occur from January 1, 2015, to December 31st in the year in which increases are next effective pursuant to subsection (6), inclusive.

(8) With respect only to the inquiry and report pursuant to this Section following next after the general election of 2013,

(a) notwithstanding subsection (1), the Speaker shall appoint the persons to make the inquiry on or before December 31, 2013;

(b) the inquiry and report must include a review of and recommendations respecting all allowances, reimbursements, allowable expenses or other payments to members of the House pursuant to the *House of Assembly Management Commission Act*, including eligibility therefor under the *House of Assembly Act*, and all retiring allowances payable to members of the House pursuant to the *Members' Retiring Allowances Act*;

(c) notwithstanding clause (b), the Speaker may determine the scope of the review required by clause (b);

(d) notwithstanding subsection (4), the time for the completion of the inquiry and delivery of the report set out in subsection (4) is March 31, 2014;

(e) the Speaker may extend the time set out in clause (d) for the completion of the inquiry and delivery of the report; and

(f) subsection (5) applies *mutatis mutandis* to the recommendations respecting the matters reviewed pursuant to clause (b).

(9) For greater certainty, nothing in subsection (8) affects the authority of the House of Assembly Management Commission to make regulations pursuant to the *House of Assembly Management Commission Act*. 2006, c. 9, s. 2; 2007, c. 40, s. 1; 2009, c. 5, ss. 9, 10; 2011, c. 9, s. 23; 2013, c. 38, s. 2; 2015, c. 21, s. 2; 2017, c. 6, s. 6; 2022, c. 33, s. 1.

PART VII

OFFICERS

A - CLERK OF THE ASSEMBLY

Chief Clerk

46 The Governor in Council may appoint a suitable person to be Chief Clerk of the House, who shall perform all the duties performed by the Chief Clerk of the House prior to the seventeenth day of April, 1937, in addition to the further duties prescribed after that date. R.S. (1992 Supp.), c. 1, s. 46.

Duties of Chief Clerk

47 (1) The Chief Clerk has the care and custody of all bills, journals, records, parchments and documents of every kind relating to or connected with the House.

(2) The Chief Clerk shall on the first day of the opening of a new Assembly for the despatch of business attend the House until a Speaker has been elected, and shall, previous to the meeting of the House, attend and swear in the members elect. R.S. (1992 Supp.), c. 1, s. 47.

Salary and term of office of Chief Clerk

48 The Chief Clerk shall be paid such salary as the Governor in Council from time to time determines and holds office during good behaviour. R.S. (1992 Supp.), c. 1, s. 48; 2015, c. 21, s. 3.

B - ASSISTANT CLERK OF THE HOUSE OF ASSEMBLY

Assistant Clerk

49 The Governor in Council may appoint a suitable person to be Assistant Clerk of the House, who shall perform all the duties performed by the Assistant Clerk of the House prior to the seventeenth day of April, 1937, and all such other duties as are from time to time prescribed by the Governor in Council. R.S. (1992 Supp.), c. 1, s. 49.

Salary and term of office

50 The Assistant Clerk shall be paid such salary as the Governor in Council from time to time determines and holds office during good behaviour. R.S. (1992 Supp.), c. 1, s. 50; 2015, c. 21, s. 4.

Duties

51 The Assistant Clerk shall, in the absence of the Chief Clerk, perform all the duties and exercise all the authority of the Chief Clerk. R.S. (1992 Supp.), c. 1, s. 51.

C - LEGISLATIVE COUNSEL

Legislative Counsel

52 (1) The Governor in Council may appoint a person to be Legislative Counsel who shall perform all the duties performed by the Law Clerk prior to the fifth day of April, 1941, and in addition the Legislative Counsel shall

(a) prepare such legislation as may be from time to time entrusted to the Legislative Counsel;

(b) prepare such consolidation and revision of, and other matters relating to, the statutes or any statute as is from time to time directed by the Attorney General or the Governor in Council;

(c) perform such other duties as are from time to time prescribed by the Attorney General or the Governor in Council.

(2) The Legislative Counsel shall be paid such salary as the Governor in Council from time to time determines and holds office during good behaviour. R.S. (1992 Supp.), c. 1, s. 52.

D - SERGEANT-AT-ARMS

Appointment and salary of Sergeant-at-Arms

53 (1) The Speaker may appoint a person to be Sergeant-at-Arms who shall perform such duties as the House or the Speaker determines.

(2) The Sergeant-at-Arms shall be paid such salary as the Governor in Council from time to time determines. 2020, c. 10, s. 1.

Powers of Sergeant-at-Arms

53A (1) In this Section,

(a) “firearm” means a firearm or other weapon, including a prohibited firearm, a restricted firearm, a prohibited weapon or a restricted weapon within the meaning of the *Criminal Code* (Canada), that is currently approved for use in the Province by police officers;

(b) “precincts of the House” means Province House and its environs as defined by the public streets immediately adjacent to it and includes any other premises or areas used for meetings of committees of the House or, where so designated by the Speaker, used for another purpose of the House.

(2) The Sergeant-at-Arms is a peace officer within the precincts of the House or while in fresh pursuit of a person leaving the precincts of the House.

(3) As a peace officer under this Section, the Sergeant-at-Arms

(a) has all the powers, authority, privileges, rights and immunities of a peace officer and constable under the common law, the *Criminal Code* (Canada) and any other federal or Provincial enactment; and

(b) with the approval of the House or the Speaker and subject to subsection (4), may possess and use firearms, subject to such conditions or restrictions as the House or the Speaker may determine and except as otherwise provided by law.

(4) The Sergeant-at-Arms must meet the same requirements, including training and certification, that police officers are required to have in order to be permitted to possess and use a firearm in the Province. 2020, c. 10, s. 1.

Expenses of officers and staff

54 There shall be paid out of the General Revenue Fund of the Province to the officers and staff of the House such sums of money as are authorized from time to time by the Speaker or other member of the House of Assembly Management Commission to indemnify them for reasonable expenses of travel, accommodation or otherwise incurred while absent from their ordinary place of residence in connection with the business of the House, or as a representative of the House or of the Province, whether the House is in session or not. R.S. (1992 Supp.), c. 1, s. 54; 2010, c. 2, s. 84; 2010, c. 5, s. 34.

PART VIII

GENERAL

Copy of journal prima facie evidence

55 Upon any inquiry touching the privileges, immunities or powers of the House, or of any committee or member thereof, any copy of the journals of the House printed or purporting to be printed by the order of the House, shall be admitted as *prima facie* evidence of such journals by all courts, justices and others, without further proof that such copy was so printed. R.S. (1992 Supp.), c. 1, s. 55.

No action on correct publication of proceedings

56 In any civil proceeding against any person for or on account or in respect of the publication of any copy of any report, paper, vote or proceedings of the House, the defendant at any stage of the proceedings may lay before the court or judge such report, paper, vote or proceedings, and such copy, with an affidavit verifying such report, paper, vote or proceedings, and the correctness of such copy, and the court or judge shall immediately stay such civil proceeding, and the same, and every originating notice or process issued therein, shall be finally put an end to, determined and superseded. R.S. (1992 Supp.), c. 1, s. 56.

Bona fide publication is defence

57 It is lawful in any civil proceeding against any person for printing any extract from or abstract of any such report, paper, vote or proceedings, to give in evidence such report, paper, vote or proceedings, and to show that such extract or abstract was published *bona fide*, and without malice, and if in the opinion of the court, or if in the opinion of the jury, if there is a jury, such publication was *bona fide* and without malice, judgment shall be rendered or a verdict shall be entered for the defendant. R.S. (1992 Supp.), c. 1, s. 57.

Copy of journal prima facie evidence

58 A copy of the journals of the House, printed or purporting to be printed by order of the House, shall be admitted as *prima facie* evidence of such journals by all courts and justices without further proof that such copies were so printed. R.S. (1992 Supp.), c. 1, s. 58.

PART IX

TRANSITIONAL

Effective date of Act

59 This Act has effect on, from and after, but not before, the dissolution or the determination by the effluxion of time of the fifty-fifth General Assembly and has effect from that day notwithstanding any provision in the *Elections Act* to the contrary. R.S. (1992 Supp.), c. 1, s. 59.

Assembly dissolved April 16, 1993

60 *repealed 2011, c. 5, s. 368.*