

Interior Designers Act

CHAPTER 6 OF THE ACTS OF 2003

as amended by

2004, c. 6, ss. 11-13; 2011, c. 18



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CHAPTER 6 OF THE ACTS OF 2003
amended 2004, c. 6, ss. 11-13; 2011, c. 18

An Act Respecting Interior Designers

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Short title

1 This Act may be cited as the *Interior Designers Act*. 2003, c. 6, s. 1.

Interpretation

2 In this Act,

- (a) "Association" means the Association of Interior Designers of Nova Scotia;
- (b) "Board" means the Board of Directors of the Association;
- (c) "Court" means the Nova Scotia Court of Appeal;
- (d) "former Act" means Chapter 14 of the Acts of 1990, the *Interior Designers [Association] Act*;
- (e) "Non-resident Registered Class" means the class of membership in which a person
 - (i) is entitled to practise interior design,
 - (ii) is not a permanent resident of the Province, and
 - (iii) meets the requirements set out for this class of member of the Association in the regulations;
- (f) "non-structural" means interior elements or components of a structure that are not load-bearing and do not require design computations for a building structure and includes ceiling and partition systems that employ normal and typical bracing conventions and are not part of the structural integrity of a building but does not include the structural frame systems supporting a building;
- (g) "partition" means a wall that does not support a vertical load of a structure other than its own weight and does not extend further than from the floor of an interior area to the structure above;

(h) "practice of interior design" means providing or offering to provide, for a fee, commission or hope of reward, design services in relation to the non-structural construction of and non-structural alterations to the interior area of a structure designed for human habitation and includes

(i) analyzing the intended use of the interior area of a structure, the life-safety requirements and applicable codes,

(ii) developing preliminary and final designs for the alteration or construction of an interior area of a structure,

(iii) preparing and filing with the authority having jurisdiction for the purpose of obtaining a building permit, technical submissions for non-structural interior construction, materials, finishes, space planning, reflected ceiling plans, furnishings, fixtures and equipment,

(iv) consulting and collaborating with licensed design professionals,

(v) preparing and administering bids and contract documents, and

(vi) reviewing and evaluating the implementation of projects while in progress and upon completion;

(i) "Register" means the register of members of the Association established under this Act;

(j) "Registered Class" means the class of membership in which a member is entitled to practise interior design and meets the requirements set out for this class of member of the Association in the regulations;

(k) "Registrar" means, unless the context otherwise requires, the Registrar appointed under this Act;

(l) "supervision" means the examination and review of the content of technical submissions during their preparation and in the practice of interior design with the ability to exercise control over changes to that work so as to ensure that they meet the standards required of a member of the Association authorized to practise interior design;

(m) "technical submissions" means designs, drawings, plans, specifications, studies and other technical reports. 2003, c. 6, s. 2; 2004, c. 6, s. 11.

Rights and obligations unaffected

3 (1) This Act does not apply to the practice of interior design, the holding out of entitlement to practise interior design or the use of the title "interior designer" by an architect, partnership, association of persons or body corporate entitled under the *Architects Act* to practise architecture or a person employed by and acting under the supervision and direction of an architect, partnership, association or body corporate while practising architecture within the meaning of the *Architects Act*.

(1A) In subsection (2), unless the context otherwise requires,

(a) "assembly occupancy" means the occupancy or the use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink;

(b) "building area" means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of fire-walls;

(c) "building height" in storeys, means the number of storeys contained between the roof and the floor of the first storey;

(d) "business and personal services occupancy" means the occupancy or use of a building, or part thereof, for the transaction of business or the rendering or receiving of professional or personal services;

(e) "high hazard industrial occupancy" means an industrial occupancy containing sufficient quantities of highly combustible and flammable or explosive materials that, because of their inherent characteristics, constitute a special fire hazard;

(f) "low hazard industrial occupancy" means an industrial occupancy in which the combustible content is not more than 50 kilograms per square metre or 1,200 megajoules per square metre of floor area;

(g) "medium hazard industrial occupancy" means an industrial occupancy in which the combustible content is more than 50 kilograms per square metre or 1,200 megajoules per square metre of floor area and not classified as high hazard industrial occupancy;

(h) "mercantile occupancy" means the occupancy or use of a building, or part thereof, for the displaying or selling of retail goods, wares or merchandise;

(i) "residential occupancy" means the occupancy or use of a building, or part thereof, by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.

(2) Subject to Section 19, this Act does not apply to

(a) an engineer, partnership, association of persons or body corporate entitled under the *Engineering Profession Act* to practise or undertake the application of engineering or a person employed by and acting under the supervision and direction of an engineer, partnership, association or body corporate while applying engineering within the meaning of the *Engineering Profession Act*;

(b) the practice of interior design by any person where the alterations to a structure do not require a permit under the applicable codes;

(c) the service of selection or assistance in selection of surface materials, window treatments, wall coverings, paints, floor coverings, surface-mounted fixtures and loose furnishings not subject to the *Building Code Act*;

(d) an employee of a retail establishment providing consultation with respect to interior decoration or furnishings on the premises of the retail establishment or in furtherance of a retail sale; or

(e) the practice of interior design by persons other than members of the Association in the Registered Class or in the Non-resident Registered Class in connection with a building as constructed, enlarged or altered, and used for one or more of the following occupancies, unless a member of the Association in the Registered Class or in the Non-resident Registered Class is otherwise required by law or by the building authority having jurisdiction over the project:

(i) a one-dwelling or two-dwelling unit,

(ii) of three storeys or less in building height, having a building area not exceeding 450 square metres classified as

(A) residential occupancy,

(B) business and personal services occupancy,

(C) mercantile occupancy, or

(D) low and medium hazard industrial occupancy,

(iii) an assembly occupancy of not more than one storey in building height, having a building area of not more than 200 square metres, or

(iv) a high hazard industrial occupancy of not more than one storey in building height, having a building area of not more than 200 square metres;[.]

(3) For greater certainty, this Act does not apply to servants of Her Majesty in right of Canada or the Province. 2003, c. 6, s. 3; 2011, c. 18, s. 1.

Rights of members

4 Notwithstanding any Act or regulations respecting the practice of architecture in the Province,

(a) a member of the Association in the Registered Class or in the Non-resident Registered Class may practise interior design or hold himself or herself out as entitled to practise interior design and collect a fee, reward or remuneration for services rendered;

(b) an individual who is registered as a member of the Association may carry out work under the supervision of a member of the Association in the Registered Class or Non-resident Registered Class or may carry out work on technical submissions for a member of the Association in the Registered Class or Non-resident Registered Class; and

(c) a person who is not registered as a member of the Association or a partnership, association of persons or a corporation may carry out work under the supervision of a member of the Association in the Registered Class or Non-resident Registered Class or may carry out work on technical submissions for a member of the Association in the Registered Class or Non-resident Registered Class. 2003, c. 6, s. 4.

ASSOCIATION AND BOARD

Association continued

5 The Association is continued as a body corporate under the name "Association of Interior Designers of Nova Scotia" and has the capacity, rights, powers and privileges of a natural person. 2003, c. 6, s. 5.

Objects

6 The objects of the Association are to

(a) regulate the practice of interior design and govern its members;

(b) develop, establish and maintain standards of knowledge and skill among its members;

(c) develop, establish and maintain standards of qualification and practice for the practice of interior design;

(d) develop, establish and maintain standards of professional ethics among its members;

(e) develop, establish and maintain standards of continuing education for its members;

(f) communicate and co-operate with other professional organizations for the advancement of the practice of interior design;

(g) promote public awareness of the role of the Association and the practice of interior design; and

(h) do such things as are necessary for or conducive to the advancement of interior design in the Province. 2003, c. 6, s. 6.

Powers

7 The Association may exercise the powers that are necessary or incidental to achieve its objects and carry out its obligations and, without restricting the generality of the foregoing, may

- (a) purchase, lease, acquire, hold, sell, mortgage, hypothecate or otherwise deal with any real or personal property;
- (b) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, warrants and other negotiable and transferable instruments;
- (c) engage the agents, employees and professional or other assistance it deems necessary;
- (d) spend the money of the Association to advance the objects of this Act;
- (e) establish and maintain the offices and agencies it determines are necessary;
- (f) invest the money of the Association;
- (g) borrow money for the use of the Association;
- (h) issue bonds, debentures, debenture stock and other securities and pledge or sell securities. 2003, c. 6, s. 7.

Annual meeting

8 The Association shall hold an annual meeting in the manner and at the time and place set out in the by-laws. 2003, c. 6, s. 8.

Board

- 9 (1) There is hereby established a Board consisting of
- (a) not less than eight members of the Association elected in accordance with the by-laws; and
 - (b) at least one and not more than two members appointed by the Governor in Council, who are not members of the Association.
- (2) The members of the Board hold office for a term not exceeding two years, as set out in the by-laws. 2003, c. 6, s. 9.

Quorum

10 Five members of the Board constitute a quorum. 2003, c. 6, s. 10.

Powers of Board

11 The Board shall manage and conduct the business and affairs of the Association and exercise the powers of the Association. 2003, c. 6, s. 11.

Auditor

12 (1) The Board shall, subject to the approval of the Association at the annual meeting, recommend an auditor.

(2) The Association shall, at or before the annual meeting, distribute for review by the membership an annual report including a report by an auditor. 2003, c. 6, s. 12.

REGISTRATION AND PROHIBITIONS

Registrar

13 The Board shall appoint a Registrar to hold office on such terms and conditions and for such remuneration as is determined by the Board. 2003, c. 6, s. 13.

Register

14 (1) The Registrar shall maintain a Register in which shall be entered the name and class of membership of every person who is a member of the Association and shall issue to every member of the Association a certificate of membership.

(2) The Registrar shall enter into the Register the name of every person who, immediately before the coming into force of this Act, is a member of the Association pursuant to the former Act, and any stipulation or limitation attached to that person's class of membership under the former Act shall continue under this Act until December 31st of the year in which this Act comes into force. 2003, c. 6, s. 14.

Membership

15 (1) Any individual may apply to the Registrar to become a member of the Association.

(2) The Registrar, or any person designated in the regulations, shall, in accordance with the regulations and by-laws, determine whether an applicant meets the requirements to become a member of the Association and the class of membership of the member of the Association. 2003, c. 6, s. 15.

Practise of interior design

16 No person shall practise or advertise or hold himself or herself out as entitled to practise interior design in the Province unless

(a) the name of the person is entered in the Register as a member of the Association in the Registered Class or the Non-resident Registered Class;

(b) the person practises interior design under the supervision of a member of the Association in the Registered Class or Non-resident Registered Class; or

(c) it is in accordance with this Act, the regulations and the by-laws. 2003, c. 6, s. 16.

Prohibition on receipt of fee, reward or remuneration

17 No person shall receive a fee, reward or remuneration for professional services rendered in the practice of interior design unless it is in accordance with Section 16. 2003, c. 6, s. 17.

Seal and signature

18 No member of the Association shall affix or permit to be affixed that member's seal or signature to any technical submissions that

(a) that member is not authorized to perform under that member's class of membership; or

(b) are not prepared by that member or under that member's supervision. 2003, c. 6, s. 18.

Restriction on use of title

19 (1) Subject to clause 4(a), no person shall use the title "Interior Designer" or any extension of or abbreviation of that title.

(2) Subject to clause 4(b), no person shall use the title "Intern Interior Designer" or any extension of or abbreviation of that title. 2003, c. 6, s. 19.

Prohibition on practise

20 No person, partnership or association of persons shall permit a person, partnership or association of persons to practise interior design unless it is in accordance with this Act, the regulations and the by-laws. 2003, c. 6, s. 20.

Offence

21 Every person who knowingly furnishes false information in an application pursuant to this Act or in any statement required under this Act is guilty of an offence. 2003, c. 6, s. 21.

DISCIPLINE

Conduct of members

22 Every member of the Association shall conduct himself or herself in a manner that does not constitute

(a) professional misconduct;

(b) conduct unbecoming an interior designer; or

(c) professional incompetence. 2003, c. 6, s. 22.

Complaint

23 Any person may make a complaint to the Registrar that a member of the Association has violated this Act, the regulations or the by-laws. 2003, c. 6, s. 23.

Complaints committee

24 (1) The Board shall appoint a complaints committee composed of at least three persons, only one of whom is not a member of the Association or former member of the Association.

(2) The Board shall appoint one of the members of the complaints committee who is a member of the Association and is not a current member of the Board, to be the chair of the complaints committee.

(3) The complaints committee may investigate a complaint made under this Act and may

- (a) dismiss the complaint;
- (b) appoint a mediator to resolve the complaint;
- (c) caution a member of the Association;
- (d) refer the complaint to a hearing committee; or
- (e) enter into a settlement agreement with the member of the Association. 2003, c. 6, s. 24.

Hearing committee

25 (1) The Board shall appoint a hearing committee for the purpose of hearing a complaint against a member of the Association.

(2) The hearing committee consists of three persons, one of whom, other than the chair, is a member of the Association and one of whom is not a member of the Association or former member of the Association.

(3) The Board shall appoint a chair of the hearing committee who is a member of the Association and is not a current member of the Board. 2003, c. 6, s. 25.

Hearing

26 (1) The hearing committee shall hold a hearing to hear a complaint against a member of the Association and may

- (a) adjudicate, dismiss or otherwise dispose of a complaint;
- (b) make orders and directions in relation to the complaint;
- (c) make a finding that a member of the Association is in violation of this Act, the regulations or the by-laws.

(2) Where the hearing committee makes a finding under clause (1)(c), the committee may order

(a) the cancellation of the certificate of membership of a member of the Association;

(b) the suspension of the membership or the privileges of a member of the Association to practise interior design for a fixed period or until the fulfillment of a condition;

(c) the cautioning, reprimanding or counselling of a member of the Association;

(d) the member of the Association to return the seal or certificate of registration to the Registrar if the member's registration or privilege to practise interior design is cancelled or suspended;

(e) the imposition of a fine, not exceeding an amount prescribed in the regulations, payable to the Association within the time specified by the hearing committee;

(f) the imposition of terms, conditions or limitations on the entitlement of a member of the Association to practise interior design;

(g) the fixing and imposition of the costs of the investigation and hearing of the complaint on the member of the Association and the payment of those costs within such time period as is specified by the hearing committee. 2003, c. 6, s. 26.

Decisions of committees

27 (1) A decision of a majority of the members of the complaints committee is a decision of that committee.

(2) A decision of a majority of the members of the hearing committee is a decision of that committee. 2003, c. 6, s. 27.

Powers of committees

28 The complaints committee and the hearing committee have all the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*. 2003, c. 6, s. 28.

Continuation of jurisdiction and authority

29 The jurisdiction and authority of the complaints committee and the hearing committee in respect of any disciplinary matter arising out of the conduct of the person while a member of the Association continues notwithstanding that the person who is the subject of a complaint ceases to be a member of the Association. 2003, c. 6, s. 29.

GENERAL, APPEALS AND PENALTY

Seals

30 (1) The Registrar shall, in accordance with the by-laws, provide each member of the Association entered in the Register in the Registered Class, with a seal in a form approved by the Board.

(2) The seal referred to in subsection (1) must contain the registration number and title "Registered Member - Association of Interior Designers of Nova Scotia".

(3) The Registrar shall, in lieu of a seal, provide each member of the Association entered in the Register in the Non-resident Registered Class with a certificate of non-resident registration. 2003, c. 6, s. 30.

Technical submissions

31 (1) Every technical submission prepared or issued by a member of the Association in the Registered Class and filed with the authority having jurisdiction for the purpose of obtaining a building permit must

- (a) contain the signature and seal of that member of the Association;
- (b) contain the date on which it was approved; and
- (c) be identified as an interior design document.

(2) Every technical submission prepared or issued by a member of the Association in the Non-resident Registered Class and filed with the authority having jurisdiction for the purpose of obtaining a building permit must

- (a) contain the signature of that member of the Association;
- (b) contain the date on which it was approved;
- (c) be identified as an interior design document; and
- (d) be accompanied by the original certificate of non-resident registration. 2003, c. 6, s. 31.

Appeals

32 (1) An appeal from any decision or order of a hearing committee on a question of law or jurisdiction may be made to a judge of the Court.

(2) An appeal under subsection (1) may be made by filing a notice of appeal with the Registrar of the Court and serving notice on the Registrar appointed under this Act within thirty days of the day on which the decision or order was made by the hearing committee.

(3) Upon receipt of a notice of appeal, the Registrar appointed under this Act shall request a copy of the record of proceedings before the hearing committee and shall file it and a copy of the decision or order being appealed from with the Registrar of the Court. 2003, c. 6, s. 32; 2004, c. 6, s. 12.

Powers of Court

33 The Court may, on the basis of the record referred to in subsection 32(3),

- (a) make any finding that, in the judge's opinion, ought to have been made by the hearing committee;
- (b) confirm, vary or quash the decision of the hearing committee;
- (c) refer the matter back to the hearing committee, with or without directions. 2003, c. 6, s. 33.

Limitation of actions

34 No action or proceeding for damages lies against the Association, the Board, any committee of the Association or against any officer, employee or agent of the Association for anything done in good faith for and on behalf of the Association under this Act, the regulations or the by-laws. 2003, c. 6, s. 34.

Proof of practice

35 Proof of the performance of one act in the practice of interior design on one occasion is sufficient to establish that a person has engaged in the practice of interior design. 2003, c. 6, s. 35.

Injunction

36 Where a person does or attempts to do anything contrary to this Act, the regulations or the by-laws, the doing of the thing may be restrained by an injunction of the court at the instance of the Board. 2003, c. 6, s. 36.

Offence and penalty

37 Every person who violates this Act, the regulations or the by-laws is guilty of an offence and is liable upon summary conviction to a fine

- (a) not exceeding five thousand dollars, for a first offence;
- (b) not exceeding ten thousand dollars, for a second offence; or
- (c) not exceeding fifteen thousand dollars, for a third or subsequent offence,

or to imprisonment for a term not exceeding six months, or to both a fine and imprisonment. 2003, c. 6, s. 37.

Informations

38 Any information to be laid pursuant to this Act may be laid by the Registrar or any member of the Association authorized by the Board. 2003, c. 6, s. 38.

Separate offence

39 Where a violation of this Act, the regulations or the by-laws by a person who does not have the right to practise interior design continues for more than one day, the person is guilty of a separate offence for each day that the violation continues. 2003, c. 6, s. 39.

Fines and penalties

40 All fines and penalties payable under this Act as a result of a prosecution by or on behalf of the Association belong to the Association. 2003, c. 6, s. 40.

BY-LAWS AND REGULATIONS

By-laws

41 The Association may make by-laws

(a) respecting the conduct and proceeding of meetings of members of the Association, directors and committees;

(b) providing for the appointment of committees and the compensation, powers and duties of the committees;

(c) respecting the powers, duties and qualifications of the Registrar and officers, agents and employees of the Association;

(d) providing for the fixing by the members of the Association, upon the recommendation of the Board, at a meeting of the members of the Association, of fees and special assessments payable by an applicant for membership in the Association and by members and classes of members;

(e) respecting the expenses of the Association and members of the Association;

(f) prescribing the seal of the Association;

(g) providing for the manner of execution of documents by the Association;

(h) prescribing forms;

(i) respecting the management of the Association and the maintenance of the Register;

(j) establishing and maintaining a Code of Ethics;

(k) respecting information to be included in the Register;

(l) respecting the election of members to the Board, including the qualification of members and the nomination process;

- (m) respecting continuing competency requirements of members of the Association;
- (n) respecting advertising by members;
- (o) respecting the use of terms, titles or designations in the practice of interior design;
- (p) prescribing the records and accounts to be kept by members of the Association and providing for the production, inspection and examination of those records and accounts;
- (q) respecting the monitoring and evaluation of the practical experience of people that are training to become practising members of the Association;
- (r) respecting the issuance of and use of seals by members of the Association;
- (s) respecting any other matter or thing that the Board considers necessary or incidental to carry out the objects of the Association. 2003, c. 6, s. 41.

Approval of by-laws

42 (1) Subject to subsection (2), in order to be effective, every by-law of the Association or any amendment or repeal of a by-law must be passed by a resolution of two thirds of the members of the Association voting at an annual general meeting of the Association or a special meeting of the Association called for that purpose.

(2) Where a by-law, amendment or repeal is proposed to be voted on at any meeting of the Association, a request in writing signed by at least three members of the Association must be delivered to the secretary of the Association, not less than twenty-one days before the meeting at which it is to be voted on.

(3) The secretary of the Association shall, in accordance with the by-laws, send a copy of the request referred to in subsection (2), to the members of the Association and a copy of the request must be included in the notice of the meeting of the Association. 2003, c. 6, s. 42.

Regulations

43 (1) The Association may, with the approval of the Governor in Council, make regulations

- (a) prescribing classes of membership in the Association;
- (b) respecting the qualifications required for classes of membership in the Association and the rights of classes of membership;

- (c) respecting education, including incorporating by reference accreditation standards for membership in the Association of other organizations, as they may be amended from time to time;
- (d) respecting the practical experience required for membership in the Association;
- (e) respecting the scope of practice of a member of the Association;
- (f) prescribing examinations, including incorporating by reference examinations set by the National Council for Interior Design Qualification, as they may be amended from time to time, and exempting classes of members of the Association from those requirements;
- (g) respecting the professional liability insurance a member of the Association must hold and exempting certain classes of persons from the requirement;
- (h) respecting applications for registration as a member of the Association;
- (i) respecting the evaluation of members of the Association and applicants for registration as members of the Association who have not practised interior design for a period of time and setting conditions for registration in and continued registration in the different classes of membership for such persons;
- (j) respecting standards of professional conduct;
- (k) respecting professional misconduct, conduct unbecoming an interior designer and professional incompetence;
- (l) respecting the process for disciplinary action against a member of the Association, including the power and procedure for the investigation, mediation, settlement, adjudication or other resolution of a complaint;
- (m) respecting the conduct, power and procedure and duties of committees;
- (n) respecting the revocation or suspension of registration of a member of the Association;
- (o) respecting the reporting and publication of a decision in a disciplinary matter;
- (p) designating a person to act on behalf of the Registrar;
- (q) defining “professional misconduct”, “conduct unbecoming an interior designer” and “professional incompetence”;
- (r) respecting such other matter or thing that the Association considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2003, c. 6, s. 43; 2004, c. 6, s. 13.

TRANSITIONAL AND REPEAL

Continuation of offices

44 The members of the Board and officers of the Association under the former Act who hold office immediately before the coming into force of this Act continue to hold office until their successors are elected or appointed under this Act and the by-laws. 2003, c. 6, s. 44.

Continuation of proceedings

45 Every proceeding taken under the former Act shall be taken up and continued under and in conformity with this Act without any further formality. 2003, c. 6, s. 45.

Continuation of by-laws

46 Every by-law of the Association made under the former Act, to the extent that it is not inconsistent with this Act, remains in force until the by-law is amended or repealed pursuant to this Act. 2003, c. 6, s. 46.

Continuation of Article on disciplinary complaints

47 Article 11.0 of the By-laws dated March 3, 1995, under the former Act, continues in effect under this Act for the purpose of a disciplinary complaint made under this Act in respect of conduct occurring before the day on which this Act comes into force. 2003, c. 6, s. 47.

Repeal of former Act

48 The former Act is repealed. 2003, c. 6, s. 48.

Proclamation

49 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2003, c. 6, s. 49.

Proclaimed - October 20, 2004
In force - October 20, 2004
