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VOLUME N

Revised Statutes of Nova Scotia

2023

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CHAPTER N-1

An Act to Provide for Regulating the Marketing of Certain Natural Products in Nova Scotia

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Short title

- 1** This Act may be cited as the *Natural Products Act*. R.S., c. 308, s. 1.

Interpretation

- 2** In this Act,
- “commodity board” means a board constituted under a plan;
 - “consumer” does not include a person who packs or processes a product or uses a product in the producing of another article;
 - “Council” means the Natural Products Marketing Council;
 - “marketing” includes advertising, buying, selling, storing, packing, transportation, shipping, pricing, processing, shipping for sale or storage, offering for sale and any other act necessary to prepare a natural product in a form or to make it available at a place and time for purchase, for consumption or use and also includes sale by pedlars, hawkers and traders;
 - “Minister” means the Minister of Agriculture;

“natural product” includes any one or more of

(a) animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey and articles of food or drink manufactured or derived in whole or in part from any such product; and

(b) any other product designated as a natural product in regulations made by the Governor in Council;

“plan” means any plan, for the marketing, production or regulating of any natural product, that is in force in the Province or any part thereof under this Act;

“production” means production for commercial purposes;

“regulated area” means any area defined by and to which is related any plan approved or established under this Act;

“regulated product” means a natural product produced in a regulated area in respect of which a plan is in force. R.S., c. 308, s. 2; 2002, c. 1, s. 19.

Natural Products Marketing Council

3 (1) The Governor in Council may establish a board to be known as the Natural Products Marketing Council, which shall be a body corporate.

(2) The Council consists of such number of persons as the Governor in Council may determine, and each member shall hold office for a term of up to five years and may be reappointed.

(3) Notwithstanding subsection (2), one of the persons appointed pursuant to subsection (2) must be a person recommended by the Nova Scotia Milk Processors’ Division of the Atlantic Dairy Council.

(4) Each member of the Council shall receive such remuneration as the Governor in Council determines.

(5) One of the members of the Council shall be appointed by the Governor in Council as chair, and such number of members as the Governor in Council determines constitute a quorum. R.S., c. 308, s. 3; 2000, c. 24, s. 29; 2002, c. 1, s. 20.

Agreements

4 With the approval of the Governor in Council, the Minister may, on behalf of the Province, enter into an agreement with the Government of Canada providing for

(a) the performance by an agency of the Government of Canada, on behalf of the Province, of functions relating to intraprovincial trade in a regulated product or products in relation to which the Council or commodity board may exercise its powers and for such other matters relating thereto as may be agreed upon by the Minister and the Government of Canada;

(b) the performance by an agency of the Government of Canada, on behalf of the Province, of functions relating to the collection of rates imposed pursuant to this Act, to recover the costs of establishing and imple-

menting promotional and research programs to stimulate, increase, promote and improve the marketing and production of a natural product; and

(c) the performance by the Province or an agency of the Province of functions relating to the collection of levies raised for the same or substantially the same purposes levied by or pursuant to an Act of the Parliament of Canada. R.S., c. 308, s. 4; 1994-95, c. 13, s. 1.

Personnel

5 (1) There must be appointed in accordance with the *Civil Service Act* such officers, staff and employees as may be required for the proper conduct, management and operation of the Council.

(2) The Council may engage persons to provide professional, technical or other assistance to or on behalf of the Council.

(3) The Council may engage or appoint persons as inspectors to inspect the books, records and premises of persons engaged in the production or marketing of an agricultural product. 2002, c. 1, s. 21.

Powers of Council

6 (1) The Council may

(a) investigate, arbitrate, adjudicate upon, adjust or otherwise settle

(i) any dispute between any two or more producers, distributors or transporters of natural products, or

(ii) any dispute between producers, distributors or transporters of natural products as classes of persons;

(b) investigate the cost of producing, distributing and transporting any natural products, prices, price spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing or production of natural products;

(c) do such acts and make such orders, regulations and directions as are necessary to enforce the due observance and carrying out of this Act, the regulations or any plan;

(d) with the approval of the Governor in Council, establish commodity boards for the purpose of carrying out any plan established under this Act;

(e) authorize commodity boards to borrow money to carry out any plan established under this Act and determine the amount of money borrowed and the kind and amount of security to be taken or given therefor;

(f) stimulate, increase and improve the marketing or production of a natural product for the purpose of carrying out any plan;

(g) when requested to do so by a commodity board within the meaning of this Act or a commodity group within the meaning of the *Agriculture and Marketing Act*, establish and implement promotional and research programs for the purpose of stimulating, increas-

ing, promoting and improving the marketing and production of a natural product and recover all expenses incurred thereby by levying and collecting a rate on persons engaged in the producing or marketing of the natural product;

(h) establish price negotiating agencies in connection with any plan and adopt or determine fair or minimum prices for any regulated product or any grade of a regulated product;

(i) exempt from any plan or any order or direction of the Council any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product;

(j) require persons engaged in the producing or marketing of a natural product in any area or areas designated by the Council to register with the Council their names, addresses and occupations and the quantity of the natural product produced or marketed by them, and require persons engaged in the producing or marketing of a regulated product to furnish such additional information in regard to the said regulated product as the Council may determine and inspect the books and premises of such last-mentioned persons;

(k) require, by order, persons designated by it who are engaged in marketing or the production of a regulated product, or any persons who are members of a class of persons designated by it and who are so engaged, to deduct from any amount payable by that person to any other person engaged in the production or marketing of a regulated product any amount payable to the Council or commodity board by such other persons by way of licence fees, levies or charges provided for in a plan that the Council or commodity board is authorized to implement and to remit all amounts so deducted to the Council or commodity board;

(l) require the person in charge of any vehicle thought to be conveying any natural product to stop the vehicle and to permit any person appointed by the Council for such purpose to inspect the vehicle and its contents;

(m) co-operate with any board or agency established under any federal Act or any provincial Act to market or promote, facilitate, control, regulate or prohibit the marketing or production of any natural product and act conjointly with any such board or agency;

(n) prohibit any person other than the Council or a commodity board designated by the Council from marketing or producing regulated products;

(o) require the furnishing of security or proof of financial responsibility by any person engaged in the marketing or production of a regulated product;

(p) accept, have and exercise all powers of regulation in relation to the marketing or production of a natural product outside the Province in interprovincial and export trade that are conferred upon it by or pursuant to any Act of the Parliament of Canada and for the purpose of such regulation to exercise all the powers conferred upon the Council by this Act.

(2) The Council may delegate to a commodity board such of its powers as the Council considers necessary for the proper enforcement of any plan under which a commodity board is constituted and may at any time terminate such delegation of power.

(3) The Council may require a commodity board to furnish information relating to any product regulated by the plan under which the commodity board is constituted.

(4) A commodity board authorized to administer any plan is a body corporate for the purpose of this Act, the regulations and the plan under which the commodity board is constituted.

(5) The Council, each commodity board and each member of the Council or a commodity board have, for the purpose of this Act, all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

(6) No member of the Council or a commodity board is liable for any actions or decisions made in good faith in carrying out duties or responsibilities as a member of the Council or the commodity board. R.S., c. 308, s. 6; 1994-95, c. 13, s. 2; 2002, c. 1, s. 22.

Inspection

7 (1) Every person, where requested to do so by an officer of the Council or by a person appointed by the Council to inspect the books, records and premises of persons engaged in the producing or marketing of a natural product, shall, in respect of the natural product, produce such books and records and permit inspection thereof and supply extracts therefrom and permit inspection of such premises.

(2) No person shall hinder or obstruct an officer of the Council or a person appointed by the Council to inspect the books, records and premises of persons engaged in the producing or marketing of a natural product in the performance of the officer's or person's duties, refuse to permit the officer or person to carry out the officer's or person's duties, refuse to furnish the officer or person with information or furnish the officer or person with false information.

(3) The production by any person of a certificate of the person's appointment by the Council to inspect the books, records and premises of persons engaged in the producing or marketing of a natural product, purporting to be signed by the chair and secretary of the Council, must be accepted by any person engaged in the producing or marketing of the natural product as prima facie proof of such appointment. R.S., c. 308, s. 7.

Seizure

8 (1) Where an officer of the Council or a person appointed by the Council to inspect the books, records and premises of persons engaged in producing or marketing a natural product believes on reasonable grounds that this Act or the regulations, or any plan or any order or direction of the Council or a commodity board has been violated, the officer or person may seize the natural products and other things by means of or in relation to which the officer or person reasonably believes a violation was committed.

(2) Natural products and other things seized pursuant to subsection (1) may not be detained after

(a) this Act, the regulations or the plan, order or direction, as the case may be, has, in the opinion of the inspector, been complied with; or

(b) the expiration of 90 days from the day of seizure,

unless before that time proceedings have been instituted in respect of the violation, in which event the natural products and other things may be detained until the proceedings are finally concluded.

(3) Where a person has been convicted of a violation of this Act or the regulations, or any plan or any order or direction of the Council or a commodity board, every natural product or other thing by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to the Crown in right of the Province if such forfeiture is directed by the court.

(4) The Governor in Council may make regulations

(a) respecting the detention of natural products or other things seized under this Section and for preserving or safeguarding the same; and

(b) respecting the disposition of natural products or other things forfeited under this Section.

(5) Any natural product or other things detained under this Section or the regulations is at all times at the risk and expense of the owner, but the inspector shall immediately give written notice to the owner or person having possession of the product or things that the products or things are detained. R.S., c. 308, s. 8; 2002, c. 1, s. 23.

Regulations with Governor in Council approval

9 Subject to the approval of the Governor in Council, the Council may make regulations regulating, controlling or prohibiting the transfer or sale of quota outside of the Province. 2002, c. 1, s. 24.

Regulations without Governor in Council approval

10 (1) The Council may make regulations

(a) regulating and controlling the marketing or production of natural products, including the agency through which such products may be marketed, within the Province;

(b) providing for the licensing of persons engaged in the marketing or production of any natural product, fixing the licence fees payable by such persons at different amounts and providing for the payment of such licence fees in instalments, which licence fees may be made payable to the commodity board constituted under a plan to use for the purpose of carrying out the provisions of this Act, the regulations and the plan under which the commodity board is constituted;

- (c) providing for
 - (i) the marketing or production of a regulated product on a quota basis,
 - (ii) the fixing and allotting to persons of quotas for the marketing or production of a regulated product on such basis as the Council considers proper,
 - (iii) the refusal to fix and allot to any person a quota for the marketing or production of a regulated product for any reason that the Council considers proper,
 - (iv) the transfer of quotas among producers and the terms and conditions under which such transfers may take place, and
 - (v) the cancellation or reduction of, or the refusal to increase, a quota fixed and allotted to any person for the marketing or production of a regulated product for any reason that the Council considers proper;
- (d) prohibiting
 - (i) any person to whom a quota has not been fixed and allotted for the marketing or production of a regulated product from marketing any of the regulated product,
 - (ii) any person to whom a quota has been fixed and allotted for the marketing or production of a regulated product from marketing or producing any of the regulated product in excess of such quota,
 - (iii) any person, to whom a quota has been fixed and allotted for the marketing or production of a regulated product produced on land in respect of which such quota was fixed and allotted, from marketing or producing any of the regulated product other than the regulated product produced on such land, and
 - (iv) any person to whom a quota has been fixed and allotted from transferring or assigning the quota;
- (e) providing the form of licences and the terms and conditions upon which licences may be issued, renewed, suspended or revoked;
- (f) providing for the making of returns or the furnishing of information by any licensed person under this Act;
- (g) providing for the carrying out of any plan;
- (h) providing for the furnishing of security or proof of financial responsibility by persons who purchase farm products for resale;
- (i) providing for the establishment of rates pursuant to clause 6(1)(g) and establishing procedures for the collection of such rates;
- (j) respecting licence fees, levies or charges payable under plans or regulations and providing ranges for such licence fees, levies

or charges within which the Council or a commodity board may fix the licence fees, levies or charges payable pursuant to the plans or regulations;

(k) exempting any person or class of persons from the provisions of the regulations or any portion thereof.

(2) Any regulation made under this Section may be limited as to time or place, to one or more natural products or to any grade or class thereof. R.S., c. 308, s. 9; 1994-95, c. 13, s. 3; 2002, c. 1, s. 25.

Licensing powers

11 The Council may refuse to grant or renew any licence provided for under the regulations and may suspend or revoke any such licence for failure to observe, perform or carry out any of the provisions of this Act, the regulations, any plan or any order or direction of the Council, but in every such case the applicant must be afforded an opportunity of appearing before the Council to show cause why the licence should not be refused, suspended or revoked or why the renewal should not be refused, as the case may be. R.S., c. 308, s. 10.

Marketing schemes

12 The Governor in Council may or, subject to the approval of the Governor in Council, the Council may

(a) establish plans for the promotion, control, regulation or prohibition of the marketing or production of any natural product and may constitute commodity boards to administer any such plan, provided that no such plan is established by the Council unless there has been submitted to the Council evidence satisfactory to the Council that the producers or persons engaged in the marketing or production of the product have had an opportunity to vote on the establishment of the plan and not less than two thirds of those voting are in favour of the establishment of the plan;

(b) vary, alter, amend or revoke any such plan;

(c) define the area or areas within which any such plan or any part thereof is in force;

(d) empower commodity boards to exercise such of the powers and authority of the Council, mentioned in Section 10, as it considers necessary for the proper operation of a plan. R.S., c. 308, s. 11.

Tolls and separate fund

13 For the purpose of carrying out any plan, the Council may establish a separate fund and may impose direct charges or tolls in respect of the marketing or production of the whole or any part of such natural product, which charges and tolls shall be payable by such persons engaged in the production or marketing of such natural product as the Council may determine. R.S., c. 308, s. 12.

Penalty

14 Any person who violates any of the provisions of this Act or the regulations, or of any plan or any order or direction of the Council or of a commodity board, is guilty of an offence and liable on summary conviction to the penalty provided for in the *Summary Proceedings Act*. R.S., c. 308, s. 13; 2002, c. 1, s. 26.

Failure to pay set price

15 (1) Any person who fails to pay the fair or minimum price adopted or determined by the Council for any regulated product shall, in addition to the penalty provided for in Section 14, incur a penalty of an amount equal to the amount of such fair or minimum price less any amount paid by such person as payment in full or part payment for such regulated product.

(2) The penalties imposed under this Section must be paid to the Council and the Council may, subject to the approval of the Minister, distribute the amount so received pro rata among the persons who failed to receive such fair or minimum price. R.S., c. 308, s. 14.

Summary Proceedings Act

16 The penalties imposed under this Act are recoverable under the *Summary Proceedings Act*. R.S., c. 308, s. 15.

Possession as prima facie proof

17 In any prosecution under this Act or the regulations or any plan, the fact that the person charged had a natural product in that person's possession is prima facie proof that such natural product is a regulated product. R.S., c. 308, s. 16.

Regulations exempting from plan or scheme or order

18 Notwithstanding anything contained in this Act, the Governor in Council may by regulation exempt, from any plan, scheme or order of any board,

(a) any person or class of persons engaged in the marketing or production of a regulated product or any class, variety or grade thereof;

(b) any land used in the production of a regulated product of such acreage or less as the Governor in Council may determine. R.S., c. 308, s. 17.

Regulations by Governor in Council

19 The Governor in Council may make regulations

(a) defining any word or expression used but not defined in this Act;

(b) considered necessary or advisable to carry out effectively the intent and purpose of this Act. 2002, c. 1, s. 27.

Regulations Act

20 The exercise of the authority contained in Section 6, subsection 8(4), subsection 10(1) or Section 18 or 19 is a regulation within the meaning of the *Regulations Act*. 2002, c. 1, s. 27.

CHAPTER N-2

An Act Respecting Naturopathic Doctors

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WHEREAS it is desirable to protect the public against unqualified individuals practising naturopathic medicine;

AND WHEREAS greater protection to the public can be provided by prescribing the minimum qualifications of individuals using the title “Naturopathic Doctor” or a similar title:

Short title

1 This Act may be cited as the *Naturopathic Doctors Act*. 2008, c. 5, s. 1.

Purpose of Act

2 The purpose of this Act is to

(a) provide assurance to the public that individuals representing themselves as practising the profession of naturopathic medicine as naturopathic doctors have prescribed minimum qualifications, thereby protecting the public health and safety from harm; and

(b) provide legal recognition to naturopathic medicine as a health profession. 2008, c. 5, s. 2.

Interpretation

3 In this Act,

“accredited naturopathic school” means a naturopathic medical program accredited by the Council on Naturopathic Medical Education;

“Canadian Association of Naturopathic Doctors” means the not-for-profit association providing national representation to naturopath students and professionals enrolled in or graduates of an accredited four-year, post-graduate level, naturopathic medical program;

“Council on Naturopathic Medical Education” means the programmatic accrediting agency for naturopathic medical education accepted by the four-year naturopathic colleges and programs in Canada and the United

States of America, by the Canadian Association of Naturopathic Doctors, by the American Association of Naturopathic Physicians and by the North American Board of Naturopathic Examiners;

“Naturopathic Physicians Licensing Examination” means the examination that graduates of one of the accredited four-year naturopathic schools must successfully complete for certification by the North American Board of Naturopathic Examiners;

“naturopathy” means the assessment of diseases, disorders and dysfunctions and the naturopathic diagnosis and treatment of diseases, disorders and dysfunctions using naturopathic techniques to promote, maintain or restore health. 2008, c. 5, s. 3.

Prohibition respecting practice

4 No person shall engage in the practice of naturopathy or use the title “Naturopath”, “Naturopathic Practitioner” or “Naturopathic Doctor”, or any word, title or designation, abbreviated or otherwise, to imply that that person is engaged in the practice of naturopathy, unless that person

- (a) is a graduate of an accredited naturopathic school;
- (b) has passed both the basic science and clinical portion of the Naturopathic Physicians Licensing Examination;
- (c) holds a licence to practise naturopathic medicine issued by a province of Canada that licenses naturopathic medicine;
- (d) has malpractice insurance coverage;
- (e) is a member of the Canadian Association of Naturopathic Doctors; and
- (f) is a member of the Nova Scotia Association of Naturopathic Doctors. 2008, c. 5, s. 4.

Exceptions

5 Nothing in this Act applies to or prevents

- (a) the practice by a person of any other health discipline recognized by statute; or
- (b) the use of the title “Practitioner of Traditional Chinese Medicine”, or like designation intended to imply a person is engaged in the practice of traditional Chinese medicine. 2008, c. 5, s. 5.

Offence and penalty

6 Every person who contravenes this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$15,000 for a first offence and not more than \$30,000 for a second or subsequent offence. 2008, c. 5, s. 6.

CHAPTER N-3

An Act to Provide Protection for the NewPage Port Hawkesbury Pension Plans

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Short title

1 This Act may be cited as the *NewPage Port Hawkesbury Pension Plans Act*. 2012, c. 12, s. 1.

Interpretation

- 2 (1)** In this Act,
- “administrator” means Morneau Shepell Ltd or any successor appointed by the Superintendent to administer the pension plans;
 - “election date” means the date 60 days after the date on which the administrator of a pension plan provides the members, former members and other persons entitled to benefits under the pension plans with the information required by subsections 8(2) and (3);
 - “former member” means a former member of a pension plan;
 - “member” means a member of a pension plan;
 - “Minister” means the Minister of Labour, Skills and Immigration;
 - “*Pension Benefits Regulations*” means the *Pension Benefits Regulations* made pursuant to the *Pension Benefits Act*;
 - “pension funds” means the pension funds of the pension plans;

“pension plan” means any of the pension plans;

“pension plans” means all of the following pension plans, including any pension plans that result from a consolidation of any of the following pension plans:

(a) Pension Plan for Mill Employees of NewPage Port Hawkesbury Corp.;

(b) Pension Plan for the Office and Clerical Hourly Employees of NewPage Port Hawkesbury Corp.;

(c) Pension Plan for the Woodland Hourly Employees of NewPage Port Hawkesbury Corp.;

(d) Pension Plan for the Salaried Non-Union Employees of NewPage Port Hawkesbury Corp. and Associated and Affiliated Companies;

“prescribed” means prescribed by the regulations;

“retired member” means a former member of a pension plan who has terminated employment or membership in the pension plan and is in receipt of a pension payable from the pension fund;

“wind-up date” means July 1, 2033, or such other date as may be prescribed.

(2) Except as otherwise provided in this Act, words and expressions used in this Act have the same meaning as in the *Pension Benefits Act*.

(3) A reference in this Act to the wind-up of the pension plans or any of them includes the wind-up of the pension plans in whole or in part.

(4) Where there is a conflict between this Act and the *Pension Benefits Act*, this Act prevails. 2012, c. 12, s. 2; O.I.C. 2023-7.

Application of Act

3 This Act applies to the members, former members and other persons entitled to receive benefits under the pension plans, each trade union that represents members and the administrator of the pension plans. 2012, c. 12, s. 3.

Amendments to pension plans

4 (1) The administrator shall make any amendments to the pension plans necessary to make the pension plans comply with this Act.

(2) Notwithstanding subsection 24(1) of the *Pension Benefits Act*, amendments made to the pension plans, or any of them, pursuant to subsection (1) are not void if they are made to the pension plans before the pension plans are wound up. 2012, c. 12, s. 4.

Reduction of pensions

5 (1) The amount of the pension that is being paid to a retired member of a pension plan must, as of the prescribed date, be reduced in accordance with the regulations.

(2) The amount of a pension that is paid to a member or former member who retires on or after May 17, 2012, must, as of the later of the prescribed date and the date on which the member or former member retires, be reduced in accordance with the regulations. 2012, c. 12, s. 5.

Effective date of wind-up

6 (1) The effective date of the wind-up of the pension plans is the date fixed by the Governor in Council.

(2) The date fixed by the Governor in Council pursuant to subsection (1) may be before, on or after May 17, 2012. 2012, c. 12, s. 6.

Election to extend wind-up period

7 (1) The members, former members or other persons entitled to benefits under the pension plans may, in the prescribed manner,

(a) elect to participate in the pension plans during an extended wind-up period that extends until the wind-up date; or

(b) elect to participate in the wind-up of the pension plans without extension of the wind-up period.

(2) The election must be made no later than the election date.

(3) Where a member, former member or other person entitled to benefits under a pension plan fails to make an election in accordance with subsections (1) and (2), the member, former member or other person is deemed to have elected to participate in the pension plans during an extended wind-up period pursuant to clause (1)(a).

(4) A member, former member or other person entitled to benefits under a pension plan who has made an election or is deemed to have made an election under this Section is not permitted to rescind the election or deemed election, and the election or deemed election is final and not subject to challenge, review or appeal.

(5) Where, immediately following the election date,

(a) the prescribed percentage of members, former members and other persons entitled to benefits under the pension plans have elected or are deemed to have elected to participate in the pension plans during the extended wind-up period; and

(b) the total value of the assets held in the pension plans by the members, former members and other persons entitled to benefits under the pension plans who have elected or are deemed to have elected to participate in the pension plans during the extended wind-up period, expressed as a percentage of the total value of all assets held in the pension plans, is equal to or exceeds the prescribed percentage,

the wind-up period is extended until the wind-up date.

(6) Where the wind-up period is not extended under subsection (5), the pension plans must be wound up in accordance with the *Pension Benefits Act*.

(7) The administrator shall, in the prescribed manner and within the prescribed period, provide the results of the election to the Superintendent and to each person referred to in clauses 8(1)(a) to (f). 2012, c. 12, s. 7.

Provision of information by administrator

8 (1) For the purpose of the election conducted pursuant to Section 7, the administrator shall, in the prescribed manner, provide the information required by subsection (2) to

- (a) the Superintendent;
- (b) each member who is affected by the wind-up or partial wind-up of the pension plan;
- (c) each former member who is affected by the wind-up or partial wind-up of the pension plan;
- (d) each trade union that represents members;
- (e) the advisory committee of the pension plan; and
- (f) any other person entitled to a payment from the pension fund who is affected,

within 60 days of the prescribed date.

(2) The administrator shall provide to the persons referred to in subsection (1)

- (a) the name of the pension plan and its Provincial registration number;
- (b) that an extended wind-up of the pension plan is proposed;
- (c) the wind-up date for the pension plan under the proposed extended wind-up;
- (d) the effective date of the wind-up of the pension plan, if known;
- (e) the time period in relation to which a member or former member must make the election under Section 7 or be deemed to have elected to participate in the extended wind-up of the pension plans;
- (f) notice that each member, former member or other person entitled to a pension, deferred pension, any other benefit or a refund is to be provided with an individual statement setting out the person's entitlements and options under the plan;
- (g) notice that there are insufficient assets to pay all pension benefits and a detailed statement setting out
 - (i) an estimate of the plan's assets, solvency ratio expressed as a percentage of solvency funding, solvency deficiencies and going-concern unfunded liabilities as at September 30, 2011, and
 - (ii) the information referred to in subclause (i) projected to the wind-up date, together with the actuarial assumptions relied upon in preparing the projected information;

- (h) the prescribed information;
- (i) any information that the Superintendent may, by notice in writing to the administrator, require; and
- (j) any information that the administrator determines ought to be provided.

(3) At the same time that the information required by subsection (2) is provided to the persons referred to in clauses (1)(a) to (f), the administrator shall give to each person entitled to a pension, deferred pension or other benefit, or a refund in respect of the pension plan, a statement setting out the person's entitlement under the pension plan, the options available to the person and, without limiting the generality of the foregoing,

- (a) the information required by subsection 35(2) of the *Pension Benefits Regulations* to the extent it is relevant to the pension plan;

- (b) for retired members, a statement of the pension received by the retired member and a detailed description of the reductions that would be made to the retired member's pension calculated as if the wind-up period were extended and as if it were not extended until the wind-up date;

- (c) for members, former members and other persons entitled to benefits under the pension plans who are entitled to a transfer pursuant to subsection 99(2) of the *Pension Benefits Act*,

- (i) the commuted value of the deferred pension or other benefit to which the person is entitled calculated as if

- (A) the pension plan were fully funded,

- (B) the wind-up period were extended until the wind-up date, and

- (C) the wind-up period were not extended until the wind-up date, and

- (ii) the transfer options for the commuted value of the deferred pension that are available to the member, former member or other person entitled to benefits if the wind-up period were to be extended and if it were not to be extended until the wind-up date;

- (d) the prescribed information;

- (e) any information that the Superintendent may, by notice in writing to the administrator, require; and

- (f) any information that the administrator determines ought to be provided. 2012, c. 12, s. 8.

Payments from pension funds

9 (1) Where the wind-up period of the pension plans has been extended, on and after the effective date of the wind-up of the pension plans until the date of the distribution of the assets of the pension funds, only the following payments may be made out of the pension funds in respect of members, former

members and other persons entitled to benefits under the pension plans who have elected or are deemed to have elected to participate in the extended wind-up period:

- (a) subject to Section 5, pensions or other benefits for which payments had commenced before the effective date of the wind-up;
- (b) pensions or other benefits for which members, former members or other persons entitled to benefits become eligible after the effective date of the wind-up;
- (c) refunds of member contributions with interest to members who terminate employment before the effective date of the wind-up and who are not entitled to a pension or deferred pension;
- (d) payment of a pre-retirement death benefit;
- (e) the reasonable operating fees and expenses of the administrator, as approved by the Superintendent; and
- (f) any other prescribed payment.

(2) Notwithstanding subsection (1), where a member, former member or other person entitled to benefits under a pension plan elects not to extend the wind-up period, the administrator shall

- (a) proceed with a partial wind-up of the pension plans in respect of the persons who so elect; and
- (b) pay the amounts owing in respect of the persons who so elect in accordance with the *Pension Benefits Act*.

(3) The value of any projected or actual investment earnings included in a report filed by the administrator under Section 11 must be taken into account when calculating and making payments under this Section or ordering the reduction of any of those payments under Section 105 of the *Pension Benefits Act*. 2012, c. 12, s. 9.

Wind-up report

10 A wind-up report in respect of the pension plans must be prepared in accordance with the *Pension Benefits Act* and *Pension Benefits Regulations*. 2012, c. 12, s. 10.

Interim reports and statements

11 (1) Where the wind-up period for the pension plans has been extended in accordance with Section 7, the administrator shall, on an annual basis during the extended wind-up period,

- (a) cause the pension plans to be reviewed;
- (b) cause a report to be prepared by a person authorized under Section 14 of the *Pension Benefits Regulations*;
- (c) file the report with the Superintendent no later than six months after the valuation date of the report;
- (d) at the same time as the report is filed with the Superintendent, provide a summary statement containing the prescribed infor-

mation to the members, former members and other persons entitled to benefits; and

(e) provide to the Superintendent an estimate of the proposed or anticipated annual operating fees and expenses for the administration of the pension plans.

(2) A report required under subsection (1) must

(a) show any gain or loss in the pension plan since the valuation date of the immediately preceding report as a result of differences between the actual experience and the experience anticipated by the assumptions made in the previous report; and

(b) contain any information that may be prescribed. 2012, c. 12, s. 11.

Administration of pension plans during extended wind-up

12 (1) Where the wind-up period for the pension plans has been extended, the administrator may, on and after the effective date of the wind-up of the pension plans,

(a) receive money for the pension funds from any source;

(b) invest up to 40% of the pension funds in non-fixed income investments; and

(c) upon providing the prescribed notice of the change to the affected retired members in the prescribed manner and within the prescribed period, decrease the pensions being paid to retired members in accordance with the regulations,

for the purpose of improving the funded ratio of the pension plans.

(2) Where the wind-up period for the pension plans has been extended, the administrator may, on and after the effective date of the wind-up of the pension plans, increase the pensions being paid to retired members in accordance with the regulations.

(3) A source from which money is received under clause (1)(a) is not a pension fund within the meaning of the *Pension Benefits Act*. 2012, c. 12, s. 12.

No action lies

13 No action or other proceeding for damages lies or may be instituted against the Crown, the Minister, the Superintendent or the administrator of the pension plans, or any of them, in relation to any act or omission done in good faith, while acting under the authority of this Act, the regulations, the *Pension Benefits Act* or the *Pension Benefits Regulations*, with respect to a decrease in the value of the assets in the pension funds, or in any of them. 2012, c. 12, s. 13.

Regulations

14 (1) The Governor in Council may make regulations

(a) prescribing a date other than July 1, 2033, to be the wind-up date;

(b) prescribing a date for the purpose of Section 5;

- (c) respecting the reduction of pensions that are being paid to retired members;
- (d) respecting the reduction of pensions that are to be paid to members or former members who retire on a date on or after May 17, 2012;
- (e) prescribing the manner in which the members, former members and other persons entitled to benefits under the pension plans may make an election pursuant to subsection 7(1);
- (f) prescribing the percentage of the members, former members or other persons entitled to benefits under the pension plans who must elect to participate in the pension plans during an extended wind-up in order to extend the wind-up period in relation to the pension plans;
- (g) prescribing the percentage of the total value of all assets held in the pension plans that the members, former members or other persons entitled to benefits under the pension plans who have elected or are deemed to have elected to participate in the pension plans during an extended wind-up are required to hold in order to extend the wind-up period in relation to the pension plans;
- (h) prescribing the manner in which and the period of time within which the administrator is to provide the results of an election under Section 7 to the Superintendent and to each person referred to in clauses 8(1)(a) to (f);
- (i) prescribing the manner in which the information required by subsection 8(2) is to be provided to each person referred to in clauses 8(1)(a) to (f);
- (j) prescribing a date for the purpose of subsection 8(1);
- (k) prescribing information that is to be provided by the administrator to each person referred to in clauses 8(1)(a) to (f) for the purpose of making an election under Section 7;
- (l) prescribing information that is to be provided by the administrator under subsection 8(3) to each person entitled to a pension, deferred pension or other benefits, or a refund in respect of the pension plan;
- (m) prescribing additional payments that may be made out of the pension fund during the extended wind-up period;
- (n) prescribing the content of the summary statements to be provided to members, former members and other persons entitled to benefits under the pension plans;
- (o) prescribing the content of the reports referred to in Section 11;
- (p) prescribing the notice to be provided to retired members pursuant to clause 12(1)(c) and the manner in which and the period within which such notice is to be provided;
- (q) respecting the decrease or increase by the administrator under Section 12 of pensions being paid to retired members based on the funded ratio of the pension plans;

(r) defining any word or expression used but not defined in this Act;

(s) respecting any matter or thing the Governor in Council 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 a regulation within the meaning of the *Regulations Act*, 2012, c. 12, s. 14; O.I.C. 2023-7.

CHAPTER N-4

An Act in Reference to Newspapers, Magazines and Other Periodicals

Table of Contents

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

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Short title

1 This Act may be cited as the *Newspapers and Periodicals Subscription Act*. R.S., c. 309, s. 1.

Liability for periodical sent by post

2 No person is liable to pay for any newspaper, or other periodical sent by post to that person, by reason of the fact that the person has taken such newspaper or other periodical sent by post, from any post office or way office and kept the same. R.S., c. 309, s. 2.

Liability of subscriber

3 (1) No person is liable to pay for any newspaper or other periodical for which that person has subscribed

(a) after the expiration of the year for which the person is a subscriber; or

(b) after the expiration of any current year, if the person before the end of such year notifies the publisher of the newspaper or other periodical to discontinue sending the newspaper or other periodical.

(2) Notice of discontinuance may be given by mailing a registered letter, or by notice otherwise given, to the publisher of the newspaper, or other periodical. R.S., c. 309, s. 3.

CHAPTER N-5

An Act Respecting the Holding of Magisterial Courts at Night

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

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Short title

1 This Act may be cited as the *Night Courts Act*. R.S., c. 310, s. 1.

INTERPRETATION

Interpretation

2 In this Act,
“district” means an area of the Province designated by the Attorney General pursuant to Section 3;
“judge” means a judge of the Provincial Court or a justice of the peace;
“night court” means a court held by a judge between the hours of 5:00 p.m. and 11:00 p.m. R.S., c. 310, s. 2; 1994-95, c. 7, s. 79.

NIGHT COURT SYSTEM

Districts

3 (1) The Attorney General may by order divide the Province into two or more territorial units and designate any unit as a district for the purpose of this Act.

(2) The Attorney General may by order direct a judge to hold a night court in a district at a place within the district and at the time determined by the Attorney General. R.S., c. 310, s. 3.

PROCEEDINGS

Docket

4 (1) Where a judge has been directed to hold a night court pursuant to subsection 3(2), the judge shall place or cause to be placed on the docket for the night court any criminal or penal matter or civil matter within the judge's jurisdiction

(a) in which one of the parties has indicated a preference for proceeding with the matter at night court; and

(b) that the judge considers can be conveniently proceeded with at night court.

(2) Nothing in subsection (1) prevents a judge from proceeding in or with a criminal or penal matter or civil matter in any manner authorized by law, including proceeding with the matter other than at night court. R.S., c. 310, s. 4.

ASSISTANCE

Personnel

5 Any person whose duties require the person to assist a judge shall perform the duties at night court as directed by the judge. R.S., c. 310, s. 5; 1994-95, c. 7, s. 79.

REMUNERATION

Remuneration

6 (1) The Attorney General may provide for the remuneration of a judge who holds night court and any person required to assist the judge and may make a payment to the judge or person.

(2) The Attorney General may prescribe scales for the remuneration of judges or any class of judges for attendance at night court.

(3) The cost and expenses incurred by the Attorney General in the administration of this Act may be paid from the General Revenue Fund. R.S., c. 310, s. 6; 1994-95, c. 7, s. 80.

EFFECT OF ACT

Federal jurisdiction unaffected

7 Nothing in this Act affects the jurisdiction, power or authority of a judge under an enactment or an Act of the Parliament of Canada. R.S., c. 310, s. 7.

CHAPTER N-6

An Act to Prohibit the Sale and Use of Non-essential Pesticides

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

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Short title

1 This Act may be cited as the *Non-essential Pesticides Control Act*.
2010, c. 6, s. 1.

Interpretation

2 In this Act,
“inspector” means any person who is appointed as an inspector by the
Minister, and includes any municipal or town police officer and any member
of the Royal Canadian Mounted Police;
“Minister” means the Minister of Environment and Climate Change;
“pesticide” means a pesticide as defined in the *Environment Act*. 2010,
c. 6, s. 2.

Act binds Provincial and federal Crown

3 (1) This Act binds the Crown in right of the Province, the
Crown’s corporations, agents, administrators, servants and employees and Govern-
ment agencies.

(2) This Act binds the Crown in right of Canada and the Crown’s
corporations, boards, commissions, agents, administrators, servants and employees.

(3) For greater certainty, the persons referred to in subsections (1)
and (2) are subject to prosecution and other remedies under this Act.

(4) This Act does not apply to a person who uses, sells or supplies a pesticide for

- (a) forestry activities;
- (b) agricultural activities; or
- (c) a golf course. 2010, c. 6, s. 3.

Prohibition on use

4 (1) In this Section, “lawn” means a plot of grass that is maintained at a regular and approximately uniform height through periodic and regular mowing, other than as the result of agricultural activities, and includes any associated walkway.

(2) Except as prescribed by the regulations, no person shall use or cause or permit the use of a pesticide in, on or over a lawn.

(3) After April 1, 2012, except as prescribed by the regulations, no person shall use or cause or permit the use of a pesticide in, on or over an outdoor tree, shrub, flower or other ornamental plant.

(4) Subsections (2) and (3) do not apply if the pesticide used is on the list of allowable pesticides established by the Minister under Section 6. 2010, c. 6, s. 4.

Prohibition on sale

5 (1) Except as prescribed by the regulations, no person shall sell, supply or offer for sale a pesticide labelled for use on lawns or turf.

(2) After April 1, 2012, except as prescribed by the regulations, no person shall sell, supply or offer for sale a pesticide labelled for use on an outdoor tree, shrub, flower or other ornamental plant.

(3) Subsections (1) and (2) do not apply if the pesticide used is on the list of allowable pesticides established by the Minister under Section 6. 2010, c. 6, s. 5.

List of allowable pesticides

6 (1) The Minister may establish a list of allowable pesticides.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

(3) The Minister shall provide public notification at least three months before removing a pesticide from the list of allowable pesticides and shall, at the same time, provide information concerning the reason for the removal. 2010, c. 6, s. 6.

Inspector deemed peace officer

7 An inspector, in carrying out duties pursuant to this Act, has and may exercise in any part of the Province all the powers, authorities and immunities of a peace officer as defined in the *Criminal Code* (Canada). 2010, c. 6, s. 7.

Right of entry and inspection

8 For the purpose of ensuring compliance with this Act and the regulations, an inspector, subject to Section 9, may, at any reasonable time,

- (a) enter and inspect any land or premises;
- (b) make such examinations and inquiries and conduct such tests as the inspector considers necessary or advisable;
- (c) require the production of documents and remove them temporarily for the purposes of copying;
- (d) inspect, take samples and conduct tests of samples, including tests in which a sample is destroyed;
- (e) make any reasonable inquiry of a person, either orally or in writing;
- (f) exercise such other powers as are prescribed by the regulations; and
- (g) exercise such powers as are incidental to the powers set out above. 2010, c. 6, s. 8.

Private dwelling place

9 Notwithstanding anything contained in this Act, an inspector may not enter a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except

- (a) with the consent of the occupant of the place; or
- (b) pursuant to an order under Section 10 to enter and inspect, or under the authority of a search warrant. 2010, c. 6, s. 9.

Order to enter and inspect

10 (1) Notwithstanding anything contained in this Act, where a justice is satisfied on evidence under oath by an inspector that

- (a) there are reasonable grounds to believe that it is appropriate for the administration of this Act for the inspector to do anything set out in Section 8; and
- (b) the inspector may not be able to carry out duties under this Act effectively without an order under this Section because
 - (i) no person is present to grant access to land or premises that is locked or is otherwise inaccessible,
 - (ii) a person has denied the inspector access to land or premises or there are reasonable grounds for believing that a person may deny the inspector access to land or premises,
 - (iii) a person has prevented the inspector from doing anything set out in Section 8 or denied the inspector access to any thing as a result of which the inspector is unable to do anything set out in Section 8,
 - (iv) there are reasonable grounds to believe that a person may prevent an inspector from doing anything set out in Section 8, or may deny the inspector access to any thing as

a result of which the inspector may be unable to do anything set out in Section 8,

(v) it is unpractical, because of the remoteness of the land or premises to be inspected or because of any other reason, for the inspector to obtain an order under this Section without delay if access is denied, or

(vi) there are reasonable grounds to believe that an attempt by the inspector to do anything set out in Section 8 without the order might defeat the purpose of that Section or cause an adverse effect,

the justice may issue an order authorizing the inspector to do anything set out in Section 8 that is specified in the order for the period of time set out in the order.

(2) The period of time referred to in subsection (1) may not extend beyond 30 days after the date on which the order is made, but the order may be renewed for any reason set out in subsection (1) for one or more periods each of which is not more than 30 days.

(3) An application pursuant to subsection (2) may be made before or after the expiry of the period.

(4) An order under this Section may be issued or renewed on application without notice. 2010, c. 6, s. 10.

Use of assistants

11 An inspector, in carrying out any duties or exercising any powers under this Act, may be accompanied by one or more persons considered by the inspector to be necessary to enable the inspector to carry out those duties and exercise those powers. 2010, c. 6, s. 11.

Limitation period

12 A prosecution for an offence under this Act may not be commenced more than two years after

(a) the date on which the offence was committed; or

(b) the date on which evidence of the offence first came to the attention of an inspector or the Minister,

whichever is later. 2010, c. 6, s. 12.

Offences

13 A person who

(a) contravenes this Act or the regulations;

(b) knowingly provides false or misleading information pursuant to a requirement under this Act to provide information; or

(c) hinders or obstructs an inspector who is exercising powers or carrying out duties, or attempting to do so, pursuant to this Act,

is guilty of an offence. 2010, c. 6, s. 13.

Penalty

14 (1) Subject to subsection (2), a person who contravenes Section 4 or 5 is liable on summary conviction to a fine of not more than \$2,500.

(2) A person, partnership, limited partnership or corporation, authorized or entitled to carry on a trade, occupation, profession, service or venture with a view to a profit, that contravenes Section 4 or 5 is liable on summary conviction to a fine of not more than \$15,000.

(3) Where a corporation contravenes this Act or the regulations, a director or officer of the corporation who authorized, permitted or acquiesced in the contravention is also guilty of an offence and liable on summary conviction to the penalties set out in subsection (1), whether or not the corporation has been prosecuted or convicted.

(4) Where an offence under this Act is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed. 2010, c. 6, s. 14.

Court orders relating to penalty

15 (1) Where a person is convicted of an offence under this Act, in addition to any other penalty that may be imposed pursuant to this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order

(a) prohibiting the offender from doing anything that may result in the continuation or repetition of the offence;

(b) directing the offender to take any action the court considers appropriate to remedy or prevent any adverse effect that results or may result from the act or omission that constituted the offence;

(c) directing the offender to publish, in the prescribed manner and at the cost of the offender, the facts relating to the conviction;

(d) directing the offender to notify any person aggrieved or affected by the conduct of the offender, of the facts relating to the conviction, in the prescribed manner and at the cost of the offender;

(e) directing the offender to post a bond or pay money into court in an amount that will ensure compliance with any order made pursuant to this Section;

(f) on application to the court by the Minister within three years after the date of conviction, directing the offender to submit to the Minister any information with respect to the conduct of the offender that the court considers appropriate in the circumstances;

(g) directing the offender to perform community service;

(h) directing the offender to pay to the Minister the costs incurred by the Minister in carrying out the investigation of the offence;

(i) requiring the offender to comply with any other conditions the court considers appropriate in the circumstances for secur-

ing the good conduct of the offender and for preventing the offender from repeating the offence or committing other offences.

(2) Where a person contravenes an order made pursuant to clause (1)(c), the Minister may publish the facts in compliance with the order.

(3) Where the Minister incurs publication costs pursuant to subsection (2), the costs constitute a debt due to the Government.

(4) An order made pursuant to subsection (1) comes into force on the day on which it is made or on any other day specified in the order and continues in force for the period specified in the order. 2010, c. 6, s. 15.

Regulations

16 (1) The Governor in Council may make regulations

(a) prescribing any matter that this Act authorizes to be prescribed by the regulations;

(b) prescribing penalties in respect of offences created under this Act;

(c) respecting any matter or thing the Governor in Council considers necessary or advisable for the administration of a system of administrative penalties;

(d) respecting the powers and duties of inspectors, including prescribing additional powers and duties;

(e) respecting records regarding the sale of pesticides;

(f) defining any word or expression used but not defined in this Act;

(g) respecting any matter or thing the Governor in Council 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 a regulation within the meaning of the *Regulations Act*. 2010, c. 6, s. 16.

CHAPTER N-7

An Act to Provide for a Deed Transfer Tax Respecting Non-residents of Nova Scotia

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

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Short title

1 This Act may be cited as the *Non-resident Deed Transfer Tax Act*.
2022, c. 4, Sch., s. 1; 2023, c. 2, s. 18.

Interpretation

2 In this Act,

“Administrator” means a person appointed under Section 12 by the Minister to administer this Act;

“assessed value” means the assessed value of a residential property indicated on the assessment roll established under the *Assessment Act*;

“corporation” includes

- (a) a corporation limited by shares;
- (b) a non-profit society or corporation;
- (c) a co-operative association or other incorporated co-operative;

(d) a registered charity that is incorporated or otherwise considered a legal person capable of owning real property; and

(e) any other body corporate that is prescribed as a corporation or that meets the prescribed criteria;

“Court” means the Supreme Court of Nova Scotia;

“deed transfer tax” means the tax levied under Section 4;

“dwelling unit” means a dwelling unit as defined in the *Municipal Government Act*;

“Minister” means the Minister of Finance and Treasury Board;

“non-resident” means an individual or corporation that is not a resident of the Province;

“ownership interest” means an owner’s interest in a residential property determined under Section 3;

“prescribed” means prescribed by the regulations;

“proof of Nova Scotia residence” means

(a) a Nova Scotia health card, or

(b) both

(i) a Nova Scotia driver’s licence or a Nova Scotia identification card, and

(ii) proof of residence acceptable to the Administrator;

“Property Valuation Services Corporation” means the Property Valuation Services Corporation established by the *Property Valuation Services Corporation Act*;

“registered charity” means a charitable organization that is registered as such with the Canada Revenue Agency;

“residence status” means a person’s status as a non-resident or resident of the Province;

“resident of the Province” means

(a) an individual who is a resident of the Province for income tax purposes; or

(b) a corporation that

(i) has its central management and control in the Province,

(ii) has 50% or more of its directors composed of individuals falling under clause (a), and

(iii) fulfills one of the following criteria:

(A) where the corporation is limited by shares, 50% or more of its issued and outstanding shares, determined by number of votes or as a percentage of fair market value, are owned by persons falling

under clause (a), whether such ownership is direct, indirect or beneficial,

(B) where the corporation consists of members, 50% or more of the members are persons falling under clause (a), or

(C) where the corporation has neither shares nor members, the corporation meets the prescribed requirements, if any;

“residential property” means property that is

(a) classified as residential property under the *Assessment Act* and that contains no more than three dwelling units; or

(b) of such other classification as may be prescribed;

“sale price” means the sale price as defined in the *Municipal Government Act*;

“tax” means the deed transfer tax;

“tax assessment” means a notice of tax made under this Act, and includes a tax bill. 2022, c. 4, Sch., s. 2; 2023, c. 2, s. 19.

Determination of ownership interest

3 (1) A person’s ownership interest in residential property must be determined in accordance with this Section.

(2) Where two or more owners each hold an interest in a residential property,

(a) owners who are joint tenants are considered to have equal interests; and

(b) owners who are tenants in common are considered to have one of the following, as applicable:

(i) where the residential property is registered under the *Land Registration Act*, the interest specified on the parcel register,

(ii) the interest specified on the title instrument, or

(iii) where no interest is specified under subclause (i) or (ii), equal interests.

(3) Where a residential property is held in a trust, the beneficiaries are considered to have an ownership interest in the residential property in proportion to their beneficial interest in the trust unless

(a) the trustee or settlor, or a person related to either of them, has the power to revoke the trust; or

(b) the trustee or settlor, or a person related to either of them, has the power to add or change the beneficiaries of the trust.

(4) Where clause (3)(a) or (b) applies, the Administrator may consider an ownership interest to be held by a person who has the power to revoke

the trust or add or change the beneficiaries of the trust, and may determine the amount of the ownership interest held by that person.

(5) Subject to subsection (6), where a residential property is held in a trust, the Administrator may consider the ownership interest to be held by the trustee, beneficiary or settlor and may determine the percentage amount of the ownership interest, depending on

- (a) whether the residential property was acquired in or transferred to a trust in order to avoid taxation under this Act; and
- (b) any other circumstances the Administrator considers relevant.

(6) The total of the percentage of ownership interests owned in a residential property for the purpose of this Act may not exceed 100%. 2022, c. 4, Sch., s. 3.

DEED TRANSFER TAX

Liability for tax

4 Every person who tenders for registration in the Province a deed in respect of residential property that grants an ownership interest to one or more non-residents shall, before the deed is registered, pay to the Minister a deed transfer tax of five per cent of the greater of

- (a) the sale price; and
- (b) the assessed value of the residential property,

multiplied by the percentage ownership interest granted to each non-resident. 2022, c. 4, Sch., s. 4; 2023, c. 2, s. 20.

Exemptions

5 (1) The deed transfer tax does not apply if a deed or instrument transfers residential property

- (a) between spouses or common-law partners;
- (b) between former spouses or common-law partners for the purpose of division of marital or jointly held assets;
- (c) under an agreement of purchase and sale entered into before April 1, 2022;
- (d) to a foreclosing mortgagee;
- (e) from an executor to a beneficiary under a will, where the beneficiary is a spouse, common-law partner, child, grandchild, parent or sibling of the testator or a child or grandchild of the testator's spouse or common-law spouse;
- (f) from an administrator of an estate to a person entitled to the estate under the *Intestate Succession Act* or the intestacy laws of another jurisdiction; or
- (g) to a grantee who is a non-resident individual who intends to become a resident of the Province within six months of the

date the property is transferred and the individual files an affidavit to that effect.

(2) The deed transfer tax does not apply if

- (a) the deed merely confirms, corrects, modifies or supplements a deed previously given;
- (b) there is no consideration beyond one dollar; and
- (c) the deed does not include more residential property than the deed previously given.

(3) Where the grantee is a registered charity, the deed transfer tax does not apply if

- (a) the residential property is not to be used for any commercial, industrial or other business purpose and if an officer of the grantee makes and files a declaration to that effect; and
- (b) any other prescribed conditions are met.

(4) The deed transfer tax does not apply in such other circumstances as may be prescribed.

(5) A grantee who claims an exemption from the deed transfer tax under clause (1)(g) must provide proof of Nova Scotia residence to the Administrator within six months of the date the residential property was transferred to the grantee.

(6) Where proof is not provided under subsection (5) within the time required by that subsection, the Administrator

- (a) shall assess the grantee for the deed transfer tax and interest calculated at the prescribed rate from the date of transfer; and
- (b) may assess a penalty as prescribed.

(7) Where a grantee has claimed an exemption from the deed transfer tax under clause (1)(g) and the grantee does not become or no longer intends to become a resident of the Province within the time required under that clause, the grantee

- (a) shall notify the Administrator by filing the required form; and
- (b) may request an extension of the time period for the tax exemption set out in clause (1)(g), based on extenuating circumstances that have occurred since the time of the transfer.

(8) Where a grantee makes a request under clause (7)(b), the Administrator may, in the Administrator's sole discretion, grant an extension of the time period in clause (1)(g), taking into account any extenuating circumstances set out in the grantee's request.

(9) Where the Administrator has reason to believe an ownership interest of greater than 50% was granted to one or more non-residents, and none of

the exemptions under subsections (1) to (4) are applicable, the Administrator may assess the grantee for

- (a) the deed transfer tax;
- (b) interest at the prescribed rate; and
- (c) a penalty determined in accordance with the regulations, which may not exceed 100% of the tax,

and these amounts become due and payable by the grantee.

(10) Where the Administrator makes an assessment under subsection (6) or (9), the Administrator shall send a tax assessment to the grantee and the grantee shall pay the assessed amounts by the due date shown on the tax assessment.

(11) Where there is more than one grantee, the grantees are jointly and severally liable for the deed transfer tax, the interest and any penalty. 2022, c. 4, Sch., s. 5; 2023, c. 2, s. 21.

Provision of information

6 (1) Every person who tenders a deed in respect of real property shall, prior to registering the deed, provide the information required by the Administrator to determine whether the deed transfer tax applies to the transfer.

(2) Notwithstanding the *Registry of Deeds Act*, a registrar of deeds may not accept a deed for registration unless the deed contains the information required by the Administrator.

(3) Every person who tenders a deed in respect of residential property shall file a form and, where required, an affidavit made by the grantee or by someone having full knowledge of the facts, setting out

- (a) the name and address of each grantee;
- (b) where there is more than one grantee, the percentage ownership interest of each grantee;
- (c) where a grantee is an individual,
 - (i) the grantee's social insurance number, if any,
 - (ii) whether the individual is a resident of the Province for income tax purposes, or whether the individual intends to become a resident of the Province within the next six months, and
 - (iii) any other prescribed information required to determine the grantee's residency status;
- (d) where the grantee is a corporation,
 - (i) the corporation's business number, if any, and
 - (ii) any prescribed information required to determine the corporation's residency status;
- (e) where the grantee is acting as a trustee holding the property in trust for one or more persons, any prescribed information

required to determine the residency status of the trustees, the beneficiaries and the settlor of the trust;

(f) where the grantee claims exemption from the deed transfer tax, the basis for the exemption;

(g) any other information required by the Administrator or the Minister; and

(h) any other prescribed information.

(4) A form or affidavit required under subsection (3) must be filed in a form and manner acceptable to the Administrator.

(5) Where the Administrator has reason to believe that any of the information on the affidavit is not accurate or that information is missing from the affidavit, the Administrator may require the grantee to submit further information. 2022, c. 4, Sch., s. 6.

GENERAL

Taxes due on date shown

7 (1) The tax levied by the Minister under this Act is overdue if unpaid, either in whole or in part, on the due date.

(2) Where the tax is not paid in full by the due date,

(a) interest must be paid on such tax as prescribed; and

(b) a penalty may be charged as prescribed.

(3) Subject to subsection (4), the tax collectable by the Administrator under this Act includes all interest and penalties charged against the tax.

(4) Interest ceases to accrue on tax as of the date the person liable to pay the tax files an assignment in bankruptcy under the *Bankruptcy and Insolvency Act* (Canada). 2022, c. 4, Sch., s. 16; 2023, c. 2, s. 23.

Amount owing is debt

8 An amount owing under this Act is a debt due to the Province and may be recovered in any court of competent jurisdiction. 2022, c. 4, Sch., s. 17.

Certificate where non-payment

9 (1) Where a person fails to pay an amount owing to the Province under this Act, the Administrator may issue a certificate specifying the amount owed and the name of the person who owes it.

(2) The Administrator may file a certificate issued under subsection (1) with the Court.

(3) A certificate filed under subsection (2) has the same force and effect, and all proceedings may be taken under the certificate, as if it were a judgment of the Court in favour of the Province for the recovery of a debt in the amount specified in the certificate against the person named in the certificate.

(4) Where the amount specified in a certificate is different from the actual amount owing to the Province under this Act, the Administrator may issue a new certificate specifying the certificate it replaces, the amount owed and the name of the person who owes it.

(5) The Administrator may file a certificate issued under subsection (4) with the Court.

(6) A certificate filed under subsection (5)

(a) replaces the certificate filed under subsection (2);

(b) is deemed to be filed at the same time as the certificate it replaces; and

(c) has the same force and effect, and all proceedings may be taken under the certificate, as if it were a judgment of the Court in favour of the Province for the recovery of a debt in the amount specified in the certificate against the person named in the certificate. 2022, c. 4, Sch., s. 18.

Effect of remedies and penalties

10 (1) Remedies available to the Province for the recovery of an amount owing to the Province under this Act may be exercised separately, concurrently or cumulatively.

(2) The liability of a person for an amount owing to the Province under this Act is not affected by a penalty imposed on or paid by the person for contravention of this Act. 2022, c. 4, Sch., s. 19.

Lien

11 (1) Where a person is required to pay an amount to the Province under this Act in respect of a residential property and the person does not pay the amount, the Administrator may register a lien against the residential property or any other real property owned by the person in the Province by registering a certificate of lien in the prescribed form in the appropriate land registration office under the *Land Registration Act* or the *Registry of Deeds Act*.

(2) The lien referred to in subsection (1) is not a charge against the land until a certificate of lien is registered under the *Land Registration Act* or the *Registry of Deeds Act*. 2022, c. 4, Sch., s. 20.

Administrator

12 (1) The Minister shall appoint a person or persons in the public service to be the Administrator to administer this Act.

(2) The Administrator may, in writing, delegate any of the Administrator's powers or duties under this Act to a person or to a class of persons. 2022, c. 4, Sch., s. 21.

Sharing of information

13 (1) The Property Valuation Services Corporation shall provide the Administrator with access to all information required by the Administrator in relation to the administration of this Act.

(2) The Minister may enter into an information-sharing agreement for the purpose of the administration of this Act with

- (a) the Minister of Service Nova Scotia;
- (b) the Minister of Municipal Affairs and Housing;
- (c) the Government of Canada or a department or agency of that government;
- (d) a public body as defined in the *Freedom of Information and Protection of Privacy Act*; or
- (e) the Property Valuation Services Corporation. 2022, c. 4, Sch., s. 22.

Appeal to Minister

14 (1) Subject to this Section, an appeal to the Minister lies from any decision made under

- (a) subsections 3(3), 5(8) and (9) and Section 17;
- (b) any other provision of this Act that the regulations provide may be appealed to the Minister; and
- (c) any provision of the regulations that the regulations provide may be appealed to the Minister.

(2) Written notice of the appeal must be given to the Minister within 180 days after the date of the tax assessment or the determination, as the case may be.

(3) The notice of appeal must contain a statement of all material facts and the reasons in support of the appeal.

(4) On receiving the notice of appeal, the Minister shall

- (a) consider the matter;
- (b) affirm, amend or change the assessment or determination, as the case may be; and
- (c) promptly give the appellant written notice of the Minister's decision.

(5) The Minister may, in writing, delegate any of the Minister's powers or duties under this Section to a person or class of persons. 2022, c. 4, Sch., s. 23; 2023, c. 2, s. 24.

Appeal to Court

15 A decision of the Minister under Section 14 may be appealed to the Court within 30 days of the Minister's decision. 2022, c. 4, Sch., s. 24.

Sending of documents

16 (1) A tax assessment or other document that, under this Act, is required or permitted to be given or sent to a person by the Administrator, the Minister or the Property Valuation Services Corporation may be sent

(a) by mail to the person's most recent address in the records of the Minister, the Administrator, the Property Valuation Services Corporation, or in a register under the *Land Registration Act*, and the person is deemed, in the absence of evidence to the contrary, to have received it not later than the fifth day after mailing; or

(b) by electronic mail, if the person has provided an address for electronic mail to the Administrator, and the person is deemed, in the absence of evidence to the contrary, to have received it on the day it was sent.

(2) Where there is more than one owner of a residential property, a notice or other document that, under this Act, is given or sent to one of the owners is deemed to have been given or sent to all of them.

(3) Where the Administrator cannot ascertain the address of a person in whose name a tax has been assessed under this Act, the assessment may be delivered or posted as prescribed. 2022, c. 4, Sch., s. 25; 2023, c. 2, s. 25.

Avoidance transactions

17 (1) In this Section,

“avoidance transaction” means a transaction

(a) that, but for this Section, would result, directly or indirectly, in a tax benefit; or

(b) that is part of a series of transactions, which series, but for this Section, would result, directly or indirectly, in a tax benefit,

but does not include a transaction that may reasonably be considered to have been undertaken or arranged primarily for bona fide purposes other than for the purpose of obtaining a tax benefit;

“tax benefit” means

(a) a reduction, avoidance or deferral of tax, or of another amount, payable under this Act; or

(b) an increase in a refund of tax, or of another amount, under this Act;

“tax consequences”, in relation to a person, means any amount of tax or another amount that is payable or refundable to the person under this Act or that is relevant for the purposes of calculating that amount;

“transaction” includes an arrangement or event.

(2) In this Section, a series of transactions is deemed to include any related transactions completed in contemplation of the series.

(3) Where a transaction is an avoidance transaction, the Administrator may, by assessment, determine the tax consequences to a person who is an owner of a residential property in a manner that is reasonable in the circumstances in order to deny a tax benefit that, but for this Section, would result, directly or indirectly, from that transaction or from a series of transactions that includes that transaction. 2022, c. 4, Sch., s. 26.

Regulations

- 18 (1) The Minister may make regulations
- (a) prescribing forms for the purpose of this Act;
 - (b) providing for the extension of any deadline referred to in this Act.
- (2) The Governor in Council may make regulations
- (a) governing the application of this Act;
 - (b) prescribing those matters that are required or permitted to be prescribed;
 - (c) respecting the procedures and forms to be used by the Administrator in the billing and collection of the tax;
 - (d) respecting audit powers and procedures;
 - (e) providing for the Minister to enter into agreements with agents related to the billing and collecting of the tax;
 - (f) determining different classifications of residential properties;
 - (g) respecting refunds of the tax;
 - (h) respecting proration of the tax;
 - (i) respecting appeals;
 - (j) exempting from the deed transfer tax any class of person, instrument or transaction;
 - (k) respecting prepayment and instalment payment of the tax;
 - (l) respecting the collection and payment of the tax by a mortgagee, judgment creditor or other person having a lien, charge or encumbrance on the taxable property;
 - (m) respecting due dates for the tax under this Act;
 - (n) providing for procedures for adjustments and repayments of the tax;
 - (o) respecting affidavits required to be filed under this Act;
 - (p) prescribing a rate of interest to be applied to unpaid taxes;

(q) respecting the amount and application of any penalties that may be charged under this Act, and the waiver of any such amounts;

(r) prescribing forms for the better carrying out of the intent and purpose of this Act;

(s) defining any word or expression used but not defined in this Act;

(t) respecting any matter or thing that the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) A regulation made under this Act may be made retroactive to a date not earlier than April 1, 2022.

(3) The exercise by the Minister or the Governor in Council of the authority contained in this Section is a regulation within the meaning of the *Regulations Act*. 2022, c. 4, Sch., s. 27; 2023, c. 2, s. 26.

CHAPTER N-8

An Act to Implement the North American Agreement on Labour Cooperation

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WHEREAS the Government of Canada has entered into the North American Agreement on Labour Cooperation with the Government of the United Mexican States and the Government of the United States of America that commits all three countries to close cooperation on labour issues and provide for the effective enforcement of laws relating to the protection of labour standards;

AND WHEREAS the provinces of Canada have significant constitutional authority with respect to the enactment and enforcement of legislation in relation to the protection of labour standards;

AND WHEREAS the Agreement specifically provides and will provide for the separate accession of each of the governments of the provinces of Canada and the Government of Canada and the governments of the provinces of Canada cannot claim the full benefit of the Agreement unless they introduce measures to provide for the implementation of the Agreement;

AND WHEREAS the Government of Canada and the governments of the provinces of Canada, including the Government of Nova Scotia, have negotiated the Canadian Intergovernmental Agreement Regarding the North American Agreement on Labour Cooperation setting out the means whereby the North American Agreement with other countries can best be implemented in the interests of all Canadians:

Short title

1 This Act may be cited as the *North American Labour Cooperation Agreement Implementation Act*. 2008, c. 6, s. 1.

Interpretation

2 In this Act,

“appropriate Commission” means, in respect of a panel determination as defined in Annex 41A of the North American Labour Cooperation Agree-

ment, the Commission for Labour Cooperation established under Article 8 of that Agreement;

“Canadian Intergovernmental Labour Agreement” means the Canadian Intergovernmental Agreement Regarding the North American Agreement on Labour Cooperation signed by the Government of Canada on May 23, 1995;

“North American Labour Cooperation Agreement” means the North American Agreement on Labour Cooperation entered into between the Government of Canada, the Government of the United Mexican States and the Government of the United States of America and signed on September 14, 1993, as amended from time to time in accordance with Article 52 of that Agreement;

“panel” means an arbitral panel convened under Article 29 of the North American Labour Cooperation Agreement;

“panel determination” means a panel determination as defined in Annex 41A of the North American Labour Cooperation Agreement. 2008, c. 6, s. 2.

Province may accede to Labour Agreement

3 (1) The Government of the Province may accede to the Canadian Intergovernmental Labour Agreement by passing an order in council.

(2) An appropriate Commission may file a certified copy of a panel determination in the Supreme Court of Nova Scotia and, on being filed, the determination is enforceable as an order of that Court. 2008, c. 6, s. 3.

Panel determinations and proceedings

4 (1) A panel determination that is made an order of the Supreme Court of Nova Scotia is enforceable against the Crown in right of the Province in the same manner as any other order of that Court under the *Proceedings against the Crown Act*.

(2) Proceedings for enforcement of a panel determination that is made an order of the Supreme Court of Nova Scotia under Section 3 may be taken against the Crown in right of the Province only in that Court and only by the appropriate Commission.

(3) In no case may proceedings be taken against a minister of the Crown or an official in that person’s official or personal capacity.

(4) Any proceedings referred to in subsection (2) must be heard and determined in a summary way.

(5) Where any question of fact or of the interpretation of a panel determination arises in any proceedings referred to in subsection (2), the Supreme Court of Nova Scotia shall refer the question to the panel that made the determination, and the decision of the panel on the question is binding on that Court.

(6) No person or body may intervene in any proceedings referred to in subsection (2). 2008, c. 6, s. 4.

Enforcement of panel determinations

5 (1) Panel determinations, including panel determinations that are enforceable as orders of the Supreme Court of Nova Scotia under Section 3, and orders and decisions made by the Supreme Court of Nova Scotia in any proceedings referred to in subsection 4(2) are final and binding and are not subject to appeal to any court.

(2) Subject to Section 4, no panel determination, including a panel determination that is made enforceable as an order of the Supreme Court of Nova Scotia, no determination or proceedings of a panel made or carried on or purporting to be made or carried on under the North American Labour Cooperation Agreement, no order or decision made by the Supreme Court of Nova Scotia in any proceeding referred to in subsection 4(2) and no proceeding of that Court made or carried on or purporting to be made or carried on under that subsection may be

(a) questioned, reviewed, set aside, removed, prohibited or restrained; or

(b) made the subject of any proceeding in, or any process or order of, any court, whether by way of or in the nature of an application for judicial review, injunction, certiorari, prohibition, quo warranto, mandamus, declaration or otherwise,

on any ground, including the ground that the determination, proceeding, order or decision is beyond the jurisdiction of the panel or the Supreme Court of Nova Scotia, as the case may be, or that, in the course of any proceeding, the panel or the Supreme Court of Nova Scotia for any reason exceeded or lost its jurisdiction. 2008, c. 6, s. 5.

Withdrawal from agreements

6 (1) Where

(a) the Government of Canada withdraws from the North American Labour Cooperation Agreement under Article 54 of that Agreement; or

(b) the Government of the Province withdraws from the Canadian Intergovernmental Labour Agreement under Article 14 of that Agreement and thereby signifies its unwillingness to be further bound by the terms of the North American Labour Cooperation Agreement,

the Attorney General shall file a notice of the withdrawal in the Supreme Court of Nova Scotia setting out the agreement from which Canada has withdrawn or in respect of which the Government of the Province signifies its unwillingness to be further bound, and the date on which the withdrawal is effective.

(2) A panel determination made under an agreement referred to in a notice filed under subsection (1) may not be enforced under this Act as of the date of withdrawal set out in the notice. 2008, c. 6, s. 6.

CHAPTER N-9

An Act Respecting Notaries Public and Commissioners for Administering Oaths

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Short title

1 This Act may be cited as the *Notaries and Commissioners Act*. R.S., c. 312, s. 1.

Notary public

2 The Governor in Council may, by commission under the Governor in Council's hand and seal, appoint such persons as the Governor in Council thinks fit to be notaries public for the Province. R.S., c. 312, s. 2.

Powers of notary public

3 Every such notary public has the power of drawing, passing, keeping and issuing all deeds and contracts, charter-parties and other mercantile transactions in this Province, and also of attesting all commercial instruments brought before such notary public for public protestation, and otherwise of acting as is usual in the office of notary, and may demand, receive and has all the rights, profits and emoluments rightfully appertaining and belonging to the said calling of notary during pleasure. R.S., c. 312, s. 3.

Fee

4 Every person so appointed shall pay a fee of \$10 to the Minister of Finance and Treasury Board upon receipt of the commission appointing the person. R.S., c. 312, s. 4.

Oath

5 Every notary public upon receiving the notary public's commission as such shall take and subscribe in writing an oath for the faithful performance of the notary public's duty, which oath may be administered by the Attorney General or Deputy Attorney General, a judge of the Supreme Court of Nova Scotia or a notary public, and must be filed in the office of the Attorney General. R.S., c. 312, s. 5.

Commissioner of oaths for within Province

6 (1) The Governor in Council may by commission empower such persons as the Governor in Council thinks fit to administer oaths and take and receive affidavits, declarations and affirmations within the Province in and concerning any cause, matter or thing depending or to be had in the Supreme Court of Nova Scotia or any other court in the Province.

(2) Every person so empowered is deemed to be an officer of the Supreme Court of Nova Scotia. R.S., c. 312, s. 6.

Commissioner of oaths for outside Province

7 The Governor in Council may by commission empower such persons as the Governor in Council thinks fit to administer oaths and take and receive affidavits, declarations and affirmations outside the Province in and concerning any cause, matter or thing depending or to be had in the Supreme Court of Nova Scotia or any other court in the Province. R.S., c. 312, s. 7.

Oath or affidavit taken by interested person

8 An oath, affidavit, declaration or affirmation hereafter administered, taken or received by or before a person appointed under Section 6 or authorized under Section 12 of this Act who is a party to the transaction or matter in respect of which it is to be used or who is employed by such a party in connection with such transaction or matter is not evidence on behalf of the person or the person's employer in any proceedings in respect of such transaction or matter except with the consent of all other parties to the proceedings or on the order of the judge or other person presiding over the proceedings. R.S., c. 312, s. 8.

Revocation of commission

9 The Governor in Council may revoke the commission of any person appointed a commissioner to administer oaths, whether within or outside the Province, and such revocation operates as a revocation for all purposes. R.S., c. 312, s. 9.

Authority of barrister

10 Every barrister of the Supreme Court of Nova Scotia, by virtue of the barrister's office and without any appointment by the Governor in Council, is authorized to administer oaths and take and receive affidavits, declarations and affirmations within the Province in and concerning any cause, matter or thing, depending or to be had in the Supreme Court, or any other court in the Province. R.S., c. 312, s. 11.

Authority of commissioned officer

11 Every commissioned officer of the Canadian Armed Forces being on active service, whether in Canada or outside of Canada, shall by virtue of the com-

missioned officer's office, and without any appointment by the Governor in Council, be and is authorized to administer oaths and take and receive affidavits, declarations and affirmations within or outside the Province for use within the Province. R.S., c. 312, s. 12.

Authority of member of Assembly

12 Every member of the Assembly, while the member is a member, is authorized to administer oaths and take and receive affidavits, declarations and affirmations within or outside the Province for use within the Province. R.S., c. 312, s. 13.

Authority of certain police officers

13 Every chief officer of a municipal police department, every commissioned officer of the Royal Canadian Mounted Police being on active service and every non-commissioned officer of the Royal Canadian Mounted Police who is the head of a detachment being on active service in the Province is, by virtue of that person's office and without appointment by the Governor in Council, authorized to administer oaths and take and receive affidavits, declarations and affirmations within or outside the Province for use within the Province. 2005, c. 8, s. 16.

Authority of funeral director

14 Every funeral director holding a valid funeral director's licence, issued in accordance with the *Embalmers and Funeral Directors Act*, is authorized to administer oaths and take and receive affidavits, declarations and affirmations within the Province for use within the Province. 2014, c. 22, s. 1.

Duty to print name

15 A person before whom an oath, affidavit, declaration or affirmation is administered, taken or received shall cause the person's name to be typewritten or printed below or adjacent to the person's signature. R.S., c. 312, s. 14.

CHAPTER N-10

An Act Relating to the Nova Scotia Jobs Fund

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Short title

1 This Act may be cited as the *Nova Scotia Jobs Fund Act*. 2011, c. 40, s. 1.

Interpretation

2 In this Act,
“Chair” means the Chair of the Committee;
“Committee” means the Economic Investment Committee established pursuant to the *Public Service Act*;
“Fund” means the Nova Scotia Jobs Fund;
“investment” includes financial assistance by way of loan, loan guarantee, grant, indemnity or other contingency, the purchase or guarantee of any bonds, debentures, notes or other debt obligations and the purchase or other acquisition of any common or preference shares or other equity securities or real or personal property;
“Minister” means the Minister of Economic Development;
“person” includes any person, individual, organization, association, institution, company, partnership or other business enterprise except as may be excluded by the regulations. 2011, c. 40, s. 2.

Nova Scotia Jobs Fund

3 (1) The Industrial Expansion Fund established under the former *Industrial Development Act* is continued for the purpose of this Act as a special account in the office of the Deputy Minister of Finance and Treasury Board to be known as the Nova Scotia Jobs Fund.

(2) A reference in any enactment to the Industrial Expansion Fund is a reference to the Nova Scotia Jobs Fund.

(3) The Governor in Council may transfer any unappropriated money in the Industrial Loan Fund to the Fund and may retransfer all or any part of the money so transferred to the Industrial Loan Fund.

(4) The Governor in Council may transfer to the Fund and charge to Capital Account such sum or sums as are considered necessary for the purpose of this Act or, if it is considered expedient so to do, the Governor in Council may transfer the said sum or sums out of the Special Reserve Account of the Province or out of the revenue of the Province for any year or years.

(5) All repayments and all recoveries made in respect of any transaction out of the Fund must be paid or credited to the Fund. 2011, c. 40, s. 3.

Objects and purpose of Fund

4 The objects and purpose of the Fund are to provide investment

(a) for the purpose of economic development, including for the purpose of economic growth, attracting businesses or foreign direct investment, promoting international trade and commerce and sustaining or increasing employment;

(b) to promote growth, renewal or restructuring in economic regions or industry sectors;

(c) to pursue regional or strategic initiatives;

(d) to facilitate community sustainability investments, including to support transitions for workers and communities; and

(e) to small businesses through programs. 2011, c. 40, s. 4.

Minister's powers

5 (1) Subject to the approval of the Governor in Council, the Minister may, as the Minister considers advisable,

(a) subject to the regulations, provide investment with any person;

(b) purchase or otherwise acquire, hold, improve and maintain any real or personal property and lease, sell, or convey any real or personal property;

(c) appoint committees and councils to assist the Minister in carrying out the Minister's duties under this Act;

(d) construct, alter, add to, repair, extend, provide services for, move or remove any building, chattel or other thing;

(e) do such other matters or things and exercise such other powers as the Minister considers desirable for the better carrying out of the objects and purpose of this Act.

- (2) The Minister may
- (a) undertake planning, research and development, innovation and investigation; and
 - (b) amend the terms of any investment provided pursuant to clause (1)(a).

(3) Subject to the approval of the Governor in Council, the Minister may, for the purpose of participating in any industry in the Province, purchase or otherwise acquire any debt obligations or equity securities issued by any person. 2011, c. 40, s. 5.

No new or further investment

- 6 (1) As of May 14, 2014, the Minister may not provide new investment or increase the amount of any existing investment pursuant to this Act.
- (2) For greater certainty, subject to subsection (1), the Minister may amend the terms of any investment pursuant to clause 5(2)(b). 2014, c. 9, s. 34.

Agreements

7 The Minister may, for and on behalf of the Crown in right of the Province, execute all necessary agreements or other instruments whatsoever that the Minister considers necessary or desirable to carry out the intent and purpose of this Act. 2011, c. 40, s. 6.

Regulations

- 8 (1) The Governor in Council may make regulations
- (a) prescribing the manner in which applications for investments may be made;
 - (b) respecting the duties, powers and functions of the Committee;
 - (c) prescribing the duties of any committee established pursuant to this Act or any other enactment of the Province, including oversight of investments to be provided under this or under any other enactment of the Province;
 - (d) respecting any matter authorized by this Act to be done by the regulations;
 - (e) defining any word or expression used but not defined in this Act;
 - (f) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2011, c. 40, s. 7.
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CHAPTER N-11

An Act Respecting the Nova Scotia Museum

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Short title

1 This Act may be cited as the *Nova Scotia Museum Act*. 2019, c. 7, s. 1.

Interpretation

2 In this Act,

“Board” means the Board of Governors of the Museum;

“Department” means the Department of Communities, Culture, Tourism and Heritage;

“directly managed site” means a Museum site staffed and operated directly by the Province with staff employed under the *Civil Service Act*;

“locally managed site” means a Museum site staffed and operated on behalf of the Province by a community-based incorporated not-for-profit society, government-appointed commission or municipality through an agreement with the Province;

“Minister” means the Minister of Communities, Culture, Tourism and Heritage;

“Museum” means the Nova Scotia Museum, including the land, buildings, artifacts, specimens and other property held by the Crown in right of the Province and designated by the Governor in Council to be part of the Museum. 2019, c. 7, s. 2; 2022, c. 51, s. 1.

Roles of Minister and Department

3 (1) The Minister has the general supervision and management of this Act.

(2) The Department shall oversee, manage and support the operations of the Museum and provide administrative and other support to the Board. 2019, c. 7, s. 3.

Nova Scotia Museum

4 The Nova Scotia Museum is continued as a body corporate, administered and conducted in accordance with this Act. 2019, c. 7, s. 4.

Board of Governors

5 (1) The Board of Governors consists of

- (a) at least four and not more than 12 members appointed by the Governor in Council for a term of not more than three years; and
- (b) the Chair of the Sherbrooke Restoration Commission.

(2) Subject to subsection (3), a member of the Board appointed under clause (1)(a) may be reappointed when the member's term expires.

(3) A member of the Board appointed under clause (1)(a) who has served two consecutive terms may not be appointed to another term until at least one year has passed since the expiry of the most recent consecutive term. 2019, c. 7, s. 5; 2022, c. 51, s. 2.

Chair and Vice-chair

6 The Minister may, after consulting with the Board, designate two members of the Board to act as Chair and Vice-chair. 2019, c. 7, s. 6.

Quorum

7 A majority of the members of the Board constitute a quorum. 2019, c. 7, s. 7.

Board meetings

8 The Board shall meet at least once every two months and more often as may be determined by the Chair. 2019, c. 7, s. 8.

Nominating committee

9 (1) The Board shall appoint a nominating committee, consisting of the Chair and at least three other members of the Board.

(2) The nominating committee shall assist in the recruitment, screening and selection of new members of the Board as requested by the Minister.

(3) The nominating committee shall, to the greatest extent possible, when making recommendations under subsection (2), recommend candidates who reflect the cultural, generational, gender and ability diversity of Nova Scotian society. 2019, c. 7, s. 9.

Remuneration and reimbursement

10 (1) Subject to subsection (2), no member of the Board shall receive any payment or remuneration for the member's services as a member.

(2) The members of the Board must be reimbursed for such reasonable expenses as are necessarily incurred by them in carrying out their duties. 2019, c. 7, s. 10.

Objects of Board

11 The objects of the Board are to

- (a) assist the Department to set the strategic direction of the Museum for the benefit of Nova Scotians;
- (b) engage in activities to advance the general knowledge of the natural sciences and of human activities relating to the Province;
- (c) advise the Minister on the structure and functions of the Museum; and
- (d) exercise and perform the functions and duties conferred on it by this Act or the Governor in Council. 2019, c. 7, s. 11.

Bylaws and powers of Board

12 (1) The Board may, with the approval of the Governor in Council, make bylaws for the conduct of its business and for the control and direction of the work of the Museum.

(2) The Board may

- (a) administer grants to Museum sites, organizations and individuals for promoting the purpose of this Act;
- (b) prescribe reasonable fees for programming, special exhibits, admissions, operation and administration;
- (c) conduct fundraising on behalf of the Museum;
- (d) make rules respecting
 - (i) the use of Museum buildings and their contents,
 - (ii) the protection of Museum buildings and the fittings, furniture and contents thereof from injury, destruction or mischief;
- (e) approve policies related to the operation of the Museum and the classification, storage, study, deaccessioning and exhibition of specimens, articles or materials relating to human activities and natural sciences;
- (f) acquire specimens, articles or materials relating to human activities and the natural sciences of the Province and classify, store, study, lend, use and exhibit them in any manner it considers desirable;
- (g) deaccession or otherwise dispose of artifacts and specimens in its possession that are no longer necessary or relevant to achieving its objectives or furthering the aims of this Act;

- (h) enter into agreements to achieve its objects or to advance the purpose of this Act;
- (i) preserve, maintain, reconstruct, restore and manage property of historical, architectural, natural and cultural interest for the use, enjoyment and benefit of the people of the Province;
- (j) identify, mark, preserve and develop sites of significance to the human and natural history of the Province;
- (k) manage and disburse funds contained in trust or endowed to the Museum;
- (l) create committees of the Board and appoint persons who are not members of the Board to committees;
- (m) perform such other duties, functions or powers as the Governor in Council may require. 2019, c. 7, s. 12.

Director

- 13** (1) A Director of the Museum must be appointed in accordance with the *Civil Service Act*.
- (2) The Director shall support the work of the Board and act as its secretary.
- (3) For greater certainty, the Director is not a member of the Board. 2019, c. 7, s. 13.

Employees

- 14** (1) All employees of directly managed sites must be appointed in accordance with the *Civil Service Act* and the regulations made under it.
- (2) For the purpose of the *Public Service Superannuation Act*,
- (a) every full-time employee of a directly managed site is a person employed in the public service of the Province;
 - (b) full-time employment in the service of a directly managed site is employment in the public service of the Province. 2019, c. 7, s. 14.

Annual report

- 15** (1) No later than June 30th of each year, the Chair of the Board shall submit a report for the previous fiscal year to the Minister, including a summary of activities of the Board and other subjects directed by the Minister.
- (2) A report submitted under subsection (1) must not be made public unless it is approved by the Minister. 2019, c. 7, s. 15.

Gift, devise, bequest or trust

- 16** Any gift, devise, bequest or trust to or for the benefit of the Museum or the Board is a gift to the Crown in right of the Province and is exempt from taxation by the Province and subject to its provisions, enures to the benefit of the Museum and is held and applied for the purpose of this Act. 2019, c. 7, s. 16.

Regulations

- 17 (1)** The Governor in Council may make regulations
- (a) prescribing additional duties, functions or powers of the Board;
 - (b) defining any word or expression used but not defined in this Act;
 - (c) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2019, c. 7, s. 17.

CHAPTER N-12

An Act to Establish the Nova Scotia Pension Services Corporation

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

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Short title

1 This Act may be cited as the *Nova Scotia Pension Services Corporation Act*. 2012, c. 4, Sch. A, s. 1.

Interpretation

2 In this Act,

“Ancillary Plans” means all pension plans and arrangements, including all supplementary pension arrangements, for which the Nova Scotia Pension Agency had responsibility immediately before the Transition Date;

“Board” means the Board of Directors of the Corporation;

“Chief Executive Officer” means the President and Chief Executive Officer of the Corporation;

“Co-chairs” means the Co-chairs of the Board;

“Corporation” means the Nova Scotia Pension Services Corporation;

“Crown” means the Crown in right of the Province;

“director” means a member of the Board;

“Minister” means the Minister of Finance and Treasury Board;

“Nova Scotia Pension Agency” means the Nova Scotia Pension Agency, a special operating agency created pursuant to the *Public Service Act*;

“person” means a natural person, corporation, association or union, and includes a partnership or trust;

“Superannuation Fund” means the Public Service Superannuation Fund under the *Public Service Superannuation Act*;

“Superannuation Plan” means the Public Service Superannuation Plan under the *Public Service Superannuation Act*;

“Superannuation Plan Trustee” means Public Service Superannuation Plan Trustee Incorporated under the *Public Service Superannuation Act*;

“Teachers’ Fund” means the Teachers’ Pension Fund under the *Teachers Pension Act*;

“Teachers’ Plan” means the Teachers’ Pension Plan under the *Teachers Pension Act*;

“Teachers’ Plan Trustee” means the person appointed trustee of the Teachers’ Fund in accordance with the *Teachers Pension Act*;

“Transition Date” means the day immediately following the Transition Period;

“Transition Period” means the period from the effective date of the creation of the Transitional Board to and including the day immediately before April 1, 2013;

“Transitional Board” means a steering group or transitional board jointly created by the Minister, as Trustee of the Superannuation Plan, and the Teachers’ Plan Trustee, mandated to make determinations and direct necessary actions during the Transition Period in preparation for the Corporation to be operational on the Transition Date. 2012, c. 4, Sch. A, s. 2.

Supervision and management

3 The Minister has the general supervision and management of this Act. 2012, c. 4, Sch. A, s. 3.

NOVA SCOTIA PENSION SERVICES CORPORATION

Nova Scotia Pension Services Corporation

4 A body corporate to be known as the Nova Scotia Pension Services Corporation is established. 2012, c. 4, Sch. A, s. 4.

Change of name of Corporation

5 (1) The name of the Corporation may be changed at any time by a resolution of the Board made by the affirmative vote of all the directors, and notice of such change of name must be published in the Royal Gazette and is deemed to have effect on the 30th day following the date of such publication.

(2) No alteration of the name of the Corporation affects any rights or obligations of the Corporation or renders defective any legal proceedings instituted or to be instituted by or against the Corporation, and any legal proceedings may be continued or commenced against the Corporation under its new name that might have been continued or commenced against the Corporation under its former name. 2012, c. 4, Sch. A, s. 5.

Head office

6 The head office of the Corporation is at the Halifax Regional Municipality. 2012, c. 4, Sch. A, s. 6.

Capital stock

7 (1) The capital stock of the Corporation consists of 100,000 shares of one class without par value.

(2) The Corporation shall issue an equal number of shares to the Teachers’ Plan Trustee and to the Superannuation Plan Trustee.

(3) Subject to subsection (5), the Corporation may by a resolution of the Board made by the affirmative vote of all directors issue shares to any other person.

(4) The shareholders of the Corporation may enter into agreements regarding their respective rights and obligations in respect of their ownership of the capital stock of the Corporation, including regarding the conditions of ownership and transfer of the capital stock of the Corporation.

(5) No persons other than service users of the Corporation may hold any shares in the capital stock of the Corporation. 2012, c. 4, Sch. A, s. 7.

Objects and purposes

8 The objects and purposes of the Corporation are to

(a) provide pension administration and pension investment services for the Teachers' Plan, the Superannuation Plan, the Ancillary Plans and any other pension plan or arrangement that retains the services of the Corporation and is approved by the Board; and

(b) carry out such other activities or duties as may be authorized or required by the Board. 2012, c. 4, Sch. A, s. 8.

Duties of Corporation

9 (1) The Corporation is responsible for the provision of pension administration and pension investment services in accordance with Section 8.

(2) The Corporation may perform such additional duties consistent with this Act as are considered by the Board to be advantageous to the Corporation. 2012, c. 4, Sch. A, s. 9.

Capacity and powers

10 In respect of its objects, purposes and duties, the Corporation has the capacity and, subject to this Act, the rights, powers and privileges of a natural person. 2012, c. 4, Sch. A, s. 10.

Bylaws

11 (1) The Corporation may make bylaws not inconsistent with this Act or any other legislation of the Province, as it considers necessary for the effective attainment of its objects and the exercise of its powers and for the internal control, management and administration of the Corporation, including bylaws pertaining to

(a) the procedure for calling meetings of the Board;

(b) the process for appointment and removal of the Chief Executive Officer, and for determining the functions of the Chief Executive Officer;

(c) the creation of committees;

(d) the delegation to the Chief Executive Officer and committees of such powers and duties as the Board considers necessary;

(e) the procedure to be followed at meetings of the Board and of the committees;

(f) the procedure to adopt bylaws.

(2) The bylaws are effective when approved by a resolution passed by a three-quarters majority of all the directors, or such higher proportion of directors as is determined by a bylaw made by the Board. 2012, c. 4, Sch. A, s. 11.

Status of Corporation

12 (1) The Corporation is not an agent of the Crown nor is it a Crown corporation within the meaning of the *Finance Act*.

(2) The Corporation is not a member of the Government Reporting Entity within the meaning of the *Finance Act*.

(3) The Corporation is not a public body as defined in the *Freedom of Information and Protection of Privacy Act* and, for greater certainty, that Act does not apply to the Corporation. 2012, c. 4, Sch. A, s. 12.

Employees not officers, servant or agents of Crown

13 A person employed or engaged by the Corporation is not an officer, servant or agent of the Crown. 2012, c. 4, Sch. A, s. 13.

Management and control

14 The management and control of the affairs of the Corporation are vested in the Board and the Board may, subject to this Act, exercise the powers of the Corporation. 2012, c. 4, Sch. A, s. 14.

Composition of Board

- 15 (1)** The Board consists of eight directors,
- (a) half of whom appointed by the Teachers' Plan Trustee, including at least one nominee of the Nova Scotia Teachers' Union; and
 - (b) half of whom appointed by the Superannuation Plan Trustee, including at least one nominee of the Nova Scotia Government Employees Union.

(2) The Corporation may by a resolution of the Board, made by the affirmative vote of all directors, increase or decrease the number of directors so long as the number of directors is not fewer than six.

(3) In the event of any change in the shareholdings in the Corporation or any change in the number of directors of the Corporation, the shareholders of the Corporation are entitled to appoint such number of the directors as is in proportion to their shareholdings. 2012, c. 4, Sch. A, s. 15.

Disqualification from being director

- 16** The following persons are disqualified from being a director:
- (a) a person who is less than 19 years of age;
 - (b) a person who is of unsound mind and has been so found by a court in Canada or elsewhere;
 - (c) a person who is not an individual;
 - (d) a person who has the status of bankrupt and has been so found by a court in Canada or elsewhere; or
 - (e) a person convicted of an offence under the *Criminal Code* (Canada) or the criminal law of any jurisdiction outside of Canada

(i) in connection with the promotion, formation or management of a corporation, or

(ii) involving fraud,

unless

(iii) three years have elapsed since the expiration of the period fixed for suspension of the passing of sentence without sentencing or since a fine was imposed,

(iv) the term of imprisonment and probation imposed if any, has concluded,

whichever is the later, or unless a pardon has been granted. 2012, c. 4, Sch. A, s. 16.

Terms of directors

17 (1) Directors each hold office for a term of up to five years.

(2) Notwithstanding subsection (1), for the initial appointments to the Board

(a) at least one appointee of each of the Teachers' Plan Trustee and Superannuation Plan Trustee must have a term of three years;

(b) at least one appointee of each of the Teachers' Plan Trustee and Superannuation Plan Trustee must have a term of four years; and

(c) at least one appointee of each of the Teachers' Plan Trustee and Superannuation Plan Trustee must have a term of five years.

(3) Subject to subsection (4), no person may serve as a director for more than two consecutive terms or 10 consecutive years, whichever is longer.

(4) Subsection (3) does not apply to a director who is a nominee of the Nova Scotia Teachers' Union or the Nova Scotia Government Employees Union. 2012, c. 4, Sch. A, s. 17.

Effect of vacancy

18 Notwithstanding any vacancy in the membership of the Board, a quorum of directors may exercise all the powers of the Board. 2012, c. 4, Sch. A, s. 18.

Reappointment and replacement of directors

19 (1) Subject to subsection 17(3), upon the expiry of the term of office of any director, such director must be reappointed or replaced by a person to be appointed by the shareholder who originally appointed that director and for such length of term as is determined by that shareholder.

(2) Where a director resigns or is unable to continue to act before the expiration of the director's term of office, such director must be replaced by a person to be appointed for the remainder of the term of the original appointment by

the shareholder who originally appointed the director who resigned or is unable to continue to act.

(3) Notwithstanding subsections (1) and (2), where the director whose term has expired or who resigns or who is unable to continue to act was a nominee of the Nova Scotia Government Employees Union or the Nova Scotia Teachers' Union, the person appointed by the Superannuation Plan Trustee or the Teachers' Plan Trustee, as the case may be, to fill the vacated seat on the Board must also be a nominee of the Nova Scotia Government Employees Union or the Nova Scotia Teachers' Union, as the case may be. 2012, c. 4, Sch. A, s. 19.

Remuneration and reimbursement of directors

20 (1) Directors may be remunerated as determined by the Board and approved by the Teachers' Plan Trustee and Superannuation Plan Trustee.

(2) Directors must be reimbursed by the Corporation for all reasonable expenses incurred in the performance of their duties. 2012, c. 4, Sch. A, s. 20.

Duties of directors

21 Each director shall

- (a) act honestly and in good faith;
- (b) in managing and controlling the affairs of the Corporation in accordance with this Act, use the care and diligence of a person of ordinary prudence; and
- (c) apply all relevant knowledge and skill that the individual possesses or, by reason of profession, business or calling, ought to possess. 2012, c. 4, Sch. A, s. 21.

Co-chairs

22 (1) The Board shall elect two of the directors as Co-chairs.

(2) The Co-chairs shall alternate for six-month periods as presiding Co-chair, during each of which periods the presiding Co-chair shall chair Board meetings and fulfill any other responsibilities of chair of the Board.

(3) In the case of the absence or inability to act of the presiding Co-chair or where the presiding Co-chair ceases to sit as a member of the Board, the other Co-chair shall preside in the place of the presiding Co-chair during the period of any such absence, inability or vacancy.

(4) The length of terms for Co-chairs, any limitations relating to consecutive terms as a Co-chair that may be served and any other restrictions or stipulations regarding the position of Co-chair must be determined by the Corporation in its bylaws. 2012, c. 4, Sch. A, s. 22.

Defect in appointment, removal or qualification of director

23 No act of the Corporation done and carried out in good faith is invalid or ineffective by reason only that it is subsequently discovered or determined that there exists some defect in the appointment, removal or a qualification of any director. 2012, c. 4, Sch. A, s. 23.

Quorum

24 (1) A majority of the members of the Board constitute a quorum at any meeting of the Board and the quorum must include at least two directors appointed by each of the Teachers' Plan Trustee and Superannuation Plan Trustee.

(2) Where a quorum is not present within one hour of the time specified for a meeting of the Board, the directors present shall adjourn the meeting but may not transact any other business.

(3) Where during a meeting a quorum is lost, the directors remaining at the meeting shall adjourn the meeting and not transact any further business.

(4) Where the directors meet when a director position is vacant, the meeting is validly constituted as long as a quorum is present.

(5) Where a meeting of the Board does not proceed because a quorum is not present or because a quorum is lost during a meeting, the Co-chairs shall set another meeting of the Board to occur within 30 days of the meeting that did not proceed and, notwithstanding anything else in this Section, the subsequent meeting may proceed whether or not a quorum is present.

(6) Notwithstanding subsection (5), where a Co-chair was not in attendance at a meeting that failed to meet quorum, or left a meeting so as to result in or contribute to the loss of a quorum at the meeting, the other Co-chair shall set the subsequent meeting to occur in accordance with subsection (5).

(7) The Corporation may by a resolution of the Board, made by the affirmative vote of all directors, vary the quorum requirements set out in subsection (1). 2012, c. 4, Sch. A, s. 24.

Voting

25 (1) All decisions of the Corporation must be made by a resolution passed at a meeting of the Board by an affirmative vote of at least three-quarters of the members present.

(2) Meetings of the Board may be held or a director may participate in a meeting of the Board, by means of telephone or such other communications facilities that permit all persons participating in the meeting to speak to and hear each other and a director participating in a meeting by such means is deemed to be present at the meeting and is counted in determining whether a quorum is present.

(3) Where there are a sufficient number of directors in office for a quorum at a meeting of the Board if held, a resolution in writing signed by all directors then in office and entitled to vote on that resolution at a meeting of the Board is as valid as if it had been passed at a meeting of the Board, duly called, constituted and held.

(4) Notwithstanding subsection (1), for a meeting constituted pursuant to subsection 24(5), the number of affirmative votes required to support a resolution of the Board is three-quarters of the number of directors then holding office reduced by the number of votes that cannot be exercised at the meeting because of

non-attending directors, but in no event is the number of required affirmative votes fewer than four.

(5) The Corporation may by a resolution of the Board, made by the affirmative vote of all directors, vary the voting requirements set out in this Section. 2012, c. 4, Sch. A, s. 25.

Execution of documents and transfer of funds

26 (1) All contracts, documents or instruments in writing requiring the signature of the Corporation may be signed by either Co-chair, or by any two directors.

(2) The Board may by resolution delegate to the Chief Executive Officer or any other person or persons on behalf of the Corporation the power either to sign contracts, documents or instruments in writing generally or to sign specific contracts, documents or instruments in writing.

(3) The Corporation may establish accounts with such financial institutions as the Board may determine and either Co-chair or any two directors may authorize all payments or transfers to or from such accounts.

(4) The Board may by resolution delegate to the Chief Executive Officer or any other person or persons on behalf of the Corporation the power to authorize payments or transfers to or from accounts of the Corporation. 2012, c. 4, Sch. A, s. 26.

Chief Executive Officer

27 (1) The Board shall appoint a person to be the President and Chief Executive Officer of the Corporation.

(2) The Chief Executive Officer is responsible for the operation of the Corporation, including the appointment, removal, functions and duties of the other officers and employees of the Corporation.

(3) The Chief Executive Officer shall implement the policies, priorities and procedures established by the Board and perform such additional duties as may be assigned by the Board.

(4) The Chief Executive Officer is the secretary of the Board. 2012, c. 4, Sch. A, s. 27.

Fiscal year

28 The fiscal year of the Corporation begins April 1st in each year and ends March 31st in the following year. 2012, c. 4, Sch. A, s. 28.

Appointment of auditor

29 (1) The Board shall annually appoint an auditor who shall audit the accounts of the Corporation.

(2) Notwithstanding the *Auditor General Act* or any other enactment, that Act does not apply to the Corporation. 2012, c. 4, Sch. A, s. 29.

Annual report

30 (1) On or before August 1st in each fiscal year, the Corporation shall provide an annual report to each of the Teachers' Plan Trustee and Superannuation Plan Trustee concerning the previous fiscal year.

(2) The annual report must include the audited financial statements of the Corporation, a narrative of the Corporation's activities for the fiscal year covered by the report, an evaluation of its activities based on performance measures and confirmation of compliance with standards adopted by the Board. 2012, c. 4, Sch. A, s. 30.

No conflict of interest

31 (1) No director or employee of the Corporation shall knowingly permit the director's or employee's other interests to conflict with the director's or employee's powers, duties and responsibilities in respect of the Corporation or any pension plan, account or arrangement for which the Corporation has administrative responsibility.

(2) The Corporation shall make bylaws establishing the policy of the Corporation in respect of situations considered by the Corporation to constitute a conflict of interest or a potential conflict of interest pertaining to directors and employees of the Corporation and that include, without limiting the generality of the foregoing, the circumstances that constitute a conflict of interest or potential conflict of interest, the disclosure of the conflict of interest or potential conflict of interest and the manner in which it is to be dealt with.

(3) Subsections (1) and (2) apply to the Chief Executive Officer and any person appointed to a committee of the Board.

(4) Entitlement to a pension or other benefit under any pension plan, account or arrangement for which the Corporation has administrative responsibility does not create a conflict of interest. 2012, c. 4, Sch. A, s. 31.

Indemnification

32 (1) The Corporation shall indemnify each employee, director and officer of the Corporation, a former employee, director or officer of the Corporation or a person who acts or acted as agent at the Corporation's request, and the employee's, director's, officer's or agent's heirs and legal representatives, against all costs, charges and expenses actually and reasonably incurred by that person, including an amount paid to settle an action or satisfy a judgment in a civil, criminal or administrative action or proceeding to which the person is made a party because of being or having been an employee, director, officer or agent, if the person acted in good faith with a view to the best interests of the Corporation, had reasonable grounds for believing that the person's conduct was lawful and the person's conduct is in accordance with the standard of care imposed on directors under Section 21.

(2) The Corporation may, on such terms and conditions as the Corporation considers fit, advance to any person referred to in subsection (1) an amount to pay any costs or expenses incurred by that person in defending any civil, criminal or administrative action or proceeding to which the person has been made a party because of being or having been an employee, director, officer or agent of the Corporation, but such person shall repay all such amounts advanced in the event

that a court finds that the person was not entitled to indemnification under this Section.

(3) Subsections (1) and (2) apply to the Chief Executive Officer and any person appointed to a committee of the Board.

(4) The Corporation may purchase and maintain insurance for the benefit of any person referred to in subsection (1) against any liability incurred by the person in the person's capacity referred to in subsection (1). 2012, c. 4, Sch. A, s. 32.

No action lies

33 (1) No action or other proceeding for damages lies or may be instituted against the Board, a director, the Chief Executive Officer or other officer, employee or agent of the Corporation for an act or omission done in good faith in the execution or intended execution of any power or duty pursuant to this Act.

(2) No action or other proceeding for damages lies or may be instituted against a director, the Chief Executive Officer or any person acting under the direction of a Co-chair, the Board or the Chief Executive Officer for a debt, liability or obligation of the Corporation. 2012, c. 4, Sch. A, s. 33.

PENSION ADMINISTRATION AND INVESTMENT SERVICES

Agreements respecting services

34 (1) The Corporation may enter into agreements with each of the Teachers' Plan Trustee and the Superannuation Plan Trustee respecting the transfer of responsibility for the delivery of pension administration and investment services for the Teachers' Plan and the Superannuation Plan, respectively, from the Nova Scotia Pension Agency to the Corporation, and for the continuing delivery of services by the Corporation.

(2) The Corporation may enter into agreements with the Crown respecting the transfer of responsibility for the delivery of pension administration and investment services for the Ancillary Plans from the Nova Scotia Pension Agency to the Corporation, and for the continuing delivery of services by the Corporation.

(3) The Corporation may, subject to the approval of the Board, enter into agreements with any person regarding the provision of pension administration and pension investment services for any other pension plan or arrangement that retains the services of the Corporation. 2012, c. 4, Sch. A, s. 34.

Funds, assets and liabilities

35 (1) Effective the Transition Date, the funds and assets maintained by or held for the purposes of the Nova Scotia Pension Agency are transferred to and vested in the Corporation.

(2) Subject to this Act and any agreement entered into between the Corporation and the Crown, all obligations and liabilities of the Nova Scotia Pension Agency that have accrued or arisen before the Transition Date, or that are otherwise attributable to the period before the Transition Date, including all

employee benefits and entitlements attributable to the period before the Transition Date, remain the obligations and liabilities of the Crown.

(3) Subject to this Act and any agreement entered into between the Corporation and the Crown, the Crown is not liable for any acts, omissions or obligations of the Corporation. 2012, c. 4, Sch. A, s. 35.

Operating budget

36 On or before January 31st in each year the Board shall approve the Corporation's operating budget for the next fiscal year. 2012, c. 4, Sch. A, s. 36.

Capital and strategic plans

37 The Corporation shall prepare and maintain capital and strategic plans as directed by the Board. 2012, c. 4, Sch. A, s. 37.

Service users liable for share of budget

38 (1) All costs, charges, expenses and liabilities incurred and payable in respect of the conduct of the business and affairs of the Corporation or otherwise contemplated under this Act to be paid by or on behalf of the Corporation, must be paid by the Corporation.

(2) The Corporation shall charge each service user of the Corporation, and each service user is liable for, its respective share of the amounts referred to in subsection (1).

(3) The Corporation shall allocate the amounts referred to in subsection (1) among service users in such manner as reflects the services provided to each service user or the responsibility for a particular cost, charge, expense or liability, including any cost, charge, expense or liability to which an indemnification under Section 32 is attributable. 2012, c. 4, Sch. A, s. 38.

TRANSITIONAL PROVISIONS

Employees

39 (1) In this Section and Sections 40 to 42, "designated person" means a person who is employed with the Nova Scotia Pension Agency immediately before the Transition Date.

(2) Effective the Transition Date, every designated person becomes an employee of the Corporation and ceases to be a person appointed in accordance with the *Civil Service Act* or otherwise employed by the Crown.

(3) The continuity of employment of a designated person is not broken by the effect of this Section.

(4) The *Civil Service Act* and the regulations made pursuant to that Act and the *Civil Service Collective Bargaining Act* do not apply to a designated person after the Transition Period.

(5) Every designated person is employed by the Corporation on the same or equal terms and conditions of employment as those under which the

employee was employed as an employee of the Crown, including all employee benefits and entitlements, until changed by collective agreement or contract of employment.

(6) Every designated person is deemed to have been employed with the Corporation for the same period of employment that the employee was credited with as an employee of the Crown.

(7) Benefits accumulated by a designated person while employed by the Crown are vested in the designated person, and the designated person is entitled to receive those benefits from the Corporation. 2012, c. 4, Sch. A, s. 39.

Collective agreements bind Corporation

40 (1) The Corporation is bound by a collective agreement concluded pursuant to the *Civil Service Collective Bargaining Act* in relation to each designated person in a bargaining unit position as if it were a party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the *Trade Union Act* by a bargaining agent certified pursuant to the *Trade Union Act*.

(2) For greater certainty, the Corporation is a transferee for the purpose of Section 31 of the *Trade Union Act* and, without limiting the generality of the foregoing, the Corporation is bound by successor rights as determined pursuant to that Act. 2012, c. 4, Sch. A, s. 40.

Public Service Superannuation Plan

41 (1) Each designated person who is an employee within the meaning of the *Public Service Superannuation Act* immediately before the Transition Date and each designated person in a bargaining unit whose collective agreement provides for participation in the Superannuation Plan on the last day of the Transition Period, is deemed to continue to be an employee for the purpose of that Act, and that person's employment with the Corporation is deemed to be employment for the purpose of that Act, and the Corporation is deemed to be an employer for the purpose of that Act in respect of that person.

(2) Except where otherwise provided by a contract of employment, any person who becomes an employee of the Corporation after the Transition Period is deemed to be an employee for the purpose of the *Public Service Superannuation Act*, and that person's employment with the Corporation is deemed to be employment for the purpose of that Act, and the Corporation is deemed to be an employer for the purpose of that Act in respect of that person. 2012, c. 4, Sch. A, s. 41.

Transfer of personnel files

42 Notwithstanding the *Freedom of Information and Protection of Privacy Act*, the Crown shall transfer to the Corporation on the Transition Date all personnel files and similar material in its possession or control relating to all designated persons, and such transfer does not constitute a disclosure of personal information within the meaning of that Act. 2012, c. 4, Sch. A, s. 42.

Contracts entered into by Transitional Board

43 The Corporation is bound by all contracts or obligations entered into by the Transitional Board in the name of the Corporation or on its behalf, and is entitled to the benefits of any such contract or obligation as if the Corporation had been in existence at the date of such contract or obligation and had been a party to it and the Transitional Board ceases to be bound by or entitled to the benefits of it. 2012, c. 4, Sch. A, s. 43.

Property of Transitional Board

44 Effective the Transition Date, the Transitional Board ceases to exist and all property and other rights of the Transitional Board are transferred to and vest in the Corporation. 2012, c. 4, Sch. A, s. 44.

GENERAL**Regulations**

45 (1) The Minister may, with the approval of the Corporation, make regulations

(a) respecting any matter authorized by this Act to be done by regulation;

(b) defining any word or expression used but not defined in this Act;

(c) the Minister considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Minister of the authority contained in this Section is a regulation within the meaning of the *Regulations Act*. 2012, c. 4, Sch. A, s. 45.

CHAPTER N-13

An Act Respecting the Nova Scotia Power Finance Corporation

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Short title

1 This Act may be cited as the *Nova Scotia Power Finance Corporation Act*. 1992, c. 8, s. 31.

Interpretation

2 In this Act,

“Board” means the Board of Directors of the Corporation;

“Chair” means the Chair of the Board;

“Corporation” means the Nova Scotia Power Finance Corporation;

“Director” means a Director of the Corporation;

“President” means the President of the Corporation. 1992, c. 8, s. 31.

Board of Directors

3 (1) The Corporation is continued as a body corporate and as agent of the Crown in right of the Province under the name of the Nova Scotia Power Finance Corporation and consists of a Board of Directors composed of a Chair, President and not more than 12 other Directors.

(2) The Chair, President and other Directors shall be appointed by the Governor in Council, each to hold office for such term as specified in the appointment.

(3) Any member of the House of Assembly, including a member of the Executive Council, may be appointed to and sit on the Board, and no person shall be rendered ineligible or disqualified from sitting or voting in the House of Assembly by reason of the person being a member of the Board and receiving remuneration therefor or by reason of any dealing by the Corporation with the Province.

(4) The President, subject to the control and direction of the Board, has charge of the conduct of the business of the Corporation. R.S., c. 351, s. 4; 1992, c. 8, s. 31.

Personnel

4 (1) The Corporation may appoint or employ such officers, employees, advisers and consultants as it considers necessary and may determine their remuneration and other terms and conditions of employment.

(2) For all purposes of the *Public Service Superannuation Act* every person employed by the Corporation otherwise than temporarily is deemed to be a person employed in the public service of the Province and service in the employment of the Corporation is deemed to be public service.

(3) The Corporation shall deduct monthly from the salary of every employee thereof such amount as is directed by the Governor in Council to be deducted from the salary of every employee in the public service of the Province and shall pay over the same to the Minister of Finance and Treasury Board, which amounts when so received shall be paid into and form part of the Superannuation Fund under the *Public Service Superannuation Act*.

(4) Where by the *Public Service Superannuation Act* any payment is directed to be made into the Superannuation Fund by the Government or by the Minister of Finance and Treasury Board or where by such Act any superannuation allowance or other sum is directed to be paid out of the General Revenue Fund, then in respect of any employee of the Corporation such payment, superannuation allowance or other sum must be defrayed by the Corporation and forms part of the annual expenses of the Corporation.

(5) In this Section, "person employed by the Corporation" does not include a member of the Board unless the member is also an employee of the Corporation. R.S., c. 351, s. 5.

Object of Corporation

5 The object of the Corporation is to ensure that the guaranteed debt of the former Nova Scotia Power Corporation is discharged in an orderly and timely manner. 1992, c. 8, s. 31.

Powers of Corporation

6 The Corporation may

(a) purchase, redeem or pay off any notes, bonds, debentures or securities of the former Nova Scotia Power Corporation;

(b) enter into agreements that are conducive to its object, including agreements with any government or authority;

(c) sell, improve, manage, exchange, lease, dispose of or otherwise deal with the property and rights of the Corporation;

(d) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and any other negotiable or transferable instrument;

- (e) do all or any of the above things as principal, agent, contractor or otherwise;
- (f) do all other things as are incidental or conducive to the attainment of the object and the exercise of the powers of the Corporation. 1992, c. 8, s. 31.

Borrowing powers

7 (1) The Corporation may from time to time borrow money on the credit of the Corporation in or out of Canada and, with the approval of the Governor in Council, may

- (a) issue bonds, debentures or other securities of the Corporation and pledge or sell the same;
 - (b) secure any borrowing or liability of the Corporation by mortgage, charge or pledge of all or any currently owned or subsequently acquired property of the Corporation or its undertaking and rights.
- (2)** The Governor in Council may from time to time
- (a) lend money to the Corporation and borrow money for such purpose;
 - (b) guarantee the repayment by the Corporation of the principal, interest and premium of any bonds, debentures or other securities issued by the Corporation or repayment by the Corporation of any other indebtedness incurred by it or repayment of any indebtedness of a company subsidiary to the Corporation. R.S., c. 351, s. 8.

Powers of Board

8 The Board may, on behalf of the Corporation, exercise all powers of the Corporation and administer and manage the business of the Corporation and, without restricting the generality of the foregoing, may make bylaws

- (a) respecting the calling of meetings of the Board;
- (b) respecting the conduct of business at meetings of the Board and the establishment of committees thereof, the delegation of duties to such committees and the fixing of quorums for meetings of the Board and committees thereof;
- (c) fixing the remuneration and expenses to be paid to Directors for attendance at meetings of the Board or any committee thereof, and the expenses to be paid to Directors, provided that no bylaw made under this clause shall have any effect until it has been approved by the Governor in Council;
- (d) respecting the duties and conduct of the Directors, officers and employees of the Corporation and the remuneration and terms and conditions of employment of officers and employees of the Corporation;
- (e) generally for the conduct and management of the affairs of the Corporation. R.S., c. 351, s. 10.

Fiscal year and annual report

9 (1) The fiscal year of the Corporation continues to be the period beginning on April 1st and ending on March 31st of the following year.

(2) The Corporation shall, before August 1st in each year, make an annual report to the Minister of Finance and Treasury Board containing clear and comprehensive statements disclosing the activities of the Corporation in the preceding fiscal year. R.S., c. 351, s. 12; 1992, c. 8, s. 31.

CHAPTER N-14

An Act Respecting the Privatization of the Nova Scotia Power Corporation

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Short title

1 This Act may be cited as the *Nova Scotia Power Privatization Act*.
1992, c. 8, s. 1.

Interpretation

2 (1) In this Act,
“Company” means Nova Scotia Power Incorporated, a body
corporate incorporated pursuant to the *Companies Act*;
“Corporation” means the corporation referred to in Section 4;
“Minister” means the Minister of Finance and Treasury Board.

(2) Unless a contrary intention appears, words and expressions
used in this Act have the same meaning as in the *Companies Act*.

(3) The *Companies Act* applies to the Company as a company limited by shares except as provided otherwise by this Act.

(4) The *Securities Act* applies to the Company on, from and after April 16, 1992.

(5) Where there is a conflict between the *Companies Act* and this Act or the provisions required to be included in the memorandum of association or the articles of association of the Company pursuant to this Act, this Act or those provisions prevail. 1992, c. 8, s. 2.

Act binds the Crown

3 This Act is binding on the Crown in right of the Province. 1992, c. 8, s. 3.

Change of name

4 The name of the Nova Scotia Power Corporation, a body corporate established by Chapter 351 of the Revised Statutes, 1989, the *Power Corporation Act*, is changed to "Nova Scotia Power Finance Corporation". 1992, c. 8, s. 4.

Vesting of assets in Company

5 (1) Notwithstanding any enactment, on a day to be determined by the Governor in Council, the Minister may enter into transactions or cause transactions to be entered into that will, directly or indirectly, result in the vesting of any or all of the property, rights, liabilities and obligations of the Corporation, Nova Scotia Light and Power Company, Limited and Eastern Light & Power Company, Limited, as determined by the Minister, in the Company, subject to such terms and conditions as are imposed by the Minister.

(2) Any property, rights, liabilities or obligations of the Corporation that are not vested in the Company pursuant to subsection (1) remain the property, rights, liabilities or obligations of the Corporation.

(3) Where, pursuant to subsection (1), shares of the Company are to be issued in consideration of the vesting of property and rights in the Company, the Company shall issue such number and kind of shares of the Company as, in the opinion of the Minister, are necessary to provide such consideration.

(4) Where, pursuant to this Section, debt or obligations of the Corporation are not vested in the Company, the Minister may

(a) enter into an agreement or other arrangement with the Company, the Corporation or any other person respecting the service or discharge of any debt or obligation of the Corporation; and

(b) pay out of the General Revenue Fund such amounts as are necessary to service or discharge any such debt or obligation.

(5) Where an indebtedness, liability or obligation of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, or an indebtedness, liability or obligation originally incurred or assumed by the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, is assumed by the Company pursuant to

this Section, the Company is directly liable to the person to whom the indebtedness, liability or obligation is due or by whom it is held as if the Company had incurred it on its own behalf, and any liability of the Crown in right of the Province, the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, with respect to that indebtedness, liability or obligation is extinguished. 1992, c. 8, s. 5.

Right to acquire assets

6 (1) A preferential or other right to acquire any assets of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited is waived with respect to a transaction pursuant to this Section as against the Crown in right of the Province, the Corporation or the Company, as the case may be, and the Company shall in respect of any matter arising after the closing of the transactions, observe, fulfill and perform those preferential or other rights as the person directly liable for their observation, fulfillment or performance.

(2) A notice, consent or approval required pursuant to an enactment or agreement that relates to assets of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited is waived with respect to a transaction pursuant to subsection 5(1), and the Company shall, in respect of any other matter arising after the closing of the transactions, comply with all requirements for the giving of the notice or obtaining the consent or approval as the person directly responsible therefor. 1992, c. 8, s. 5.

Default or breach of covenant

7 (1) A default or breach of a covenant, representation or warranty that occurs under a document

(a) binding on the Crown in right of the Province, the Corporation or the Company; or

(b) relating to assets of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited,

by reason of a vesting in the Company, pursuant to a transaction referred to in subsection 5(1), is waived, but such waiver is without prejudice to the rights of any person in respect of any other default or breach occurring after the closing of the transactions.

(2) A person does not have a right to compensation by reason only of the operation of subsection (1), subsection 5(5) and Section 6. 1992, c. 8, s. 5.

Continued liability

8 (1) For greater certainty, nothing in this Section means or is to be construed to mean that the Province is no longer liable for its guarantee with respect to the debt of the Corporation guaranteed by the Province and such guaranteed debt as between the Province and the bondholders shall be paid by the Corporation and not by the Company.

(2) For greater certainty, nothing in this Act means or is to be construed to mean that the Company is not liable to the Corporation for an amount

equal to the debt of the Corporation guaranteed by the Province which guaranteed debt remains, pursuant to this Section, the liability of the Corporation. 1992, c. 8, s. 5.

Transition

9 (1) For greater certainty, nothing in this Section affects the rates or the rate base of the Corporation approved by the Board of Commissioners of Public Utilities prior to August 10, 1992, and those rates and the rate base, the fixed asset segment of which rate base is hereby set at the Corporation's investment in fixed assets less accumulated depreciation as recorded in the books of the Corporation at its latest year end (March 31, 1992) plus those assets brought into service between that date and August 10, 1992, less depreciation charged during that period, are and are deemed to be the rates and the rate base that apply to the Company immediately before August 10, 1992.

(2) For greater certainty, the change of name effected by Section 4 does not affect an existing cause of action or claim or liability to prosecution in favour of or against the Corporation or its directors or officers or any civil, criminal or administrative action or proceeding to which the Corporation or its directors or officers are parties and such cause of action or claim or liability to prosecution shall be against the Company.

(3) Nothing contained in this Act affects the commitment of the Company to purchase up to 63 megawatts of power from independent power producers and any commitments outstanding immediately before August 10, 1992, by the Company are ratified and confirmed and continue as if this Act had not been passed.

(4) The Company shall as a goal, and when consistent with good business practices, purchase a minimum of five per cent of its total electrical capacity from non-utility generators.

(5) Any transaction carried out pursuant to an agreement authorized by subsection 5(1) with the Minister is exempt from the provisions of any enactment that the agreement states does not apply to the transaction.

(6) On the day the Minister and the Company, pursuant to subsection 5(1), enter into an agreement with respect to a transaction, any reference in any rule, order, regulation, bylaw or document to the Nova Scotia Power Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited is and is to be construed as, as regards any subsequent transaction, matter or thing relating to the aforesaid matters or any of them, a reference to the Company unless the agreement determines otherwise. 1992, c. 8, s. 5.

Powers of Minister

10 (1) The Minister may

(a) acquire, hold, dispose of, invest in and otherwise deal with shares and debt obligations or any security interests in the Company; and

(b) enter into any agreement or arrangement necessary for or incidental to any activity referred to in clause (a).

(2) Shares of the Company acquired by the Minister must be registered in the name of the Minister and held by the Minister in trust for the Crown in right of the Province.

(3) Any dividends or other sums received by the Minister in right of, or on the disposal of, any share, debt obligation or security interest acquired by virtue of this Act must be paid into the General Revenue Fund. 1992, c. 8, s. 6.

Approval and filing of amended memorandum and articles

11 (1) The Company shall submit to the Minister for approval an amended memorandum of association and articles of association prepared in accordance with Section 12.

(2) Upon approval by the Minister of the amended memorandum of association and articles of association submitted pursuant to subsection (1), the Company shall file the amended memorandum and articles with the Registrar of Joint Stock Companies and the amended memorandum and articles are effective on, from and after the date of filing. 1992, c. 8, s. 7.

Contents of amended memorandum and articles

12 (1) In this Section,

“assets” means assets owned or used by the Company in the development, generation, production, transmission, distribution, marketing, supply and use of electricity, water, sun, wind, steam, gas, oil or other products or things used or useful in the production of power;

“corporation” includes a body corporate, partnership and unincorporated organization;

“non-resident” means

(a) an individual, other than a Canadian citizen, who is not ordinarily resident in Canada;

(b) a corporation incorporated, formed or otherwise organized outside Canada;

(c) a foreign government or an agency thereof;

(d) a corporation controlled by non-residents as defined in any of clauses (a) to (c);

(e) a trust

(i) established by a non-resident as defined in any of clauses (b) to (d), other than a trust for the administration of a pension fund for the benefit of individuals a majority of whom are residents, or

(ii) in which non-residents as defined in any of clauses (a) to (d) have more than 50% of the beneficial interest; or

(f) a corporation that is controlled by a trust described in clause (e),

but does not include a mutual company to which subsection 427(5) of the *Insurance Companies Act* (Canada) applies or a company or foreign company to which subsection 427(6) of that Act applies;

“person” includes an individual, partnership, corporation, government or agency thereof, trustee, executor, administrator and other legal representative;

“resident” means an individual, corporation, government or agency thereof or trust that is not a non-resident;

“voting share” means a share carrying a voting right under all circumstances or under some circumstances that have occurred and are continuing, and includes a security currently convertible into such a share and currently exercisable options and rights to acquire such a share or such a convertible security.

(2) Notwithstanding the *Companies Act*, the amended memorandum of association and articles of association for the Company must contain

(a) a provision that the primary object of the Company is to develop in the Province the use of power on an economic and efficient basis and for this purpose to engage in the Province and elsewhere in the development, generation, production, transmission, distribution, supply and use of electricity, water, sun, wind, steam, gas, oil or other products or things used or useful in the production of power and the Company shall not construct a generating plant that utilizes nuclear energy to produce electricity;

(b) provisions imposing constraints on the issue, transfer and ownership, including joint ownership, of voting shares of the Company to prevent any one person, together with the associates of that person, from holding, beneficially owning or controlling, directly or indirectly, otherwise than by way of security only, in the aggregate voting shares to which are attached more than 15% of the votes that may ordinarily be cast to elect directors of the Company, other than votes that may be so cast by or on behalf of the Minister;

(c) provisions imposing constraints on the issue, transfer and ownership, including joint ownership, of voting shares of the Company to prevent non-residents from holding, beneficially owning or controlling, directly or indirectly, otherwise than by way of security only, in the aggregate voting shares to which are attached more than 25% of the votes that may ordinarily be cast to elect directors of the Company, other than votes that may be so cast by or on behalf of the Minister;

(d) provisions respecting the counting or pro-rating of votes cast in respect of any motion at any meeting of shareholders of the Company and attached to the voting shares of the Company that are held, beneficially owned or controlled, directly or indirectly, by non-residents so as to limit the counting of those votes to not more than 25% of the total number of votes cast by shareholders in respect of that motion;

(e) provisions preventing the Company from selling, transferring or otherwise disposing of, whether by one transaction or event or several related transactions or events, all or substantially all of its assets to any one person or group of associated persons or to non-residents, otherwise than by way of security only in connection with the financing of the Company;

(f) provisions respecting the enforcement of the constraints imposed pursuant to clauses (b) and (c);

(g) provisions specifying that the head office and the principal executive offices of the Company are to be situated in the Province as provided in Section 13;

(h) a provision stating that the Company has all of the powers, rights and capacity of a natural person;

(i) provisions respecting the appointment of transfer agents to maintain the share register of the Company and provisions relating to record dates for various purposes;

(j) provisions limiting the number of members of the board of directors of the Company who were or are former or current officers or employees of the Company or any affiliate or predecessor thereof for as long as the Crown in right of the Province is a shareholder in the Company;

(k) provisions authorizing the Company to issue

(i) an unlimited number of common shares, and

(ii) an unlimited number of preference shares in two classes, each of which have and are subject to such rights, privileges, restrictions and conditions and are issued in such series as the directors of the Company may, by resolution filed with the Registrar of Joint Stock Companies, determine;

(l) provisions respecting the establishment of a stated capital account for each class and series of shares issued by the Company; and

(m) a provision that, in relation to the Company, "special resolution" means a resolution passed by a majority of not less than three-fourths of such members of the Company entitled to vote as are present in person or by proxy at a general meeting of the Company of which notice specifying the intention to propose the resolution as a special resolution has been duly given.

(3) Without limiting the generality of clause (2)(f), the provisions referred to therein may provide for the filing of declarations, the suspension of voting rights, the forfeiture of dividends, the refusal of the issue or registration of voting shares and the sale of voting shares held contrary to the constraints and payment of the net proceeds of the sale to the person entitled thereto.

(4) Where the directors of the Company are of the reasonable opinion, from the register of members of the Company or otherwise, that a subscriber for or a transferee of voting shares of the Company would, on acquiring the shares, hold, beneficially own or control voting shares to which are attached not more than the lesser of two one-hundredths of one per cent of the votes that may

ordinarily be cast to elect directors of the Company and 10,000 such votes, the directors are entitled to assume that the subscriber or transferee is not and will not be an associate of anyone else and, unless the address to be recorded in the register for the subscriber or transferee is outside Canada, that the shares will not be held, beneficially owned or controlled in contravention of the memorandum of association or articles of association for the Company.

(5) No provision imposing constraints pursuant to clause (2)(b) or (c) applies in respect of voting shares of the Company that are held by

- (a) the Minister in trust for the Crown in right of the Province;
- (b) Emera Incorporated;
- (c) one or more underwriters solely for the purpose of distributing the shares to the public, in which case the underwriter may not vote such shares; or
- (d) any person who provides centralized facilities for the clearing of trades in securities and is acting in relation to trades in the shares solely as an intermediary in the payment of funds or the delivery of securities, or both.

(6) For the purpose of this Section, a person is an associate of another person if

- (a) one is a corporation of which the other is an officer or director;
- (b) one is a corporation that is controlled by the other or by a group of persons of which the other is a member;
- (c) one is a partnership of which the other is a partner;
- (d) one is a trust of which the other is a trustee;
- (e) both are corporations controlled by the same person;
- (f) both are members of a voting trust that relates to voting shares of the Company;
- (g) both, in the reasonable opinion of the directors of the Company, are parties to an agreement or arrangement a purpose of which is to require them to act in concert with respect to their interests, direct or indirect, in the Company or are otherwise acting in concert with respect to those interests; or
- (h) both are at the same time associates, within the meaning of any of clauses (a) to (g), of the same person.

(7) Notwithstanding subsection (6), for the purpose of this Section,

- (a) where a person who, but for this clause, would be an associate of another person submits to the Company a statutory declaration stating that
 - (i) no voting shares of the Company held or to be held by the declarant are or will be, to the declarant's knowledge, held in the right of, for the use or benefit of or under the

control of, any other person of which, but for this clause, the declarant would be an associate, and

(ii) the declarant is not acting and will not act in concert with any such other person with respect to their interests, direct or indirect, in the Company,

the declarant and that other person are not associates so long as the directors of the Company are satisfied that the statements in the declaration are being complied with and that there are no other reasonable grounds for disregarding the declaration;

(b) two corporations are not associates pursuant to clause (6)(h) by reason only that pursuant to clause (6)(a) each is an associate of the same individual; and

(c) where the directors of the Company are of the reasonable opinion, from the register of members of the Company or otherwise, that any person holds, beneficially owns or controls voting shares to which are attached not more than the lesser of two one-hundredths of one per cent of the votes that may ordinarily be cast to elect directors of the Company and 10,000 such votes, that person is not an associate of anyone else and no one else is an associate of that person.

(8) For the purpose of this Section, “control” means control in any manner that results in control in fact, whether directly through the ownership of securities or indirectly through a trust, an agreement or arrangement, the ownership of any body corporate or otherwise, and, without limiting the generality of the foregoing,

(a) a body corporate is deemed to be controlled by a person if

(i) securities of the body corporate to which are attached more than 50% of the votes that may be cast to elect directors of the body corporate are held, otherwise than by way of security only, by or for the benefit of that person, and

(ii) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the body corporate; and

(b) a partnership or unincorporated organization is deemed to be controlled by a person if an ownership interest therein representing more than 50% of the assets of the partnership or organization is held, otherwise than by way of security only, by or for the benefit of that person. 1992, c. 8, s. 8; 1998, c. 19, s. 7; 2019, c. 20, s. 1.

Head office and principle executive offices

13 (1) In this Section, “head office and principal executive offices” means the offices at which the Chief Executive Officer of the Company and substantially all senior executives of the Company reporting to the Chief Executive Officer materially perform their duties.

(2) The head office and principal executive offices of the Company must be situated in the Province. 2019, c. 20, s. 2.

Restrictions on Company

- 14** The Company and its shareholders and directors shall not
- (a) amend the memorandum of association or the articles of association of the Company in a manner inconsistent with this Act or the provisions that must be included in the Company's amended memorandum or articles of association; or
 - (b) apply for continuance of the Company in another jurisdiction.
- 1992, c. 8, s. 9.

Transfer of employees

- 15** (1) In this Section and in Section 16, "employee" means an individual in the employment of the Corporation immediately before August 10, 1992.
- (2) On August 10, 1992, every employee
- (a) ceases to be an employee of the Corporation and becomes an employee of the Company; and
 - (b) is employed by the Company on the same terms and conditions as to salary and benefits as those under which the employee was employed by the Corporation immediately before August 10, 1992.
- (3) Every employee referred to in subsection (2) is deemed to have been employed by the Company for the same period of time that the employee was in the employment of the Corporation prior to August 10, 1992.
- (4) For greater certainty, nothing in this Section means or is to be construed to mean that there has been a termination of the employment of an employee.
- (5) For greater certainty and subject to this Act, the Company and the employees covered by a collective agreement are bound by the collective agreement between the Corporation and a bargaining agent as if the Company were a party to the collective agreement.
- (6) For greater certainty, benefits accumulated by an employee while employed by the Corporation are continued and vested in the employee, the employee is entitled to receive those benefits from the Company and the Company shall provide those benefits to the employee.
- (7) For greater certainty and subject to this Act, the Company is deemed to be a successor employer and the employees are and are deemed to be employees of a successor employer for the purpose of the *Pension Benefits Act*.
- (8) For greater certainty, nothing in this Act affects any pay equity adjustments to which an employee was entitled pursuant to the *Pay Equity Act* immediately before August 10, 1992.
- (9) Sections 23 to 27 of the *Conflict of Interest Act* do not apply in respect of members of the board of directors, officers and employees of the Nova Scotia Power Corporation, Nova Scotia Light and Power Company, Limited and Eastern Light & Power Company, Limited who became or become members of the

board of directors, officers or employees of the Company. 1992, c. 8, s. 10; 2010, c. 35, s. 42.

Pensions

16 (1) In this Section,

“Act” means the *Public Service Superannuation Act*;

“Fund” means the Public Service Superannuation Fund established pursuant to the *Public Service Superannuation Act*;

“Plan” means the pension plan organized and administered by the Company and includes any plan in substitution therefor.

(2) The Minister is authorized to enter into an agreement to provide for the transfer from the Fund to the Plan of assets and liabilities of the Fund with respect to employees, and upon such transfer, all liabilities with respect to benefits are the liability of the Company and the Plan and any consents necessary to the transfer of assets and liabilities from the Fund to the Plan are and are deemed to be given.

(3) Any notices or consents required, including the consent of the Superintendent pursuant to the *Pension Benefits Act*, or any default or breach of covenant that occurs, by reason of the transfer, are waived.

(4) The Plan must provide employees, with respect to their period of employment with the Corporation, with the same benefits to which the employees, immediately before August 10, 1992, would have been eligible pursuant to this Act as employees of the Corporation and, with respect to a period of employment with the Company, the Plan must provide those employees of the Company with benefits no less advantageous than those in respect of which, immediately before August 10, 1992, they would have been eligible were they members of the Fund.

(5) The following persons shall continue to receive benefits pursuant to this Act and payments from the Fund and not payments from the Plan:

(a) former employees of the Corporation who are receiving benefits from the Fund;

(b) former employees of the Corporation who are entitled to deferred benefits from the Fund; and

(c) spouses, dependants or other beneficiaries of individuals referred to in clauses (a) and (b).

(6) As of August 10, 1992, any unfunded liabilities with respect to those persons receiving benefits pursuant to subsection (5) are, in accordance with an agreement entered into between the Minister and the Company, the liabilities of the Company and not the Fund and the Company shall reimburse the Fund for such unfunded liability in accordance with the agreement. 1992, c. 8, s. 11.

Interpretation of Sections 18 to 21

17 In Sections 18 to 21,

“Act” means the former *Public Utilities Income Tax Transfer Act* (Canada);

“federal tax rebates” means amounts paid to the Province in respect of the Company pursuant to the Act;

“Fund” means the Nova Scotia Power Incorporated Tax Rebate Fund. 1992, c. 8, s. 12.

Tax Rebate Fund

18 (1) A fund to be known as the Nova Scotia Power Incorporated Tax Rebate Fund is established in the accounts of the Province.

(2) The Minister shall hold and administer the Fund and keep a separate accounting record of the Fund. 1992, c. 8, s. 13.

Federal tax rebates

19 (1) Money received by the Province in respect of the period following August 10, 1992, by way of federal tax rebates pursuant to the Act, must be paid into the Fund.

(2) Income of the Fund accrues to the General Revenue Fund. 1992, c. 8, s. 14.

Payments to Company from Fund

20 (1) Subject to the regulations, the Minister shall pay from the Fund to the Company for its own use and benefit all money paid into the Fund.

(2) The Minister shall certify all amounts paid to the Company in the form required by the Act so that the Company will be exempt from federal income tax thereon as provided by the Act.

(3) Where, pursuant to the Act, the Province is required to repay any amount to the Government of Canada, the Minister may recover such amount from the Company as a debt due to the Province from the Company and the Minister may set off and recover such amount against and from other amounts that the Minister might otherwise cause to be paid to the Company pursuant to subsection (1) and the Minister may pay any such amount that the Province is required to repay to the Government of Canada from the Fund, or if paid from the General Revenue Fund, the Minister may, at any time thereafter, pay and transfer such amount from the Fund to the General Revenue Fund. 1992, c. 8, s. 15.

Regulations

21 The Governor in Council may make regulations

(a) prescribing the terms and conditions on which payments may be made to the Company pursuant to Section 20;

(b) prescribing rules for the determination of any matter to be determined by the Minister;

(c) defining any expression used in but not defined for the purpose of Sections 18 to 20; and

(d) to carry out effectively the intent and purpose of Sections 18 to 20. 1992, c. 8, s. 16.

Payments to Minister for municipalities

22 (1) In this Section,

“Minister” means the Minister of Municipal Affairs and Housing;

“municipality” means a municipality as defined in the *Municipal Government Act*.

(2) The Company is exempt from taxation by a municipality, other than deed transfer tax.

(3) Subject to subsection (6), on each and every June 1st the Company shall pay to the Minister the sum of \$15,500,000.

(4) Subject to subsection (6), on each and every January 31st the Company shall pay to the Minister the sum of \$15,500,000.

(5) The Minister shall distribute, in the manner determined by the Minister, the amounts received pursuant to subsections (3) and (4) among the municipalities after consultation with the Nova Scotia Federation of Municipalities.

(6) The amounts specified in subsections (3) and (4) must be increased in each year by the same percentage increase as the average annual increase in the Consumer Price Index for Canada for the previous calendar year as determined by Statistics Canada. 2002, c. 5, s. 44; 2003, c. 4, s. 24.

Expropriation by Company

23 (1) The Company may expropriate any land that the Company considers necessary or useful for the attainment of the object of the Company referred to in clause 12(2)(a).

(2) Upon a plan and description of any land so expropriated, signed by the Chair or President, being deposited in the office of the registrar of deeds for the registration district in which the land is situated, such land shall thereupon become and remain vested in the Company.

(3) The *Expropriation Act* applies to any such expropriation and the Company is deemed to be the expropriating authority for the purposes of the *Expropriation Act*.

(4) Notwithstanding the *Expropriation Act*, lands of the Company may be expropriated by another expropriating authority only with the approval of the Governor in Council. 1992, c. 8, s. 19.

Public Sector Compensation Restraint Act

24 (1) The *Public Sector Compensation Restraint Act*, as modified by subsection (2), applies to the Company and the officers and employees thereof.

(2) Notwithstanding subsection (1) and the *Public Sector Compensation Restraint Act*, the two-year period referred to in that Act, during which increases in compensation rates and changes in compensation plans are restricted, is

completed in respect of officers and employees of the Company at the end of the two-year period or April 1, 1993, whichever is earlier. 1992, c. 8, s. 20.

Builders Lien Act

25 The *Builders Lien Act* applies to the Company only in respect of construction undertaken pursuant to contracts entered into after August 10, 1992. 1992, c. 8, s. 21.

Building Code Act and Planning

26 (1) In this Section,

“electric distribution system” means any system, works, plant, equipment or service for the delivery, distribution or furnishing of electric energy to consumers, but does not include a power plant or a transmission line;

“electric energy” in addition to its ordinary meaning includes

(a) energy associated with an electromotive force;
and

(b) power and reactive power and other electromagnetic effects associated with electric energy;

“substation” means a part of a transmission line and includes equipment for transforming, compensating, switching, rectifying or inverting electric energy flowing to, over or from the transmission line;

“transmission line” means a system or arrangement of lines of wire or other conductors and transformation equipment whereby electric energy, however produced, is transmitted in bulk, and includes

(a) transmission circuits composed of the conductors that transmit electric energy;

(b) insulating and supporting structures;

(c) substations;

(d) operational and control devices; and

(e) all property of any kind used for the purpose of, or in connection with, or incidental to, the operation of the transmission line,

but does not include a power plant or an electric distribution system.

(2) Parts VIII and IX of the *Municipal Government Act*, the provisions of any Provincial land-use policies or regulations, and Provincial subdivision regulations, and any municipal planning strategy, land-use bylaw or subdivision bylaw do not apply where a development or subdivision is made for the purpose of a transmission line, substation or electric distribution system.

(3) The *Building Code Act* does not apply to the construction, repair or replacement of a transmission line, electric distribution system, power plant or substation. 1992, c. 8, s. 22; 1998, c. 18, s. 570.

Limitation on liability

27 Any contract for the supplying by the Company of electricity is deemed to provide that the Company is not liable for damages in respect of any delay, interruption or other partial or complete failure in such supplying where such damages are caused by something that is beyond the ability of the Company to control by reasonable and practicable effort. 1992, c. 8, s. 23.

Crown lands and watercourses

28 (1) Nothing in this Act affects any permission or authority granted by the Province to the Corporation to erect and maintain power lines on Crown land and such permission or authority continues in favour of the Company as if the permission or authority were in the Company.

(2) The right of the Corporation to enter land adjacent to any watercourse used in connection with the storage or flow of water for the generation of energy for the purpose of inspection and maintenance of the watercourse or any structure of the Corporation situate thereon applies to the Company and nothing in this Act affects those rights. 1992, c. 8, s. 24.

Deemed effect of existing instruments

29 (1) Any instrument within the meaning of the *Registry of Deeds Act* executed purporting to convey to the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited a fee simple estate is deemed to have vested in the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, as the case may be, and their successors and assigns, a full, absolute and indefeasible estate of inheritance in fee simple, subject only to any mortgages, judgments or easements registered on title against such estate.

(2) Any person who claims to have an interest in any of the land referred to in subsection (1) and who has not been compensated for that interest may make a claim for compensation and the provisions of the *Expropriation Act*, in respect of compensation, apply to that claim as if the vesting of the lands had occurred as a result of the expropriation of those lands by the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, as the case may be, resulting in a claim in accordance with the *Expropriation Act*. 1992, c. 8, s. 25.

CHAPTER N-15

An Act to Permit the Corporate Reorganization of Nova Scotia Power Incorporated

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

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Short title

1 This Act may be cited as the *Nova Scotia Power Reorganization (1998) Act*. 1998, c. 19, s. 1.

Interpretation

2 In this Act, “NS Power Holdings” means NS Power Holdings Incorporated, a body corporate incorporated pursuant to the *Companies Act* on July 23, 1998. 1998, c. 19, s. 2.

Application of Companies Act

3 (1) The *Companies Act* applies to NS Power Holdings as a company limited by shares except as provided otherwise by this Act.

(2) Where there is a conflict between the *Companies Act* and this Act or the provisions required to be included in the memorandum of association or the articles of association of NS Power Holdings pursuant to this Act, this Act and those provisions prevail. 1998, c. 19, s. 3.

Power to acquire and hold shares

4 (1) Notwithstanding the *Nova Scotia Power Privatization Act*, NS Power Holdings may acquire and hold all of the shares of Nova Scotia Power Incorporated in order to complete an arrangement under Section 145 of the *Companies Act*.

(2) Notwithstanding any enactment, NS Power Holdings is not a public utility within the meaning of the *Public Utilities Act* by virtue solely of its control of a person or entity that is a public utility within the meaning of that Act. 1998, c. 19, s. 4.

Required provisions of memorandum and articles

5 (1) The memorandum of association and the articles of association for NS Power Holdings must contain provisions identical to those described in clauses 12(2)(b), (f), (g), (i), (k), (l) and (m) of the *Nova Scotia Power Privatization Act*, with the necessary modifications.

(2) Subsections 12(1), (3), (4), (6) to (8) and Section 13 of the *Nova Scotia Power Privatization Act* apply to NS Power Holdings with the necessary modifications.

(3) No provision imposing constraints on the issue, transfer and ownership of voting shares of NS Power Holdings applies in respect of such voting shares that are held by any person who provides centralized facilities for the clearing of trades in securities and is acting in relation to trades in the shares solely as an intermediary in the payment of funds or the delivery of securities, or both. 1998, c. 19, s. 5; 2019, c. 20, s. 3.

Limits on power to amend

6 NS Power Holdings and its shareholders and directors may not amend the memorandum of association or the articles of association of NS Power Holdings in a manner inconsistent with the *Nova Scotia Power Privatization Act* or the provisions that must be included in NS Power Holdings' memorandum of association or articles of association pursuant to this Act. 1998, c. 19, s. 6.

CHAPTER N-16

An Act Respecting the Nova Scotia Tartan

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

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Short title

1 This Act may be cited as the *Nova Scotia Tartan Act*. R.S., c. 318, s. 1.

“Tartan” defined

2 In this Act, “Tartan” means the Nova Scotia Tartan, consisting of the colours and proportions originally set out in an order in council dated September 6, 1955, and now set out in the Schedule, and registered in the books of the Court of the Lord Lyon, Her Majesty’s Register Office, Edinburgh, on March 7, 1956. R.S., c. 318, s. 2; 2012, c. 30, s. 1.

Official Tartan

3 The Tartan is the official Tartan of the Province. 2012, c. 30, s. 2.

Colours of Tartan

4 The blue and white in the Tartan represent the sea, the greens represent the forests, the red represents the Royal Lion on the shield in the Arms of the Province and the gold represents the Province’s Royal Charter. 2012, c. 30, s. 2.

Armorial bearings and emblem

5 The Tartan is an incident part of the armorial bearings of Nova Scotia and an emblem of the Province. R.S., c. 318, s. 3.

Use of Tartan

6 The use of the Tartan is governed by the limitations set forth in the order in council dated September 6, 1955. R.S., c. 318, s. 4.

Licence

7 (1) The Minister of Communities, Culture, Tourism and Heritage may grant a licence to any person to manufacture the Tartan or to apply the design of the Tartan to any article, subject to the provisions of subsections (2) and (3).

(2) A person who under a licence granted pursuant to subsection (1) manufactures the Tartan or applies the design of the Tartan to any article shall mark or attach the name “Nova Scotia Tartan” upon or to the Tartan or the article, or such other identifying mark as may be approved by the Minister of Communities, Culture, Tourism and Heritage.

(3) The Governor in Council may make regulations establishing terms and conditions that will apply to the granting of a licence under subsection (1). R.S., c. 318, s. 5; O.I.C. 90-987; 2012, c. 30, s. 3.

Prohibitions

8 (1) No person shall, without a licence granted pursuant to Section 5, manufacture the Tartan or apply the design of the Tartan to any article.

(2) No person shall sell or offer for sale the Tartan or any article to which the design of the Tartan has been applied unless the Tartan or the article to which the design of the Tartan has been applied was manufactured by a person granted a licence pursuant to Section 5 and the Tartan or article has marked upon or attached thereto the name “Nova Scotia Tartan” or such other identifying mark as has been approved by the Minister of Communities, Culture, Tourism and Heritage.

(3) No person other than a person who has been granted a licence pursuant to Section 5 shall mark or attach the name “Nova Scotia Tartan” or any identifying mark that has been approved by the Minister of Communities, Culture, Tourism and Heritage upon or to any article.

(4) No person shall sell or offer for sale any woven material so closely resembling the Tartan as to be mistaken for the Tartan. R.S., c. 318, s. 6; O.I.C. 90-987; 2012, c. 30, s. 3.

Offence and penalty

9 Any person who violates any of the provisions of Section 6 is guilty of an offence, and is liable to a penalty not exceeding \$500. R.S., c. 318, s. 7.

Act does not apply

10 This Act does not apply to the sale of the Tartan or an article bearing the design of the Tartan that

(a) was manufactured prior to April 26, 1964, by the proprietor or by a person with the consent of the proprietor under the *Industrial Design Act* (Canada); and

(b) is marked in accordance with the provisions of Section 14 of the *Industrial Design Act* (Canada). R.S., c. 318, s. 8.

Tartan Day

11 Throughout the Province, in each and every year, April 6th shall be kept and observed under the name of Tartan Day in appreciation of the Scottish clans in Canada. 2012, c. 30, s. 4.

SCHEDULE

NOVA SCOTIA TARTAN

Colours and Proportions

The first block is the Blue Block, consisting of 84 threads divided as follows:

40 blue
4 white
40 blue

The second block is the Green Block, consisting of 82 threads divided as follows:

4 dark green	4 yellow
4 light green	16 dark green
4 dark green	8 light green
8 light green	4 dark green
16 dark green	4 light green
4 yellow	4 dark green
2 red	

The Blue Block and the Green Block alternate across the entire width of the material and follow the same sequence in length.

2012, c. 30, s. 4.

CHAPTER N-17

An Act to Establish the Nova Scotia Teachers College Foundation

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

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Short title

1 This Act may be cited as the *Nova Scotia Teachers College Foundation Act*. 1998, c. 20, s. 1.

Interpretation

2 In this Act,
“Board” means the Board of Directors of the Foundation;
“Foundation” means the Nova Scotia Teachers College Foundation;
“Minister” means the Minister of Education and Early Childhood Development. 1998, c. 20, s. 2.

Nova Scotia Teachers College Foundation

3 A body corporate to be known as the Nova Scotia Teachers College Foundation is established. 1998, c. 20, s. 3.

Objects

4 The objects of the Foundation are to
(a) administer all scholarships, trusts and awards of the former Nova Scotia Teachers College; and
(b) solicit money from both private and public sources to maintain and build scholarship, trust and award funds. 1998, c. 20, s. 4.

Board of Governors and Chair

5 (1) The affairs of the Foundation must be managed by a Board of Governors of not more than five members.

(2) Members of the Board must be appointed by the Governor in Council for such term or terms as the Governor in Council may determine.

(3) The Minister shall designate one of the members of the Board to be the Chair of the Board.

(4) Members of the Board shall not receive any remuneration for being members of the Board but must be reimbursed for reasonable expenses necessarily incurred in carrying out their duties pursuant to this Act. 1998, c. 20, s. 5.

Transfer of administration

6 The administration of the scholarships, trusts and awards listed in the Schedule to this Act is transferred to the Foundation. 1998, c. 20, s. 6.

Manner of administration

7 (1) Subject to subsection (2), the Board shall administer the scholarships, trusts and awards listed in the Schedule to this Act in accordance with their terms.

(2) Where the Board cannot administer the scholarships, trusts and awards in accordance with all their terms, the Board shall administer them in accordance with those terms to the extent possible in order to attain their objects. 1998, c. 20, s. 7.

Power to transfer

8 (1) The Board may transfer a scholarship, trust or award listed in the Schedule to this Act, and its administration, to any educational institution for the benefit of the students enrolled in teacher education programs at that institution.

(2) Where the Board transfers a scholarship, trust or award to an education institution pursuant to subsection (1), the Minister of Finance and Treasury Board shall transfer the funds of that scholarship, trust or award to that institution. 1998, c. 20, s. 8.

Deposit of money received

9 All money received by the Foundation for the purpose of any scholarship, trust or award listed in the Schedule to this Act must be deposited with the Department of Finance and Treasury Board. 1998, c. 20, s. 9.

Fiscal year

10 The fiscal year of the Foundation is the period ending March 31st in each year. 1998, c. 20, s. 10.

Annual report

11 (1) The Foundation shall prepare and submit to the Minister an annual report in such form and containing such information as the Minister determines.

(2) The Minister shall table the annual report in the House of Assembly within 15 days of receiving it or, if the Assembly is not then sitting, within 15 days after the Assembly next sits. 1998, c. 20, s. 11.

Tax exemption

12 The Foundation and its property are exempt from taxation under or pursuant to any Act of the Legislature. 1998, c. 20, s. 12.

Regulations

13 The Governor in Council may make such regulations as the Governor in Council considers necessary or advisable for the more effective carrying out of the purposes of this Act. 1998, c. 20, s. 13.

SCHEDULE**Trust Funds**

1. Henry Button Scholarship
2. George T. Mitchell Award
3. Ileen Archibald Award
4. Dr J. P. MacCarthy Award
5. L. A. DeWolfe Scholarship
6. N.S.T.C. Educational Trust
7. Dr Hugh A. Noble Award
8. R. L. Danson Scholarship

1998, c. 20, Sch.

CHAPTER N-18

An Act Respecting the Regulation of Nursing

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Short title

- 1** This Act may be cited as the *Nursing Act*. 2019, c. 8, s. 1.

Interpretation

- 2** In this Act,
- “approved education program” means an education program approved by the Board that qualifies an applicant for registration;
- “Board” means the Board of the College;
- “bridging education” means a program approved by the Chief Executive Officer that addresses gaps in competencies identified through a competence assessment or through information otherwise provided to the College;
- “bylaw” means a bylaw of the College;
- “caution” means a determination by the Complaints Committee that a registrant may have breached the standards of professional ethics or practice but in circumstances that do not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity;
- “Chief Executive Officer” means the Chief Executive Officer and Registrar of the College appointed by the Board;

“client” means the individual, group, community or population who is the recipient or intended recipient of services from a registrant, and, where the context requires, includes a substitute decision-maker for the recipient or intended recipient of nursing services;

“College” means the Nova Scotia College of Nursing;

“committee” includes regulatory committees and committees appointed by the Board;

“competence” means the ability to integrate and apply competencies in a designated role and practice setting;

“competence assessment” means a process approved by the Chief Executive Officer for assessing competence;

“competencies” means the knowledge, skills and judgement required to practise safely and ethically;

“complaint” means a notice submitted to the College in the form approved by the Chief Executive Officer that advises of matters that may constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity of a registrant;

“Complaints Committee” means the Complaints Committee appointed under this Act;

“conditional licence” means a licence with conditions or restrictions issued under this Act;

“conduct unbecoming the profession” means conduct in a registrant’s personal or private capacity that tends to bring discredit upon registrants or the nursing profession;

“continuing-competence program” means a program approved by the Board that focuses on promoting and enhancing the competence of registrants throughout their careers;

“costs” includes

(a) expenses incurred by the College for investigating and deciding a matter;

(b) costs of competence assessments, other assessments, audits, examinations and practice reviews conducted by the College in the course of addressing a matter;

(c) the College’s solicitor and client costs, including disbursements and goods and services tax, including those of College counsel and counsel for a committee;

(d) fees for retaining a court reporter and preparing transcripts;

(e) travel costs and reasonable expenses of a witness, including an expert witness;

(f) honoraria for committee members and travel costs and reasonable expenses of committee members; and

(g) such other costs as may be prescribed by the regulations;

“currency of practice requirements” means those requirements set out in the bylaws that a registrant must meet to establish the registrant is current in practice;

“designation” means a title authorized by this Act or the regulations for use by a registrant;

“Education Program Approval Committee” means the Education Program Approval Committee appointed under this Act;

“electronic means” means the use of telephone, facsimile, television, video conferencing, cable, internet, intranet or other form of electronic or computerized communication;

“employer” includes the health authority, hospital, clinic, person or entity that hires a registrant to engage in practice, regardless of the employment status of the registrant;

“entry-level competencies” means the integrated knowledge, skills and judgement expected and required of students upon completion of an approved education program;

“expanded scope of practice” means those services not presently in the scope of practice of a particular designation, but within the scope of practice of the nursing profession, approved by the Board for practice by registrants who have completed education approved for that purpose by the Board;

“Fitness to Practise Committee” means the Fitness to Practise Committee appointed under this Act;

“fitness-to-practise process” means the fitness-to-practise process set out in this Act to address issues of incapacity;

“former Act” means Chapter 17 of the Acts of 2006, the *Licensed Practical Nurses Act* or Chapter 21 of the Acts of 2006, the *Registered Nurses Act*, as the context requires;

“hearing” means a process before a regulatory committee, other than the Complaints Committee, Registration and Licensing Committee or the Fitness to Practise Committee, in which the parties may lead evidence, but does not include the consideration by the Professional Conduct Committee of a settlement agreement or an application for consent revocation;

“incapacity” means the status whereby a registrant has or had a medical, physical, mental or emotional condition, disorder or addiction that renders or rendered the registrant unable to practise with competence or that endangers or may have endangered the health or safety of clients;

“incompetence”, in relation to a registrant, means a lack of competence demonstrated in the registrant’s care of a client or delivery of nursing services that, having regard to all the circumstances, rendered the respondent unsafe to practise at the time of such care of the client or delivery of nursing services or that renders the respondent unsafe to continue in practice without remedial assistance;

“individual scope of practice” means the services for which a registrant is educated, authorized and competent to perform;

“investigator” means a person designated by the Chief Executive Officer to conduct or supervise an investigation into a complaint or an application for reinstatement;

“judge” means a judge of the Supreme Court of Nova Scotia;

“legacy College” means the College of Licensed Practical Nurses of Nova Scotia or the College of Registered Nurses of Nova Scotia, as the context requires;

“legal proceeding” means a civil proceeding, a discovery, an inquiry or a proceeding before a tribunal, board or commission or arbitration, in which evidence may be given, and includes an action or proceeding for the imposition of punishment by fine, penalty or imprisonment for the violation of a Provincial enactment, but does not include a proceeding or hearing conducted under this Act or the regulations;

“licence” means a licence issued under this Act to a registrant authorizing the registrant to engage in practice in accordance with the terms of the licence, and includes a conditional licence and such other category of licence as may be set out in the regulations;

“licensing” means the process by which a person who has qualified for registration is assessed to determine whether the person meets the criteria for a licence under this Act and the regulations;

“licensed practical nurse” means a member of the nursing profession qualified to use the designation “licensed practical nurse”;

“licensing sanction” means

(a) the imposition of conditions or restrictions on a licence by the Complaints Committee or the Professional Conduct Committee or an equivalent body from another jurisdiction, but does not include conditions or restrictions imposed through the interim process set out in Section 80, or through an informal resolution process under this Act;

(b) a consent reprimand ordered by the Complaints Committee or an equivalent body from another jurisdiction;

(c) a reprimand issued by the Professional Conduct Committee or an equivalent body from another jurisdiction;

(d) a fine ordered by the Professional Conduct Committee;

(e) a suspension of a licence by the Professional Conduct Committee or an equivalent body from another jurisdiction; or

(f) a revocation of registration or licence by the Professional Conduct Committee or an equivalent body from another jurisdiction;

but does not include a caution;

“licensing year” means the 12-month period established by the Board for the term of a licence;

“Minister” means the Minister of Health and Wellness;

“nurse practitioner” means a member of the nursing profession qualified to use the designation “nurse practitioner”;

“nursing designation” means licensed practical nurse, nurse practitioner, registered nurse and any other designation authorized for use by a registrant in the nursing profession as may be approved by this Act or the regulations;

“nursing profession” means the profession that comprises registrants of all nursing designations regulated under this Act and the regulations;

“nursing services” means the application of specialized and evidence-based knowledge of nursing theory, health and biological, physical, behavioural, psychosocial or sociological sciences inclusive of principles of primary healthcare, in a variety of roles including clinical services to clients, research, education, consultation, management, administration, regulation, policy or system development relevant to such application, and such other services, roles, functions, competencies and activities for each nursing designation that are related to and consistent with the foregoing, including those

- (a) described in Section 173 or prescribed by the regulations;
- (b) taught in an approved education program;
- (c) authorized for practice under federal or Provincial legislation; and
- (d) generally accepted as constituting the practice of nursing;

“party” means the College or a respondent, as the context requires;

“physician” means a medical practitioner licensed by the College of Physicians and Surgeons of Nova Scotia under the *Medical Act*;

“practice” means the practice of nursing;

“practice of nursing” means the provision of nursing services;

“Practice Review Committee” mean the Practice Review Committee appointed under this Act;

“practising licence” means a licensed practical nurse practising licence, a nurse practitioner practising licence, a registered nurse practising licence or such other practising licence as may be established in the regulations, as the context requires;

“primary healthcare” means the first level of a client’s care in the health system requiring a strong foundation of community-based services that enables clients to maintain and strengthen their health based on a population health model, and includes health promotion and disease prevention, education, acute episodic care, advocacy, support and treatment for illness and injury, continuing care of chronic conditions, rehabilitation and palliation;

“profession” means the nursing profession;

“Professional Conduct Committee” means the Professional Conduct Committee appointed under this Act;

“professional-conduct process” means the professional-conduct processes set out in this Act, the regulations and the bylaws;

“professional misconduct” includes such conduct or acts relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional, including

- (a) failing to maintain the standards of practice;
- (b) failing to adhere to any codes of ethics adopted by the College;
- (c) abusing a person verbally, physically, emotionally or sexually;
- (d) misappropriating personal property, drugs or other property belonging to a client or an employer;
- (e) inappropriately influencing a client to make or change a legal document;
- (f) abandoning a client;
- (g) neglecting to provide care to a client;
- (h) failing to exercise appropriate discretion with respect to the disclosure of confidential information;
- (i) falsifying records;
- (j) inappropriately using licensing status for personal gain;
- (k) promoting for personal gain any drug, device, treatment, procedure, product or service that is unnecessary, ineffective or unsafe;
- (l) publishing, or causing to be published, any advertisement that is false, fraudulent, deceptive or misleading;
- (m) engaging or assisting in fraud, misrepresentation, deception or concealment of a material fact when applying for or securing registration or a licence to practise or taking any examination provided for in this Act, including using fraudulently procured credentials; and
- (n) taking or using a designation or a derivation or abbreviation thereof, or describing the person’s activities as “nursing” in any advertisement or publication, including business cards, websites or signage, unless the referenced activity falls within the practice of nursing;

“public representative” means a member of the Board or a committee who is not a registrant;

“register” means a register established under this Act;

“registered nurse” means a member of the nursing profession qualified to use the designation “registered nurse”;

“re-entry program” means a program approved by the Board that tests competencies and provides for a period of preceptored clinical practice;

“registrant” means a person whose name is entered in a register;

“registration” means the process by which a person who is not registered is initially assessed to determine whether the person meets the criteria for registration under this Act and the regulations;

“Registration and Licensing Committee” means the Registration and Licensing Committee appointed under this Act;

“Registration and Licensing Review Committee” means the Registration and Licensing Review Committee appointed under this Act;

“regulatory committee” means the Registration and Licensing Committee, the Registration and Licensing Review Committee, the Complaints Committee, the Professional Conduct Committee, the Fitness to Practise Committee, the Education Program Approval Committee, the Reinstatement Committee or the Practice Review Committee, as the context requires;

“regulatory processes” means those processes conducted under this Act, the regulations or bylaws by a regulatory committee;

“Reinstatement Committee” means the Reinstatement Committee appointed under this Act;

“respondent” means the person who is the subject of a complaint or other regulatory process under this Act or the regulations;

“scope of practice of the designation” means the services authorized for practice by a registrant holding a particular designation;

“scope of practice of the nursing profession” means the combined scopes of practice of the nursing designations;

“self-assessment tool” means a document or information prepared by a registrant containing a self-assessment of the registrant for the purpose of the continuing-competence program;

“settlement agreement” means an agreement that resolves a complaint after a matter has been referred for hearing by the Complaints Committee;

“standards of practice” means the minimal professional practice expectations for a registrant of a particular designation in a setting or role, approved by the Board;

“witness” includes every person who, in the course of a legal proceeding, is examined for discovery, is cross-examined upon an affidavit made by that person, answers any interrogatories, makes an affidavit as to documents or is called upon to answer any question or produce any document, whether under oath or not, and includes any representative of the College, including a member of the Board or a committee and an employee or agent of the College. 2019, c. 8, s. 2.

COLLEGE

Nova Scotia College of Nursing

3 (1) The Nova Scotia College of Nursing is established as a body corporate.

(2) The College has power to acquire, hold, lease, mortgage and otherwise dispose of real property.

(3) All assets, records, property and liabilities held by either of the legacy Colleges are vested in the College.

(4) The legacy Colleges are dissolved. 2019, c. 8, s. 3.

Objects

4

(1) The objects of the College are to

(a) serve and protect the public interest in the practice of the profession;

(b) subject to the public interest, preserve the integrity of the profession; and

(c) maintain public and registrants' confidence in the ability of the College to regulate the profession.

(2) In order to effectively carry out the objects of the College, the College shall

(a) regulate the provision of nursing services and govern its registrants through

(i) the registration, licensing, professional conduct, education approval and other processes set out in this Act and the regulations,

(ii) the approval and promotion of a code of ethics, and

(iii) the establishment and promotion of

(A) standards of practice for the provision of nursing services,

(B) entry-level and other competencies, and

(C) continuing-competence programs;

(b) advance and promote the provision of nursing services;

(c) be accountable to the Minister, the public and the registrants; and

(d) do all such other lawful acts and things as are incidental to the attainment of the objects of the College. 2019, c. 8, s. 4.

Board

5

(1) The College has a Board consisting of a minimum of 10 persons, at least one of whom must be a licensed practical nurse and one a registered nurse.

(2) The number of public representatives on the Board must be not less than 33% and not more than 50% of the Board.

(3) Public representatives on the Board are appointed by the Governor in Council.

(4) Members, other than public representatives of the Board, are elected or appointed as prescribed in the regulations and bylaws.

(5) The filling of vacancies on the Board is as set out in the bylaws.

(6) A Board member whose term of office expires remains a member of the Board until a new member is appointed or the member is reappointed.

(7) A majority of the Board members, including at least one public representative and such other members as may be set out in the regulations, constitute a quorum.

(8) No employee of the College may serve on the Board or any committee. 2019, c. 8, s. 5.

Powers and duties of Board

- 6 (1) The Board shall govern the College and in so doing shall
- (a) set fees payable by applicants and registrants;
 - (b) determine the remuneration and reimbursement for expenses payable to Board and committee members;
 - (c) approve the processes for setting, revising and monitoring the annual budget;
 - (d) submit an audited financial statement of the College's operations for the past year at the annual meeting of the College;
 - (e) appoint an auditor who shall audit the accounts of the College;
 - (f) set the form and amount of professional liability insurance or other form of malpractice coverage or liability protection a registrant must have;
 - (g) establish governance policies consistent with this Act and the regulations; and
 - (h) review the operation of this Act and the regulations and make recommendations thereon.

(2) The Board may, by resolution, take any action consistent with this Act and the regulations. 2019, c. 8, s. 7.

Chief Executive Officer and Registrar

7 (1) The Board shall appoint a Chief Executive Officer and Registrar of the College and determine the remuneration, conditions of appointment, term of office and duties of the Chief Executive Officer.

- (2) The Chief Executive Officer shall
- (a) manage the operations of the College; and

(b) establish procedures for implementing the regulatory processes authorized under this Act, the regulations and the bylaws.

(3) The Chief Executive Officer may delegate any functions assigned to the Chief Executive Officer by this Act, the regulations or the bylaws.
2019, c. 8, s. 8.

Bylaws

8 (1) Subject to this Act and the regulations, the Board shall govern, control and administer the affairs of the College and, without limiting the generality of the foregoing, may make bylaws

(a) respecting annual and special meetings of the College, including the notice for such meetings, the procedure to be followed, required content and quorum;

(b) setting the number of members and composition of the Board;

(c) setting out eligibility for Board membership, including the number of consecutive terms a Board member may serve and the waiting period before a Board member who has served the maximum number of consecutive terms becomes eligible to serve again;

(d) establishing the timing and manner of elections or appointments to the Board;

(e) respecting the manner in which vacancies on the Board may be filled and the procedure for removing Board members;

(f) determining the officers of the Board, their roles and terms of office, number of consecutive terms an officer may serve and the waiting period before an officer who has served the maximum number of consecutive terms becomes eligible to serve again;

(g) respecting the holding of Board meetings, including the number of required meetings, the notice for such meetings, the procedure to be followed and the manner of voting;

(h) respecting the procedure for calling and holding special Board meetings;

(i) respecting the publication of information about and from Board meetings;

(j) respecting all matters relating to registration and licensing examinations;

(k) respecting currency of practice requirements for each designation;

(l) respecting the continuing-competency program for each designation;

(m) determining content of the registers and records to be kept for each category of licence, in addition to that required by this Act;

- (n) respecting the content of information made available to the public regarding the licensing status of each registrant, in addition to that required by this Act;
- (o) determining the processes for verification of a registrant's compliance with the continuing-competence program;
- (p) requiring registrants to maintain records of their hours in practice and permitting the College to audit such records;
- (q) setting out the reporting requirements for a nurse practitioner regarding a change in the client population of the nurse practitioner's practice;
- (r) respecting the content and service of a notice of hearing for the professional-conduct process;
- (s) respecting witness fees for hearings;
- (t) respecting the recording of evidence during a regulatory process;
- (u) respecting the preservation of evidence gathered during a regulatory process;
- (v) establishing committees, in addition to those established under this Act, to carry out the business of the College, by determining
 - (i) the names, authority, powers, duties and quorums for the committees,
 - (ii) the composition of the committees, including the requirement for public representation,
 - (iii) the manner of appointment, terms of office and qualification of committee members, and
 - (iv) their functions, processes and procedures;
- (w) creating categories of affiliation with the College and prescribing rights of, qualifications for and obligations of persons in those categories;
- (x) subject to Section 45, respecting the process and criteria for an applicant, other than a registrant, to engage in the practice of nursing;
- (y) respecting the composition of regulatory committees, beyond the requirements of this Act, including requiring the inclusion of committee members from specified designations;
- (z) respecting the approval procedure for expanded scopes of practice and for educational prerequisites for expanded scopes of practice;
- (aa) respecting the seal of the College;
- (ab) establishing the location of the head office of the College;
- (ac) approving a code of ethics, standards of practice and competencies for registrants;

- (ad) respecting fines and penalties; and
- (ae) respecting all other things necessary for the administration of the affairs of the College.

(2) The Chief Executive Officer shall send a copy of a proposed bylaw, or an amendment to a bylaw, to each registrant in accordance with Section 161 and publish notice of a proposed bylaw or amendment to a bylaw on the College's website for a minimum of 30 days with a request for feedback.

(3) The Board shall consider any feedback received before making a bylaw.

(4) A bylaw comes into force on the day it is approved, unless otherwise provided in the resolution approving it.

(5) The Chief Executive Officer shall ensure that all bylaws are published and made available to the public and registrants in an accessible format, including by publication on the College's website.

(6) Notwithstanding subsections (2) to (4), the bylaws approved by the legacy Colleges as the first set of bylaws for the College are the bylaws of the College effective June 4, 2019. 2019, c. 8, s. 9.

Board regulations

9 (1) Subject to the approval of the Governor in Council, the Board may make regulations

- (a) respecting whether registrant members of the Board, other than the initial Board, are required to be elected or appointed, and by whom;
- (b) requiring public advertising of openings for public representatives on regulatory committees;
- (c) respecting the terms of office for members of the Board other than the initial Board and other than the term for serving as an officer;
- (d) establishing minimum educational requirements for entry into the profession for each designation;
- (e) prescribing further registration and licensing criteria;
- (f) establishing the authority of and processes to be used by the Reinstatement Committee when reviewing an application for reinstatement;
- (g) respecting the number, name and type of registers in addition to those set out in this Act;
- (h) respecting additional categories of licensing;
- (i) modifying the scope of practice for a particular designation;
- (j) creating additional nursing designations to be regulated under this Act and providing for their

- (i) scope of practice,
- (ii) use,
- (iii) rights, privileges and obligations,
- (iv) registration and licensing criteria, and
- (v) regulatory processes;
- (k) prescribing additional powers and authority for a regulatory committee;
- (l) establishing the procedure for processing and addressing settlement agreements;
- (m) providing for practice audits;
- (n) prescribing the requirements and process for the incorporation of registrants;
- (o) respecting the functions of the Practice Review Committee and the process for practice reviews;
- (p) further regulating the custodianship process;
- (q) authorizing an award of costs;
- (r) determining which committees may award costs;
- (s) prescribing legislation, a violation of which may require a registrant to attend a hearing;
- (t) prescribing additional exemptions to the prohibition on providing nursing services without holding a licence;
- (u) defining any word or expression used but not defined in this Act;
- (v) further defining any word or expression defined in this Act;
- (w) respecting any matter or thing the Board considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Board of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

(3) The Chief Executive Officer shall send a copy of a proposed regulation or amendment to a regulation to each registrant in accordance with Section 161 and publish notice of a proposed regulation or amendment to a regulation on the College's website for a minimum of 30 days with a request for feedback. 2019, c. 8, s. 10.

Ministerial regulations

10 (1) Subject to the approval of the Governor in Council, the Minister may make regulations respecting the authority to appoint and dismiss public representatives as members of regulatory committees.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2019, c. 8, s. 11.

Annual report and additional information

- 11 (1)** The Board shall provide to the Minister
- (a) a copy of the College's annual report; and
 - (b) such additional information as the Minister may require to ensure that the College is fulfilling its duties and responsibilities under this Act, the regulations and the bylaws.

(2) The Board shall make its annual report available in an accessible format to registrants and the public, including by publication on the College's website.

(3) The Board shall publish such records of its meetings as required by the bylaws. 2019, c. 8, s. 12.

Required publication

- 12** The Chief Executive Officer shall publish on the College's website
- (a) the name and registration number of all registrants;
 - (b) with respect to a particular registrant,
 - (i) the name of the register in which a registrant is registered,
 - (ii) the licence held,
 - (iii) any conditions or restrictions that are not covered by a publication ban, and
 - (iv) any licensing sanctions not covered by a publication ban;
 - (c) a record of all registrants authorized to engage in an expanded scope of practice, the nature of the expanded scope and any conditions or restrictions respecting that expanded scope; and
 - (d) such other information as may be set out in the bylaws. 2019, c. 8, s. 13.

REGISTRATION AND LICENSING**Registers**

- 13 (1)** The following are the registers to be kept by the Chief Executive Officer:
- (a) Licensed Practical Nurses Register;
 - (b) Nurse Practitioners Register;
 - (c) Registered Nurses Register;
 - (d) Licensed Practical Nurses Conditional Register;
 - (e) Nurse Practitioners Conditional Register;
 - (f) Registered Nurses Conditional Register; and
 - (g) such other registers as may be prescribed in the regulations.

- registrant:
- (2) A register must include the following information for each
 - (a) the name of the registrant;
 - (b) a unique registration number;
 - (c) the name and location of an education program attended;
 - (d) graduation date from an education program;
 - (e) the date of entry in the register; and
 - (f) such other information as may be set out in the bylaws.
 - (3) A conditional register must include
 - (a) the information required under subsection (2);
 - (b) the conditions or restrictions under which a registrant is registered; and
 - (c) such other information as may be set out in the bylaws.
 - (4) The Chief Executive Officer shall annotate a registrant's information in a register
 - (a) where the registration of the registrant is revoked;
 - (b) where the registrant resigns;
 - (c) where there is a change in the registrant's name;
 - (d) where there is an error on the register;
 - (e) where the Chief Executive Officer determines the registrant no longer meets the criteria for registration; and
 - (f) under such other circumstances where it is determined appropriate by the Chief Executive Officer. 2019, c. 8, s. 14.

Records

- 14** (1) The Chief Executive Officer shall keep separate records for the following categories of licence:
- (a) licensed practical nurse practising;
 - (b) licensed practical nurse conditional;
 - (c) nurse practitioner practising;
 - (d) nurse practitioner conditional;
 - (e) registered nurse practising;
 - (f) registered nurse conditional; and
 - (g) such other categories as may be set out in the regulations.
- (2) The records kept under subsection (1) must include
- (a) the name of the registrant who meets the criteria for the category of licence;

- (b) the register in which the registrant's name is entered;
- (c) the registrant's current contact information;
- (d) the issuance and expiry dates of the registrant's licence;
- (e) any conditions or restrictions on the licence;
- (f) any licensing sanctions imposed on the registrant; and
- (g) such other information as may be set out in the bylaws.

(3) The Chief Executive Officer shall annotate the record for a category of licence

- (a) where there is a licensing sanction;
- (b) where the registrant resigns;
- (c) where there is a change in the registrant's name;
- (d) where there are conditions or restrictions agreed upon or imposed under this Act or the regulations, that are not subject to a publication ban;
- (e) where the licence expires;
- (f) where the Chief Executive Officer determines the registrant no longer meets the criteria for the category of licence issued to the registrant;
- (g) where there is an error in the record; and
- (h) in such other circumstances as may be determined by the Chief Executive Officer. 2019, c. 8, s. 15.

Registration and Licensing Committee

15 (1) The Board shall appoint a Registration and Licensing Committee composed of at least one public representative and such other number of registrants and public representatives as the Board determines.

(2) The Board shall appoint the Chair of the Registration and Licensing Committee.

(3) The Registration and Licensing Committee shall perform registration and licensing functions under this Act, the regulations and the bylaws.

(4) Where a matter is referred to the Registration and Licensing Committee, the Chair of the Committee shall appoint a panel of at least three members of the Committee to act as the Registration and Licensing Committee, at least one of whom must be a public representative.

(5) The Chair of the Registration and Licensing Committee shall appoint a chair for the panel selected under subsection (4) from among the members of the Committee, including the Chair of the Committee.

(6) A quorum of the panel of the Registration and Licensing Committee consists of three members, at least one of whom must be a public repre-

sentative and the remainder of whom must hold such designations as are set out in the bylaws.

(7) When performing registration and licensing functions under this Act, the regulations and the bylaws, the Chief Executive Officer, the Registration and Licensing Committee and each member of the Committee have all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment. 2019, c. 8, s. 16.

Registration and Licensing Review Committee

16 (1) The Board shall appoint a Registration and Licensing Review Committee composed of at least one public representative and such other number of registrants and public representatives as the Board determines.

(2) The Board shall appoint the Chair of the Registration and Licensing Review Committee.

(3) The Registration and Licensing Review Committee shall perform registration and licensing reviews under this Act, the regulations and the bylaws.

(4) Where a matter is referred to the Registration and Licensing Review Committee, the Chair of the Committee shall appoint a panel of at least three members of the Committee to act as the Registration and Licensing Review Committee, at least one of whom must be a public representative.

(5) The Chair of the Registration and Licensing Review Committee shall appoint a chair for the panel selected under subsection (4) from among the members of the Committee, including the Chair of the Committee.

(6) A quorum of the panel of the Registration and Licensing Review Committee consists of three members, at least one of whom must be a public representative and the remainder of whom must hold such designations as set out in the bylaws.

(7) When performing registration and licensing review functions under this Act, the regulations and the bylaws, the Chief Executive Officer, the Registration and Licensing Review Committee and each member of the Committee have all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment. 2019, c. 8, s. 17.

Application and criteria for registration

17 (1) An applicant for registration on any register other than a conditional register shall submit a completed application in a form approved by the Chief Executive Officer together with

- (a) payment of the applicable fee, within the time determined by the Chief Executive Officer and in a method acceptable to the Chief Executive Officer;

(b) proof satisfactory to the Chief Executive Officer that the applicant is a graduate of

(i) an approved education program for the designation for which the applicant seeks to be registered,

(ii) an education program in another jurisdiction in or outside of Canada that rendered the applicant eligible for registration in that jurisdiction, in the same scope of practice for which registration is sought with the College, or

(iii) an education program in another jurisdiction in or outside of Canada that, together with the additional education and experience of the applicant, as determined by the Chief Executive Officer, provides the applicant with the competencies to practise in the same scope of practice for which registration is sought with the College;

(c) proof satisfactory to the Chief Executive Officer that the applicant

(i) has successfully completed such examinations as approved by the Board for the designation sought by the applicant,

(ii) has demonstrated proficiency in the English language, in the manner prescribed by the Chief Executive Officer,

(iii) has the capacity, competence, and character to safely and ethically engage in practice,

(iv) has no outstanding complaints, prohibitions, conditions, agreements or restrictions from any registration or licensing authority that would preclude registration on a register other than a conditional register,

(v) is the person named in the documentation submitted in support of the application,

(vi) is eligible for a practising licence under this Act, and

(vii) meets any additional criteria for registration set out in the regulations;

(d) any information the Chief Executive Officer requires to establish that subsection 44(2) does not apply to the applicant; and

(e) any additional information required by the regulations.

(2) In addition to the criteria in subsection (1), where an applicant seeks registration on the Nurse Practitioners' Register, the applicant must first be registered on the Registered Nurses' Register. 2019, c. 8, s. 18.

Where applicant does not meet criteria for registration

18 Where an applicant does not meet all of the criteria for registration under Section 17 but the Chief Executive Officer determines it is consistent with the

objects of the College to grant registration subject to conditions or restrictions, the Chief Executive Officer may

- (a) grant registration on a conditional register subject to such conditions or restrictions as are determined by the Chief Executive Officer; or
- (b) refer the matter to the Registration and Licensing Committee to determine whether to grant registration on a conditional register subject to such conditions or restrictions as are determined by the Committee. 2019, c. 8, s. 19.

Application and criteria for practising licence

19 (1) An applicant for a practising licence must submit a completed application in a form approved by the Chief Executive Officer together with

- (a) payment of the applicable fee, within the time determined by the Chief Executive Officer and in a method acceptable to the Chief Executive Officer; and

- (b) proof satisfactory to the Chief Executive Officer that the applicant

- (i) continues to meet the criteria in subclauses 17(1)(c)(i), (iii), (v) and (vii),

- (ii) has professional liability insurance or other form of malpractice coverage or liability protection in the form and amount set by the Board,

- (iii) meets the requirements of the continuing-competence program for the designation for which a licence is sought,

- (iv) meets the currency of practice requirements for the designation for which a licence is sought,

- (v) has no prohibitions, conditions, agreements or restrictions on the applicant's ability to practise from any registration or licensing authority,

- (vi) is registered on the register of the same designation for which the practising licence is sought, and

- (vii) meets such additional criteria as may be set out in the regulations.

(2) In addition to the criteria in subsection (1), where an applicant seeks a Nurse Practitioner's practising licence, the applicant must first hold a current Registered Nurse's practising licence.

(3) In assessing whether an applicant meets the criteria for a practising licence under subsection (1), the Chief Executive Officer may

- (a) require an applicant to satisfactorily complete such competence assessments and bridging education as are determined by the Chief Executive Officer; and

- (b) limit the duration of or impose conditions or restrictions on a licence for non-compliance with a continuing-competency program. 2019, c. 8, s. 20.

Registration and licensing decisions by Chief Executive Officer

20 (1) After receiving the information required from an applicant for registration or licensing or for renewal of the applicant's licence, the Chief Executive Officer shall

- (a) approve the application and issue the registration, licence or renewal of licence if the Chief Executive Officer determines that the criteria have been met;
- (b) deny the application if the Chief Executive Officer determines that the applicant does not meet the criteria;
- (c) impose conditions or restrictions on the registration, licence or renewal of licence if the Chief Executive Officer determines that the objects of the College require the imposition of such conditions or restrictions; or
- (d) refer the application to the Registration and Licensing Committee if the Chief Executive Officer determines that there is an issue regarding whether the applicant meets the criteria for registration, licensing or renewal of licence or whether conditions or restrictions should be imposed.

(2) When issuing a licence under this Section, the Chief Executive Officer shall decide the effective term of the licence.

(3) Where the Chief Executive Officer denies the application or imposes conditions or restrictions on the registration, licence or renewal of licence, the Chief Executive Officer shall notify the applicant by

- (a) providing the applicant with a written decision with reasons; and
- (b) informing the applicant of the applicant's right to have the decision reviewed by the Registration and Licensing Review Committee.

(4) Where the Chief Executive Officer issues the registration, licence or renewal of licence under clause (1)(a) or (c), the Chief Executive Officer shall record the name of the registrant in the relevant register and in the record for the category of licence. 2019, c. 8, s. 21.

Application to Registration and Licensing Committee

21 (1) Where an application is referred to the Registration and Licensing Committee either under clause 20(1)(d) or under the regulations or bylaws, the Registration and Licensing Committee shall review the application and such other information as the Chief Executive Officer provides.

(2) When considering an application for registration, licensing or the renewal of a licence, the Registration and Licensing Committee may

- (a) request that the Chief Executive Officer obtain additional information;
- (b) require an applicant to satisfactorily complete such competence assessments and bridging education as are determined by the Committee; and

(c) extend the term of an applicant's existing registration or licence until it has made a decision.

(3) Where the Registration and Licensing Committee determines that an applicant meets the criteria for registration, licensing or renewal of a licence, the Committee shall approve the application and direct the Chief Executive Officer to register the applicant or issue or renew the licence and to record the name of the applicant in the appropriate register and in the record for the category of licence. 2019, c. 8, s. 22.

Where applicant does not meet criteria for registration or licensing

22 Where the Registration and Licensing Committee determines that an applicant does not meet the criteria for registration or licensing or renewal of a licence and denies the application or imposes conditions or restrictions on the licence, the Committee shall notify the applicant by

- (a) providing the applicant with a written decision with reasons;
- and
- (b) informing the applicant of the applicant's right to have the decision reviewed by the Registration and Licensing Review Committee as set out in Section 34. 2019, c. 8, s. 23.

Practising licence — permitted activities

23 A registrant who holds a practising licence may

- (a) use the titles and abbreviations authorized by this Act, for the designation in which the registrant has been registered and licensed;
- (b) practise within the registrant's individual scope of practice;
- (c) practise within any expanded scope of practice that may be approved by the Chief Executive Officer for that registrant in accordance with the process set out in the bylaws;
- (d) serve as an appointed member on any committee of the College;
- (e) receive all official College publications;
- (f) attend, participate and vote at meetings of the College; and
- (g) enjoy such other privileges as set out in the bylaws. 2019, c. 8, s. 24.

Practising licence — term

24 (1) Except as provided in subsection (2), a practising licence remains in effect until the end of the licensing year in which it is issued or such earlier expiry date specified on the licence by the Chief Executive Officer or the committee approving the licence.

- (2) A practising licence ceases to be valid if
 - (a) it is suspended or revoked;
 - (b) the registrant's registration is revoked;

(c) there are conditions or restrictions placed on the registrant through agreement or as the result of a decision under a regulatory process under this Act; or

(d) the licence is surrendered in accordance with this Act. 2019, c. 8, s. 25.

Practising licence — renewal

25 In addition to paying the applicable fee and any penalties incurred for late application, a registrant applying to renew a practising licence shall submit a completed application in a form approved by the Chief Executive Officer together with

(a) proof satisfactory to the Chief Executive Officer that the registrant continues to meet the licensing criteria set out in Section 19; and

(b) where the registrant has practised outside the Province in the previous year, proof satisfactory to the Chief Executive Officer that the registrant has no outstanding complaints, prohibitions, conditions or restrictions that would preclude the issuing of a practising licence in the Province. 2019, c. 8, s. 26.

Conditional licence

26 The Chief Executive Officer shall issue a conditional licence and record the registrant's name as holding a conditional licence in a specified designation if

(a) the registrant meets the requirements of Section 19, except the requirements of subclause 19(1)(b)(v), and the Chief Executive Officer determines it is consistent with the objects of the College to issue a licence subject to conditions or restrictions; or

(b) the registrant does not meet the requirements of Section 19, but conditions or restrictions have been agreed upon or imposed by the Chief Executive Officer, the Registration and Licensing Committee or the Registration and Licensing Review Committee or as a result of a decision of a regulatory committee under this Act. 2019, c. 8, s. 27.

Conditional licence — permitted activities

27 A registrant who holds a conditional licence has all of the privileges set out in Section 23, except to the extent that the restrictions or conditions modify those privileges. 2019, c. 8, s. 28.

Conditional licence — term

28 (1) Except as provided in subsection (2), a conditional licence remains in effect until the end of the licensing year, or such earlier expiry date specified on the conditional licence by the Chief Executive Officer or the committee issuing the licence.

(2) A conditional licence ceases to be valid if

(a) the licence is suspended or revoked;

(b) the registrant's registration is revoked;

- (c) the registrant fails to comply with the conditions or restrictions on the registrant's licence;
 - (d) the licence is changed through the imposition of different conditions or restrictions; or
 - (e) the licence is surrendered in accordance with this Act.
- 2019, c. 8, s. 29.

Conditional licence — renewal

29 In addition to paying the applicable fee and any penalties incurred for late application, a registrant applying to renew a conditional licence shall submit a completed application on a form approved by the Chief Executive Officer together with

- (a) proof satisfactory to the Chief Executive Officer that the registrant continues to meet the licensing criteria set out in Section 26; and
 - (b) where the registrant practised outside the Province in the previous year, proof satisfactory to the Chief Executive Officer respecting any outstanding complaints, prohibitions, conditions or restrictions, to enable the Chief Executive Officer to determine the conditions or restrictions required.
- 2019, c. 8, s. 30.

No review or appeal of conditions or restrictions

30 Conditions or restrictions agreed upon or ordered by the Complaints Committee, the Professional Conduct Committee, the Fitness to Practise Committee or the Reinstatement Committee may not be reviewed or appealed when a registrant applies for the renewal of the registrant's conditional licence, and the relevant committee retains jurisdiction over any conditions or restrictions imposed by it. 2019, c. 8, s. 31.

Restrictions or conditions remain in effect

31 Restrictions or conditions imposed on a conditional licence that have not expired remain in effect on any new licence issued to the registrant. 2019, c. 8, s. 32.

Public record

32 Where the right of a registrant to practise has been limited by the imposition of conditions or restrictions under this Act or the regulations, particulars of all conditions or restrictions imposed on that person must be noted in the records of the College and may be disclosed to the public in accordance with this Act unless a publication ban has been imposed by the Chief Executive Officer or committee imposing the conditions or restrictions. 2019, c. 8, s. 33.

Approval to practise with different client population

33 (1) Where required by the bylaws, a nurse practitioner who is seeking to practise with a different client population shall report the proposed change to the Chief Executive Officer and seek approval under subsection (2) prior to commencing practice with the different client population.

(2) Where the Chief Executive Officer receives a report under subsection (1), the Chief Executive Officer shall refer the matter to the Registration

and Licensing Committee to determine whether the nurse practitioner is approved to practise with the different client population.

(3) The Registration and Licensing Committee may require a nurse practitioner to complete a competence assessment and bridging education before determining whether the nurse practitioner is approved to practise with a different client population. 2019, c. 8, s. 34.

Written reasons for decision and request for review

- 34 (1) Where an applicant or registrant
- (a) has been refused registration;
 - (b) has been refused a licence;
 - (c) has been refused the renewal of a licence; or
 - (d) has conditions or restrictions imposed on a registration or licence,

the applicant or registrant must be provided with written reasons for such decision by the decision-maker, and the applicant or registrant may, by written notice to the Chief Executive Officer sent within 30 days of receipt of the written reasons, seek a review of that decision by the Registration and Licensing Review Committee.

- (2) An applicant requesting a review shall
- (a) stipulate the grounds for review; and
 - (b) pay the applicable fee.

(3) The fee paid under clause (2)(b) must be refunded to the applicant if the review results in the granting of registration or the issuing of a licence. 2019, c. 8, s. 35.

Information to be provided for a review

35 As soon as practicable after receipt of a request for a review, the Chief Executive Officer shall provide the Registration and Licensing Review Committee and the applicant with

- (a) a copy of the written decision being reviewed;
- (b) a copy of all records related to the application in the possession of the College, subject to any lawful restrictions; and
- (c) any written information the Chief Executive Officer considers necessary. 2019, c. 8, s. 36.

Registration and Licensing Review Committee to determine procedure

36 (1) The Registration and Licensing Review Committee may determine its own procedure, which may include

- (a) ordering pre-review processes, including pre-review conferences that are held in private, and directing the times, dates and places for those processes;
- (b) ordering that a review, parts of such review or a pre-review process under clause (a) be conducted using a means of tele-

communication that permits the parties and the committee to communicate simultaneously;

- (c) administering oaths and affirmations;
- (d) receiving and accepting any evidence and information on oath, by affidavit or otherwise as the Registration and Licensing Review Committee considers fit, whether or not admissible in a court of law;
- (e) adjourning or postponing a proceeding;
- (f) amending or permitting the amendment of any document filed in connection with the proceeding;
- (g) requesting that the Chief Executive Officer obtain additional information;
- (h) extending the term of a registrant's existing registration or licence until it has made a decision; and
- (i) such other procedures the Registration and Licensing Review Committee considers consistent with the objects of the College.

(2) The Registration and Licensing Review Committee may determine whether a review is to be conducted through written submissions or whether the parties have a right of attendance before the Committee for the presentation of evidence or to make submissions. 2019, c. 8, s. 37.

Attendance at review

37 Where the Registration and Licensing Review Committee determines to grant a right of attendance, the Committee shall fix a reasonable time and place for the review and determine whether the right of attendance will be for submissions only or for the presentation of evidence. 2019, c. 8, s. 38.

Written notice of review

38 The Chief Executive Officer shall provide written notice of a review process that requires the applicant's attendance to the applicant at least 14 days before the date set for the review. 2019, c. 8, s. 39.

Conduct of review before Registration and Licensing Review Committee

- 39 (1) The parties to a review are the College and the applicant.
- (2) In proceedings before the Registration and Licensing Review Committee, the parties have the right to
- (a) representation by legal counsel at their own expense;
 - (b) where the Committee has determined to grant a right of attendance, the opportunity to present evidence and make submissions; and
 - (c) disclosure of all relevant information and documents.
- (3) The applicant is a compellable witness in a review.

(4) Where submissions or evidence is presented during a review, the proceedings must be electronically recorded.

(5) Where requested by a party, the Registration and Licensing Review Committee may impose a publication ban at any time during a review, or on some or all of its decision, subject to such terms and conditions as may be determined by the Committee. 2019, c. 8, s. 40.

Evidence at review

40 (1) Subject to subsection (2), evidence is not admissible at a review unless the opposing party has been given, at least 10 days before the date of the review,

(a) for written or documentary evidence, an opportunity to examine the evidence;

(b) for expert evidence, the expert's qualifications and a copy of the expert's written report or, where there is no written report, a written summary of the evidence; and

(c) the identity of any other witness and a summary of the witness's anticipated evidence.

(2) The Registration and Licensing Review Committee may allow the introduction of evidence that would be otherwise inadmissible and may make any directions it considers necessary to ensure that a party is not prejudiced by the admission of the evidence. 2019, c. 8, s. 41.

Failure to attend review

41 Where an applicant fails to attend a review, the Registration and Licensing Review Committee may proceed with the review in the applicant's absence and take any action authorized under this Act and the regulations. 2019, c. 8, s. 42.

Completion of review

42 (1) The Registration and Licensing Review Committee shall render its decision with reasons as soon as practicable after

(a) the completion of an oral review; or

(b) where no oral review is held, completion of its review of the written evidence and written submissions.

(2) The Registration and Licensing Review Committee may make any decision the Chief Executive Officer or the Registration and Licensing Committee could have made with respect to the application, and may

(a) order the imposition of conditions or restrictions on the registration or licence of the applicant; or

(b) assess costs to be paid by the applicant if the application for review is denied. 2019, c. 8, s. 43.

Waiver of criteria for registration or licensing

43 The Chief Executive Officer, the Registration and Licensing Committee and the Registration and Licensing Review Committee may waive any of the criteria for registration or licensing or renewal of a licence if

- (a) it is required bylaw; or
- (b) it is consistent with the objects of the College. 2019, c. 8, s. 44.

PRACTICE**Duties of registrant**

44 (1) A registrant shall

- (a) comply with this Act, the regulations, bylaws, code of ethics and standards of practice;
- (b) co-operate with the College, the Chief Executive Officer and any committees of the College with respect to any regulatory process or requirements under this Act, the regulations and the bylaws;
- (c) maintain current contact information with the College;
- (d) maintain a record of practice hours;
- (e) maintain such professional liability insurance or other form of malpractice coverage or liability protection as required by the Board when holding a practising licence;
- (f) practise only within
 - (i) the registrant's individual scope of practice and scope of practice of the designation held by that registrant,
 - (ii) any terms, conditions or restrictions of the registrant's licence, and
 - (iii) any expanded scope of practice authorized for that registrant in accordance with this Act and the bylaws;
- (g) report to the Chief Executive Officer if the registrant has reasonable grounds to believe that another registrant
 - (i) has engaged in professional misconduct, incompetence or conduct unbecoming the profession,
 - (ii) is incapacitated, or
 - (iii) is practising in a manner that otherwise constitutes a danger to the public;
- (h) report to the regulator of another health profession if the registrant has reasonable grounds to believe that a member of that health profession
 - (i) has engaged in professional misconduct, incompetence or conduct unbecoming the profession as those terms apply to that health profession,
 - (ii) is incapacitated, or

(iii) is practising in a manner that otherwise constitutes a danger to the public.

(2) Notwithstanding anything contained in this Act or the regulations, where a person

(a) has been charged with, pleaded guilty to, been convicted of any offence in or out of Canada that is inconsistent with the proper professional behaviour of a registrant, including a conviction under

(i) the *Criminal Code* (Canada),

(ii) the *Controlled Drugs and Substances Act* (Canada), or

(iii) such other legislation as may be prescribed in the regulations;

(b) has been found guilty of a disciplinary finding in another jurisdiction;

(c) has had a licensing sanction imposed by another jurisdiction; or

(d) is the subject of an investigation or disciplinary process in any jurisdiction,

and the person is a registrant or applies for registration or a licence or the renewal of a licence, the Chief Executive Officer may, by such notice as the Chief Executive Officer prescribes, require the person to attend a meeting before the Complaints Committee or, where the person is not a registrant, the Registration and Licensing Committee, to fully disclose the facts and circumstances of any of the matters referred in subsection (2).

(3) Clause (2)(a) does not apply to a person in respect of a matter for which a pardon has been issued or a record suspension has been ordered.

(4) After hearing from the person under subsection (2), the committee may take any of the actions authorized to be taken by the committee under this Act or the regulations.

(5) For the purpose of subsection (2), a certificate of conviction of a person is conclusive evidence that the person has committed the offence stated in the certificate, unless it is proved that the conviction has been quashed or set aside.

(6) Where any of the criteria set out in subsection (2) apply to a registrant or to a person seeking registration or a licence or the renewal of a licence, the registrant or person seeking registration or a licence shall report the matter to the Chief Executive Officer immediately.

(7) No action for damages or other relief lies against a registrant for any report made under clause (1)(g) or (h) if such report was made in good faith. 2019, c. 8, s. 45.

Application and criteria for non-registrant to practice nursing

45 (1) A person, other than a registrant, who is seeking to practise in the Province and

(a) intends to practise for a limited time and purpose in the Province; or

(b) is a student enrolled in a nursing program other than an approved education program,

shall apply to the Chief Executive Officer in such form as set out by the Chief Executive Officer and must

(c) meet the criteria approved by the Chief Executive Officer;

(d) agree to such terms, conditions or restrictions as may be imposed by the Chief Executive Officer; and

(e) receive approval from the Chief Executive Officer,

before engaging in the practice of nursing.

(2) The Chief Executive Officer may withdraw the approval granted under subsection (1) if the Chief Executive Officer believes it is in the public interest to do so.

(3) A person other than a registrant or person specified in subsection (1) may engage in the practice of nursing in the Province if

(a) the person is a student enrolled in an approved education program and is authorized by the administrators of that program to engage in practice as part of such program;

(b) the person is permitted to engage in practice as otherwise provided in this Act, the regulations or the bylaws; or

(c) the person is exempt from this Act as set out in Section 169. 2019, c. 8, s. 46.

Restriction respecting practice and designation — Licensed Practical Nurse

46 No person shall engage in the practice of a licensed practical nurse or shall take or use the designation “Licensed Practical Nurse”, “LPN”, “L.P.N.”, or any derivation or abbreviation thereof either alone or in combination with other words, letters or descriptions to imply that the person is registered or licensed under this Act unless the person

(a) is a registrant and holds a license as a licensed practical nurse; or

(b) is otherwise authorized to practise as a licensed practical nurse or to use the relevant designation, in accordance with this Act, the regulations or the bylaws. 2019, c. 8, s. 47.

Restriction respecting practice and designation — Nurse Practitioner

47 No person shall engage in the practice of a nurse practitioner or take or use the designation “Nurse Practitioner”, “NP”, “N.P.”, or any derivation or abbreviation thereof either alone or in combination with other words, letters or

descriptions to imply that the person is registered or licensed under this Act unless the person

- (a) is a registrant and holds a license as a nurse practitioner; or
- (b) is otherwise authorized to practise as a nurse practitioner or to use the relevant designation in accordance with this Act, the regulations or the bylaws. 2019, c. 8, s. 48.

Restriction respecting practice and designation — Registered Nurse

48 No person shall engage in the practice of a registered nurse or take or use the designation “Registered Nurse”, “RN”, “R.N.”, or any derivation or abbreviation thereof either alone or in combination with other words, letters or descriptions to imply that the person is registered or licensed under this Act unless the person

- (a) is a registrant and holds a license as a registered nurse; or
- (b) is otherwise authorized to practise as a registered nurse or to use the relevant designation in accordance with this Act, the regulations or the bylaws. 2019, c. 8, s. 49.

Restriction respecting use of description “nurse” or “nursing”

49 No person shall take or use the description “nurse” or any derivation or abbreviation thereof to imply that the person is entitled to engage in the practice of nursing or shall describe the person’s activities as “nursing” unless the person

- (a) is a registrant and holds a licence in one of the nursing designations;
- (b) is permitted to engage in the practice of nursing or to use the relevant description as otherwise provided in this Act, the regulations or the bylaws; or
- (c) as of June 4, 2019, is a person whose name appears on the Certified Graduate Nurses List, maintained by the former College of Registered Nurses of Nova Scotia, naming persons who graduated from a nursing education program but who did not meet the requirements to qualify as a registered nurse. 2019, c. 8, s. 50.

Restriction respecting advertisement or publication using designation

50 In any advertisement or publication, including business cards, websites and signage, no person shall take or use the designation “licensed practical nurse”, “nurse”, “nurse practitioner”, “registered nurse”, or any other designation approved by this Act or the regulations, or any derivation or abbreviation thereof to imply that the person is entitled to engage in the practice of nursing, or shall describe the person’s activities as “nursing” unless authorized to do so by this Act or the regulations and the referenced activity falls within the definition of the “practice of nursing”. 2019, c. 8, s. 51.

Practice inside and outside Province

- 51** For the purpose of this Act and the regulations,
- (a) a registrant in the Province who is engaged in practice by electronic means with clients outside of the Province is deemed to be practising in the Province;

(b) a person, other than a registrant, who resides outside of the Province and who engages in practice by electronic means with clients within the Province is deemed not to be practising in the Province; and

(c) nothing in this Act prohibits the practice of the profession in the Province or the recovery of fees or compensation for professional services rendered by a person registered in another country, state, territory or province and whose engagement requires that person to accompany and temporarily care for a client during the period of the engagement, if that person does not purport to be a person registered under this Act. 2019, c. 8, s. 52.

Prohibition respecting action

52 Subject to clause 51(c), no person shall bring an action in any court to collect fees, compensation or other remuneration for services performed in the Province, unless that person was the holder of a licence at the time the services were performed. 2019, c. 8, s. 53.

Notice of licensing sanctions, complaints or allegations

53 (1) A registrant who engages in practice outside the Province, who was subject to any licensing sanctions while outside the Province or who has outstanding complaints or allegations of incapacity from outside the Province, shall not engage in practice on the registrant's return to the Province before providing the Chief Executive Officer with notice of such licensing sanctions, complaints or allegations, and receiving notice from the Chief Executive Officer that the registrant is authorized to resume practice in the Province.

(2) Where the Chief Executive Officer receives notice under subsection (1), the Chief Executive Officer may

- (a) initiate a complaint;
- (b) with the consent of the registrant, refer the matter to the Fitness to Practise Committee;
- (c) reach agreement with the registrant on conditions or restrictions on the registrant's licence; or
- (d) impose conditions or restrictions on the registrant's licence, and notify the registrant of the registrant's right of review under Section 34. 2019, c. 8, s. 54.

PROFESSIONAL CONDUCT

Professional-conduct process

54 (1) In accordance with the objects of the College, the purpose of the professional-conduct process is to address professional misconduct, conduct unbecoming the profession, incompetence and, unless addressed through the fitness-to-practise process, incapacity.

(2) The College shall investigate, on its own initiative or on the complaint of a person, alleged instances of misconduct, conduct unbecoming the profession, incompetence or incapacity and, where appropriate, dispose of the matter in accordance with this Act, the regulations or the bylaws.

(3) Except where considered prejudicial to the attainment of the objects of the College, the professional-conduct process must take into account the potential for the rehabilitation of the respondent.

(4) The Chief Executive Officer, investigators, the Complaints Committee, the Professional Conduct Committee, the Reinstatement Committee and the chairs of such committees shall perform such functions and have such authority as is set out in this Act, the regulations or the bylaws. 2019, c. 8, s. 55.

Preservation of jurisdiction

55 Where a person ceases to be registered or licensed for any reason by the College, such person remains subject to the jurisdiction of the College for the purpose of the professional-conduct process if the subject-matter of the professional-conduct process arose out of the person's conduct while registered or licensed. 2019, c. 8, s. 56.

Complaints Committee

56 The Board shall appoint a Complaints Committee composed of at least one public representative and such other number of registrants and public representatives as the Board determines. 2019, c. 8, s. 57.

Chair and Vice-chair

57 (1) The Board shall appoint a Chair and a Vice-chair of the Complaints Committee.

(2) The Vice-chair shall act as chair in the absence of the Chair.

(3) Where neither the Chair nor the Vice-chair is available for the purpose of subsection 58(1) or (3), the Chair may appoint another member of the Complaints Committee to chair the Committee. 2019, c. 8, s. 58.

Panel

58 (1) Upon receipt of a referral or a request for a review of a complaint, the Chair of the Complaints Committee shall appoint a panel of at least three members of the Committee to act as the Complaints Committee, at least one of whom must be a public representative.

(2) The Chair of the Complaints Committee may sit on the panel and shall act as the chair of the panel in this case.

(3) Where the Chair of the Complaints Committee is not appointed to the panel, the Chair of the Complaints Committee shall appoint a chair for the panel. 2019, c. 8, s. 59.

Notice of meeting, quorum, voting and membership

59 (1) Failure of one or more Complaints Committee members to receive notice of a meeting does not invalidate the proceedings at the meeting, and nothing precludes the members from waiving notice of a meeting.

(2) A quorum of the Complaints Committee consists of any two members of the panel appointed under subsection 58(1), at least one of whom must

be a public representative and the remainder of whom must hold such designations as set out in the bylaws.

(3) A Complaints Committee decision requires the vote of a majority of the panel of the Committee appointed under subsection 58(1).

(4) Where a proceeding is commenced before the Complaints Committee and the term of office of a member sitting on the Committee expires, that member may remain part of the Committee until the proceeding is concluded. 2019, c. 8, s. 60.

Rights, powers and privileges

60 When performing their functions as set out in this Act, the regulations or the bylaws, the Chief Executive Officer, an investigator and the members of the Complaints Committee have all the rights, powers and privileges of a commissioner appointed under the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment. 2019, c. 8, s. 61.

Initiation of complaint

- 61 (1) A complaint may be initiated by
- (a) the Chief Executive Officer;
 - (b) a committee of the College; or
 - (c) any other person.

(2) Where the Chief Executive Officer and the complainant agree, a complaint may be withdrawn. 2019, c. 8, s. 62.

Powers and duties of Chief Executive Officer upon receiving complaint

62 (1) On receiving a complaint, and prior to investigating, the Chief Executive Officer shall

- (a) dismiss the complaint and notify the complainant and the respondent of this disposition if the Chief Executive Officer decides that
 - (i) the complaint is not within the jurisdiction of the College,
 - (ii) the complaint cannot be substantiated,
 - (iii) the complaint is frivolous or vexatious,
 - (iv) the complaint constitutes an abuse of process,
 - (v) the facts alleged, even if proven, do not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, or would not merit a caution, or
 - (vi) the processing of the complaint would not advance the objects of the College;

(b) informally resolve the complaint if the Chief Executive Officer considers that it may be satisfactorily resolved consistent with the objects of the College;

(c) authorize the resignation of the respondent;

(d) where the respondent and the Chief Executive Officer agree, refer the matter to the fitness-to-practise process; or

(e) begin an investigation and send a copy of the complaint to the respondent.

(2) Where the Chief Executive Officer dismisses the complaint, the Chief Executive Officer may provide written advice relevant to the complaint to

(a) the respondent;

(b) the complainant; and

(c) a person or organization affected by the complaint.

(3) The Chief Executive Officer shall provide a copy of any written advice provided under clause (2)(b) or (c) to the respondent. 2019, c. 8, s. 63.

Investigation of complaint

63 (1) The Chief Executive Officer may appoint an investigator to conduct an investigation.

(2) When investigating a complaint, the Chief Executive Officer or the investigator may

(a) require the respondent to provide a written or oral response to the matters under investigation within such time as directed;

(b) request documents and written or oral explanations from the complainant, the respondent or third parties;

(c) request an interview with the complainant, the respondent or third parties; and

(d) with the respondent's consent,

(i) where the Chief Executive Officer has reasonable or probable grounds to believe that the respondent has an issue of incapacity, require the respondent to submit to physical or mental examinations by a qualified person or persons designated by the Chief Executive Officer, and authorize the reports from the examinations to be given to the Chief Executive Officer,

(ii) order a review or audit of the respondent's practice by a qualified person or persons designated by the Chief Executive Officer, and authorize a copy of the review or audit to be given to the Chief Executive Officer, and

(iii) complete a competence assessment to determine whether the respondent is competent to practise, and

authorize the assessment report to be given to the Chief Executive Officer.

(3) An investigator, the Chief Executive Officer or the Complaints Committee may investigate any matter relating to the respondent that arises in the course of the investigation, in addition to the complaint, that may constitute

- (a) professional misconduct;
- (b) conduct unbecoming the profession;
- (c) incompetence; or
- (d) incapacity.

(4) A respondent may submit medical and any other information relevant to the complaint to the Chief Executive Officer, an investigator or the Complaints Committee. 2019, c. 8, s. 64.

Powers and duties of Chief Executive Officer following investigation

64 (1) At the conclusion of an investigation, the Chief Executive Officer shall take into account the results of the investigation and

- (a) dismiss the complaint and notify the complainant and the respondent if the Chief Executive Officer decides that any of the criteria in clause 62(1)(a) apply;
- (b) informally resolve the complaint if the Chief Executive Officer considers that would be consistent with the objects of the College;
- (c) authorize the resignation of the respondent;
- (d) where the matter may involve incapacity and the respondent agrees, refer the matter to the fitness-to-practise process; or
- (e) refer the matter under investigation to the Complaints Committee.

(2) The Chief Executive Officer may provide written advice relevant to the complaint to

- (a) the respondent;
- (b) the complainant; and
- (c) a person or organization affected by the complaint.

(3) The Chief Executive Officer shall provide a copy of any written advice provided under clause (2)(b) or (c) to the respondent. 2019, c. 8, s. 65.

Fine for practising without valid licence

65 (1) Where the Chief Executive Officer is satisfied that a registrant has engaged in practice without a valid licence, the Chief Executive Officer may fine the registrant an amount as set out in the bylaws.

(2) A fine imposed on a registrant under subsection (1) is not a licensing sanction against the registrant and may not be reported on a certificate of standing sent to other regulatory bodies.

(3) Where a registrant fails to pay a fine imposed under subsection (1), the Chief Executive Officer shall refer the matter to the Complaints Committee. 2019, c. 8, s. 66.

Suspension of licence or ability to obtain licence

66 (1) On receipt of a referral under subsection 65(3), the Complaints Committee may direct the Chief Executive Officer to suspend the registrant's licence or suspend the ability of the registrant to obtain a licence until the fine is paid, together with any reinstatement fee ordered by the Complaints Committee.

(2) The Chief Executive Officer shall suspend the registrant's licence or ability to obtain a licence in accordance with the direction of the Complaints Committee under subsection (1). 2019, c. 8, s. 67.

Publication of suspension

67 The Chief Executive Officer may take such steps, at the expense of a registrant who has been suspended for non-payment of a fine under Section 65, to bring the suspension to the attention of the public and other affected individuals as the Chief Executive Officer considers necessary. 2019, c. 8, s. 68.

Written request for review of complaint dismissal

68 (1) No later than 30 days after a complainant is notified of a dismissal by the Chief Executive Officer under clause 62(1)(a) or clause 64(1)(a), the complainant may submit a written request for review of the dismissal to the Chief Executive Officer.

(2) Upon receipt of a request under subsection (1), the Chief Executive Officer shall send the request to

- (a) the respondent; and
- (b) the Chair of the Complaints Committee.

(3) On receipt of a request for review of a complaint dismissal under subsection (2), the Chair of the Complaints Committee shall appoint a panel of the Complaints Committee to review the dismissal. 2019, c. 8, s. 69.

Decision of Complaints Committee

69 (1) After reviewing the complaint referred under subsection 68(1), any other material considered by the Chief Executive Officer when making the decision to dismiss and the Chief Executive Officer's decision, the Complaints Committee may

- (a) confirm the dismissal of some or all of the complaint;
 - or
 - (b) overturn the dismissal of some or all of the complaint
- and

(i) order an investigation of any aspects of the complaint that have not been dismissed, and

(ii) refer the matter to be considered by a differently constituted Complaints Committee panel under subsection 58(1).

(2) The Complaints Committee shall render its decision on a review under subsection (1), in writing and with reasons, and provide a copy of the decision as soon as practicable to

- (a) the Chief Executive Officer;
- (b) the complainant; and
- (c) the respondent. 2019, c. 8, s. 70.

Decision of Complaints Committee final

70 A decision of the Complaints Committee under Section 69 is final. 2019, c. 8, s. 71.

Referral of complaint to Complaints Committee

71 The Chief Executive Officer may refer a complaint to the Complaints Committee at any time during an investigation for the Complaints Committee to

- (a) provide direction with regard to the investigation; or
- (b) exercise any of the powers conferred upon it under this Act and the regulations. 2019, c. 8, s. 72.

Procedure and jurisdiction of Complaints Committee

72 (1) The Complaints Committee may set its own procedure for investigations and the review of complaints.

(2) Once a matter is referred to the Complaints Committee, the Committee retains jurisdiction over it until such time as

- (a) a hearing commences before the Professional Conduct Committee;
- (b) the Complaints Committee recommends a settlement agreement to the Professional Conduct Committee; or
- (c) where the matter may involve incapacity and the respondent and the Chief Executive Officer agree, the Complaints Committee refers the matter to the fitness-to-practise process. 2019, c. 8, s. 73.

Powers of Complaints Committee

73 (1) At any time prior to the disposition of a complaint, the Complaints Committee may

- (a) direct any investigation the Committee considers necessary;
- (b) receive information in addition to the information from an investigator if the information is relevant to the matters before it;

(c) require the respondent to provide a written response to the matters under investigation within such time as directed by the Committee;

(d) where the matter may involve incapacity and the respondent and the Chief Executive Officer agree, refer the matter to the fitness-to-practise process;

(e) interview such persons as the Committee, in its discretion, considers relevant, including the respondent; and

(f) impose a publication ban on information that may be subject to confidentiality under this Act.

(2) Where the Committee receives additional information under clause (1)(b) the respondent must be given an opportunity to respond to the information prior to the Committee's final disposition of the matter. 2019, c. 8, s. 74.

Rights of respondent to complaint

74 A respondent to a complaint has the right to

(a) be represented by legal counsel, a union representative or another representative at the respondent's own cost;

(b) notice of any matters under investigation;

(c) a reasonable opportunity to present a response and make submissions in such form as is determined by the Committee;

(d) such other information as natural justice requires; and

(e) such other information as may be determined by the Chief Executive Officer. 2019, c. 8, s. 75.

Disposition of complaint

75 (1) Where a matter is referred to the Complaints Committee, it may

(a) dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent or any other person associated with the complaint, if the Committee determines that

(i) the complaint is outside the jurisdiction of the College,

(ii) the complaint cannot be substantiated,

(iii) the complaint is frivolous or vexatious,

(iv) the complaint constitutes an abuse of process,

(v) the facts alleged, even if proven, would not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, or would not merit a caution, or

(vi) the processing of the complaint would not advance the objects of the College;

- (b) require the respondent to
 - (i) submit to physical or mental examinations by a qualified person or persons designated by the Committee, and authorize the reports from the examinations to be given to the Committee,
 - (ii) submit to a review or audit of the respondent's practice by a qualified person or persons designated by the Committee, and authorize a copy of the review or audit to be given to the Committee,
 - (iii) complete a competence assessment as directed by the Committee to determine whether the respondent is competent to practise, and authorize the assessment report to be given to the Committee, or
 - (iv) produce any records or documents kept about the respondent's practice that the Committee considers relevant;
- (c) informally resolve the complaint, including authorizing the respondent's resignation from the register and any relevant category of licensing;
- (d) caution the respondent;
- (e) with the respondent's consent, order that the respondent receive a reprimand and that the reprimand be communicated to the respondent, the complainant and any other person the Committee considers appropriate;
- (f) with the respondent's consent, impose conditions or restrictions, or both, on the respondent's registration or licence;
- (g) where the matter may involve incapacity, and the respondent and the Chief Executive Officer agree, refer the matter to the fitness-to-practise process; and
- (h) where a determination is made that the matter warrants a hearing, refer the matter to the Professional Conduct Committee.

(2) Unless it dismisses a complaint under clause (1)(a), the Complaints Committee shall give the respondent a reasonable opportunity to appear before the Committee, and may request other persons to appear before it before it disposes of a complaint.

(3) An informal resolution under clause (1)(c) may include costs if the parties agree.

(4) A disposition issued under clause (1)(e) or (f) may include costs. 2019, c. 8, s. 76.

Suspension or restriction of respondent's licence

76 Where a respondent fails to comply with requirements under clause 75(1)(b) or otherwise fails to comply with any direction from the Complaints Committee or the Professional Conduct Committee, the Complaints Committee may suspend or restrict the respondent's licence until the suspension or restriction is

lifted, superseded or annulled by the Complaints Committee or the Professional Conduct Committee. 2019, c. 8, s. 77.

Expenses incurred by respondent

77 Expenses incurred by a respondent to comply with a requirement under clause 75(1)(b) must be paid by the College but may be awarded as costs against the respondent under Section 163. 2019, c. 8, s. 78.

Proposed settlement agreement

78 (1) Where a matter has been referred to the Professional Conduct Committee under clause 75(1)(h), the College or the respondent may submit a proposed settlement agreement to the other party for consideration as a means of resolving the matter.

(2) A proposed settlement agreement must include

(a) sufficient facts to provide context for the admissions of the respondent;

(b) an admission by the respondent to one or more of the matters referred to the Professional Conduct Committee;

(c) the respondent's consent to a specified disposition, conditional upon the acceptance of the settlement agreement by the Professional Conduct Committee assigned to review the proposed settlement agreement; and

(d) an agreement on the amount of costs to be paid, and the timing for such payment.

(3) Where the respondent and the Chief Executive Officer agree to the proposed terms of a settlement agreement, the proposed agreement must be processed in accordance with the procedure set out in the regulations.

(4) The Complaints Committee and the Professional Conduct Committee have the authority to address a proposed settlement agreement as set out in the regulations. 2019, c. 8, s. 79.

Decision of Complaints Committee

79 (1) Once the Complaints Committee has completed its investigation, it shall issue a written decision, with reasons, and direct the Chief Executive Officer, subject to any publication bans ordered by the Committee, to send

(a) a copy of the written decision to the respondent;

(b) a copy of the written decision or a summary of the decision to the complainant; and

(c) some or all of the written decision, or a summary of the decision, to such other persons as the Complaints Committee determines.

(2) Where the decision of the Complaints Committee involves a licensing sanction, the Committee shall forward the decision to the Chief Executive Officer for publication in accordance with Section 106. 2019, c. 8, s. 80.

Powers pending or following investigation

80 (1) Notwithstanding any other provision of this Act, where the Complaints Committee finds there are reasonable and probable grounds to believe that

- (a) a respondent is exposing or likely to expose the public, clients, the profession or the registrant to harm or injury; and
- (b) intervention is required prior to the disposition of the matter by the Complaints Committee or the Professional Conduct Committee,

the Complaints Committee may, at its discretion, pending or following the completion of an investigation, direct the Chief Executive Officer to

- (c) suspend the respondent's licence;
- (d) impose restrictions or conditions on the respondent's licence; or
- (e) where a respondent does not hold a current licence, suspend the ability of the respondent to obtain a licence,

until the suspension, restrictions or conditions are lifted, superseded or annulled by the Complaints Committee or the Professional Conduct Committee, as the case may be.

(2) The respondent must receive, forthwith, notice in writing, with reasons of a decision made under subsection (1).

(3) Within 30 days of receiving written notice under subsection (2), a respondent may request, in writing, an opportunity to meet with the Complaints Committee.

(4) Where a request is received under subsection (3), the Complaints Committee shall

- (a) provide an opportunity for the respondent to meet with the Committee within 10 days of receiving the written request; and
- (b) after meeting with the respondent, confirm, vary or terminate the suspension, restrictions or conditions imposed under subsection (1).

(5) Where a meeting is held under subsection (4), the respondent has the right to

- (a) be represented by legal counsel, a union representative or another representative at the respondent's own cost;
- (b) disclosure of the complaint, any written report of an investigator provided to the Complaints Committee and any other document produced or received by the Committee; and
- (c) a reasonable opportunity to present a response and make submissions.

(6) Where the Complaints Committee makes a decision under subsection (1), it shall provide a copy of the decision to the respondent and shall

determine whether any aspects of its decision should be provided to other affected individuals, other regulatory bodies in other jurisdictions, any past, present or intended employer of the respondent and the public.

(7) The Complaints Committee may set its own procedures for matters involving the exercise of its authority under this Section. 2019, c. 8, s. 81.

Professional Conduct Committee

81 The Board shall appoint a Professional Conduct Committee composed of at least one public representative and such other number of registrants and public representatives as the Board determines. 2019, c. 8, s. 82.

Chair and Vice-chair

82 (1) The Board shall appoint a Chair and a Vice-chair of the Professional Conduct Committee.

(2) The Vice-chair shall act as chair in the absence of the Chair.

(3) Where neither the Chair nor the Vice-chair is available for the purpose of subsection 83(1) or (3), the Chair may, for such purpose, appoint a member of the Professional Conduct Committee as chair of the Committee. 2019, c. 8, s. 83.

Panel

83 (1) Where the Complaints Committee refers a matter to the Professional Conduct Committee, the Chair of the Professional Conduct Committee shall appoint a panel to act as the Professional Conduct Committee, consisting of at least three persons from the Professional Conduct Committee, one of whom must be a public representative.

(2) The Chair of the Professional Conduct Committee may sit on the panel and shall act as the chair of the panel in this event.

(3) Where the Chair of the Professional Conduct Committee is not appointed to the panel, the Chair shall appoint a chair for such panel. 2019, c. 8, s. 84.

Notice of meeting, quorum, voting and membership

84 (1) Failure of one or more Professional Conduct Committee members to receive notice of a meeting does not invalidate the proceedings at the meeting, and nothing precludes Committee members from waiving notice of a meeting.

(2) A quorum of the Professional Conduct Committee consists of any three members of the panel appointed under subsection 83(1), at least one of whom must be a public representative and the remainder of whom must hold such designations as set out in the bylaws.

(3) A decision of the Professional Conduct Committee requires the vote of a majority of the panel of the Committee appointed under subsection 83(1).

(4) Where a proceeding is commenced before the Professional Conduct Committee and the term of office of a person sitting on the Committee expires, that person may remain part of the Professional Conduct Committee until the proceeding is concluded. 2019, c. 8, s. 85.

Rights, powers and privileges

85 When performing their functions as set out in this Act, the regulations and the bylaws, the members of the Professional Conduct Committee have all the rights, powers and privileges of a commissioner appointed under the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment. 2019, c. 8, s. 86.

Hearing before Professional Conduct Committee

86 (1) Where the Complaints Committee refers a matter to the Professional Conduct Committee, the Chief Executive Officer shall fix a date, time and place for a hearing, which must commence on such date as the respondent and the Chief Executive Officer may agree.

(2) Where the respondent and Chief Executive Officer cannot agree on a date under subsection (1), the Professional Conduct Committee may set the date following an opportunity for submissions on the matter from both parties.

(3) A notice of hearing, containing such information as required by the bylaws, must be forwarded by the Chief Executive Officer to the respondent and the complainant at least 30 days prior to the hearing, or such other date as the respondent and the Chief Executive Officer may agree or the Professional Conduct Committee may order, following an opportunity for submissions from both parties as to such date. 2019, c. 8, s. 87.

Amendment to notice of hearing

87 (1) At any time before or during a hearing, the Professional Conduct Committee may, on its own motion or on the motion of a party to the hearing, amend the notice of hearing to

- (a) correct a defect in substance or form; or
- (b) make the notice conform to the evidence, if there appears to be a difference between the evidence and the notice or if the evidence discloses that any of the following may be established during the hearing that is not stated in the notice:
 - (i) professional misconduct,
 - (ii) conduct unbecoming the profession,
 - (iii) incapacity, or
 - (iv) incompetence.

(2) A respondent must be given an opportunity to respond to an amendment to a notice of hearing made under subsection (1).

(3) After receiving the respondent's response under subsection (2), the Professional Conduct Committee may

- (a) approve the amendment, subject to such terms and conditions that the Committee considers appropriate; or
- (b) decide that an amendment or alteration to the notice of hearing should not be made and may refer any new allegations to the Chief Executive Officer for processing as a new complaint under this Act and the regulations. 2019, c. 8, s. 88.

Failure to attend hearing

88 (1) A document required to be served or provided to a respondent or other person is deemed to be served or provided if the process set out in the bylaws is followed.

(2) After receiving proof of service of the notice of hearing in accordance with the bylaws, the Professional Conduct Committee may proceed with the hearing in the respondent's absence and take any action authorized under this Act and these regulations without further notice to the respondent. 2019, c. 8, s. 89.

Public notice of hearing

89 The Chief Executive Officer shall give public notice of a scheduled hearing through its website or any alternative means the Chief Executive Officer considers appropriate, including notice of

- (a) the date, time and location of the hearing;
- (b) an application for an order to exclude the public under Section 90; and
- (c) such other information as may be set out in the bylaws. 2019, c. 8, s. 90.

Attendance at hearing

90 (1) Except as provided in this Section, a hearing is open to the public.

(2) At the request of a party, the Professional Conduct Committee may order that the public, in whole or in part, be excluded from a hearing or any part of it if the Professional Conduct Committee is satisfied that

- (a) personal, medical, financial or other matters that may be disclosed at the hearing are of such a nature that avoiding public disclosure of those matters in the interest of the public or any person affected outweighs adhering to the principle that hearings should be open to the public;
- (b) the safety of any person may be jeopardized by permitting public attendance; or
- (c) the integrity of the hearing process may be compromised.

(3) The Professional Conduct Committee may order that the public be excluded from a part of a hearing that deals with a request for an order to exclude the public under subsection (2).

(4) The Professional Conduct Committee may make any order that it considers necessary, including an order prohibiting publication or broadcasting, to prevent the public disclosure of matters disclosed in the professional-conduct process or in a part of a hearing dealing with an order under subsection (2) or (3). 2019, c. 8, s. 91.

Parties to a hearing

- 91 (1) The parties to a hearing are the College and the respondent.
- (2) The complainant is not a party to a hearing. 2019, c. 8, s. 92.

Referral of matter to Fitness to Practice Committee

92 Where a complaint may involve incapacity, and the respondent and the Chief Executive Officer agree, the Professional Conduct Committee may refer the matter to the Fitness to Practise Committee. 2019, c. 8, s. 93.

Professional Conduct Committee processes

93 The Professional Conduct Committee may determine its own processes provided they are consistent with this Act, the regulations and the bylaws, and it is not bound by the rules of evidence. 2019, c. 8, s. 94.

Oath or affirmation

- 94 (1) Witnesses at a hearing must testify under oath or affirmation.
- (2) An oath or affirmation may be administered by any member of the Professional Conduct Committee or other person in attendance authorized bylaw to administer oaths or affirmations. 2019, c. 8, s. 95.

Rights of parties before Professional Conduct Committee

- 95 In a proceeding before the Professional Conduct Committee, the parties have the right to
- (a) natural justice;
 - (b) be represented by legal counsel, a union representative or another representative at the party's own expense;
 - (c) the opportunity to present evidence, make submissions and cross-examine witnesses;
 - (d) know all the evidence considered by the Committee; and
 - (e) receive written reasons for a decision within 30 days. 2019, c. 8, s. 96.

Evidence

- 96 (1) Subject to subsections (2) and (3), evidence is not admissible before the Professional Conduct Committee unless the opposing party has been given, at least 10 days before a hearing,
- (a) for written or documentary evidence, an opportunity to examine the evidence;

(b) for expert evidence, the expert's qualifications and a copy of the expert's written report or, where there is no written report, a written summary of the evidence; and

(c) the identity of any other witness and a summary of the witness's anticipated evidence.

(2) The Professional Conduct Committee may extend beyond 10 days the time required for an opposing party to be provided with evidence under clause (1)(b).

(3) The Professional Conduct Committee may, in its discretion, allow the introduction of evidence that is otherwise inadmissible under subsection (1) and may make directions it considers necessary to ensure that a party is not prejudiced. 2019, c. 8, s. 97.

Powers of Professional Conduct Committee during hearing

97 (1) During a hearing, the Professional Conduct Committee may order the respondent to

(a) submit to physical or mental examinations by a qualified person or persons designated by the Committee, and authorize the reports from the examinations to be given to the Committee;

(b) submit to a review or audit of the respondent's practice by a qualified person or persons designated by the Committee, and authorize a copy of the review or audit to be given to the Committee;

(c) complete a competence assessment as directed by the Committee to determine whether the respondent is competent to practise, and authorize the assessment report to be given to the Committee; and

(d) produce records or documents kept about the respondent's practice that the Committee considers relevant.

(2) Where a respondent fails to comply with a requirement under subsection (1), the Professional Conduct Committee may suspend the respondent's licence or ability to apply for a licence until the respondent complies. 2019, c. 8, s. 98.

Expenses incurred by respondent

98 Expenses incurred by a respondent to comply with a requirement under subsection 97(1) must be paid by the College, but may be awarded as costs against the respondent under Section 163. 2019, c. 8, s. 99.

Decision of Professional Conduct Committee

99 (1) The Professional Conduct Committee shall render a written decision at the conclusion of a hearing, with reasons, that addresses whether

(a) the allegations in the notice of hearing have been proven; and

(b) the proven allegations amount to professional misconduct, conduct unbecoming the profession, incompetence or incapacity.

(2) Subject to any publication bans ordered by the Professional Conduct Committee where a decision under subsection (1) involves a finding of professional misconduct, conduct unbecoming the profession, incompetence or incapacity, the Committee may direct the Chief Executive Officer to

- (a) send a copy of the written decision to the respondent;
- (b) send a copy of the decision or a summary of the decision to the complainant and such other persons as directed by the Committee; and
- (c) publish and distribute the decision or a summary of the decision pursuant to Section 107. 2019, c. 8, s. 100.

Publication and distribution of decision

100 Where the Professional Conduct Committee dismisses all allegations against a respondent, the Committee shall, following consultation with the respondent and the Chief Executive Officer, determine the extent of the publication and distribution of the decision. 2019, c. 8, s. 101.

Resumption of hearing where allegations proven

101 (1) Where the Professional Conduct Committee has determined that one or more of the allegations in the notice of hearing have been proven and amount to professional misconduct, conduct unbecoming the profession, incompetence or incapacity, the Committee must set a date for the resumption of the hearing following consultation with the parties, to determine the disposition of the matter.

(2) The provisions of Sections 89 to 100 apply with necessary changes to the resumption of a hearing under subsection (1). 2019, c. 8, s. 102.

Powers of Professional Conduct Committee where allegations proven

102 (1) Where the Professional Conduct Committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of a respondent it may

- (a) revoke the respondent's registration;
- (b) revoke any licence held by the respondent;
- (c) for a respondent whose licence has expired, revoke the respondent's ability to register or be licensed, or require the respondent to comply with any conditions or restrictions imposed by the Committee before registration or licensure is granted;
- (d) authorize the respondent to resign from the register and direct the Chief Executive Officer to annotate the College's records accordingly;
- (e) suspend the respondent's licence for a specific period of time and direct the Chief Executive Officer to remove the respondent's name from the applicable College records;
- (f) suspend the respondent's ability to obtain a specified licence for a specified period of time;

- (g) suspend a licence held by the respondent until conditions ordered by the Professional Conduct Committee are complied with;
- (h) impose restrictions or conditions, or both, which may include requirements for competence assessments and bridging education, or other forms of remediation;
- (i) reprimand the respondent and direct that the reprimand be recorded in the records of the College;
- (j) direct the respondent to pass a particular course of study or satisfy the Professional Conduct Committee or any other committee established under this Act of the respondent's general competence to practise or competence in a particular field of practice;
- (k) direct the respondent to obtain medical treatment;
- (l) direct the respondent to obtain any counselling that the Committee considers appropriate;
- (m) unless the finding is of incompetence or incapacity, impose a fine that does not exceed an aggregate amount of \$50,000 regardless of the number of proven allegations;
- (n) make such other order as the Committee considers sufficient to meet the objects of the College; and
- (o) in its discretion, award costs.

(2) Where the Professional Conduct Committee revokes the registration or licence of a registrant, the Committee shall determine whether the registrant is entitled to apply for reinstatement of the registration or licence.

(3) Where the Professional Conduct Committee determines that a registrant whose registration or licence has been revoked may apply for reinstatement, the Committee shall determine the time when the registrant may apply for reinstatement, which cannot be earlier than two years from the date of the Committee's decision.

(4) The Professional Conduct Committee must issue a written decision, with reasons, at the conclusion of a hearing under this Section and shall direct the Chief Executive Officer to send a copy of the written decision to the respondent, the complainant and such other persons as directed by the Committee and to disclose or publish the decision pursuant to Section 107. 2019, c. 8, s. 103.

Restoration of registrant's licence

103 (1) Where the period of suspension of a registrant has expired, the conditions imposed on the registrant have been satisfied or the restrictions imposed on the registrant have been removed, the Chief Executive Officer shall restore the licence of the registrant in the form it existed before the imposition of the suspension, conditions or restrictions, if the registrant otherwise meets the criteria for the issuing of a licence.

(2) Where the licence has expired for a registrant to whom subsection (1) applies, the registrant shall pay the prescribed fee for renewal of the licence before its re-issue.

(3) Where a registrant's licence has been restored under subsection (1), the Chief Executive Officer shall

(a) make the appropriate entries in the records of the College;

(b) where registering bodies in other jurisdictions had previously been informed of the suspension, conditions or restrictions, notify such registering bodies of the lifting of the suspension, conditions or restrictions; and

(c) notify such other persons as directed by the committee that initially imposed the suspension, conditions or restrictions. 2019, c. 8, s. 104.

Appeal

104 (1) A party may appeal the findings of the Professional Conduct Committee on a point of law to the Nova Scotia Court of Appeal.

(2) A notice of appeal must be served upon the other party not later than 30 days after service of the final decision of the Professional Conduct Committee under subsection 102(4).

(3) The record on appeal from the findings of the Professional Conduct Committee consists of a copy of the transcript of the proceedings, the decisions of the Committee and the evidence before the Committee certified by the Chief Executive Officer.

(4) The *Civil Procedure Rules* governing appeals from the Supreme Court of Nova Scotia to the Nova Scotia Court of Appeal that are not inconsistent with this Act apply with necessary changes to appeals to the Court of Appeal under this Section.

(5) Where a matter is appealed to the Nova Scotia Court of Appeal under this Section, the decision of the Professional Conduct Committee takes effect immediately, unless the Court of Appeal grants a stay of the Committee's decision. 2019, c. 8, s. 105.

Revocation of respondent's registration or licence

105 (1) A respondent who does not contest the allegations or who admits to some or all of the allegations set out in a complaint or a notice of hearing may, with the consent of the Chief Executive Officer, ask the Professional Conduct Committee to revoke the respondent's registration or licence, or both.

(2) The Professional Conduct Committee may consent to the revocation of the respondent's registration or licence, or both, in accordance with subsection (1), with or without conditions, or may refuse consent.

(3) A respondent who consents to the revocation of the respondent's registration or licence, or both, must in all respects be treated as though the registration or licence, or both, were revoked by the Professional Conduct Committee.

(4) Notification of a revocation under this Section must be given in accordance with Section 106. 2019, c. 8, s. 106.

Duties where licensing sanction issued without hearing

106 (1) Except as prohibited by a publication ban, where a licensing sanction has been issued without a hearing, the Chief Executive Officer shall

(a) make appropriate entries on the records of the College and on the licence of the registrant to reflect the licensing sanction;

(b) publish a summary of the decision in accordance with subsection (2)

(i) on the College's website, and

(ii) in any other publication determined by the Committee making the decision;

(c) provide notice of the licensing sanction ordered or agreed upon, and include information requested by another licensing jurisdiction to

(i) registering bodies in other Canadian nursing jurisdictions,

(ii) registering bodies in the original nursing jurisdiction of the registrant, and

(iii) registering bodies in other nursing jurisdictions where the registrant is known to be or to have been registered or is seeking registration;

(d) give the respondent a copy of the decision;

(e) give a copy of the decision, or any part of the decision, as the Committee making the decision directs to the complainant; and

(f) provide

(i) notice of the decision,

(ii) a summary of the decision,

(iii) parts of the decision, or

(iv) a copy of the decision,

to any person the Committee making the decision directs.

(2) Except for information that must be excluded under subsection (3), or that may be modified under subsection (4), a summary of the decision must be prepared by the Chief Executive Officer and contain

(a) the registrant's name and registration number;

(b) the provision of this Act under which the licensing sanction is issued;

(c) the date of the decision;

(d) relevant background information;

(e) the allegations that were upheld by the Complaints Committee or the Professional Conduct Committee or, for a consent revocation, the allegations that were either admitted or not contested by the registrant;

(f) whether the allegations amounted to professional misconduct, conduct unbecoming the profession, incompetence or incapacity;

(g) the disposition ordered by the Complaints Committee, the Professional Conduct Committee or agreed upon with the respondent;

(h) the reasons for the decision; and

(i) any additional information the Chief Executive Officer considers necessary to meet the objects of the College.

(3) Where allegations have been found to constitute incapacity, the specific nature of the incapacity must not be included in a summary of the decision.

(4) Where a matter is resolved by a settlement agreement, a summary of the decision may be modified to align with the terms of the settlement agreement. 2019, c. 8, s. 107.

Duties where licensing sanction issued following hearing

107 Except as prohibited by a publication ban, where a licensing sanction has been issued following a hearing, the Chief Executive Officer shall

(a) comply with the requirements of clauses 106(1)(a) and (c) to (f);

(b) publish a summary of the decision in any publication determined by the Chief Executive Officer; and

(c) publish a copy of the full decision on the College website. 2019, c. 8, s. 108.

REINSTATEMENT

Reinstatement Committee

108 The Board shall appoint a Reinstatement Committee composed of at least one public representative and such other number of registrants and public representatives as the Board determines. 2019, c. 8, s. 109.

Chair

109 The Board shall appoint the Chair of the Reinstatement Committee. 2019, c. 8, s. 110.

Quorum

110 A quorum of the Reinstatement Committee consists of three persons from the committee appointed under Section 108, at least one of whom must be a public representative, and the remainder of whom must hold such designations as set out in the bylaws. 2019, c. 8, s. 111.

Duties of Reinstatement Committee

111 (1) The Reinstatement Committee shall review applications for reinstatement of registration and licence following revocation of the registration or licence of a registrant, and shall perform such other duties as set out in this Act and the regulations.

(2) Applications for reinstatement must proceed in accordance with the process set out in the regulations.

(3) Where a registrant's registration or licence has been reinstated under this Section, the Reinstatement Committee, in its discretion, shall determine whether publication of the reinstatement is required in the interest of the public. 2019, c. 8, s. 112.

Powers, privileges and immunities

112 The Reinstatement Committee and an investigator appointed in accordance with the regulations have all the powers conferred by this Act and the bylaws in the discharge of its functions, including the ability to award costs, as well as the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment. 2019, c. 8, s. 113.

Hearing

113 (1) In a hearing before the Reinstatement Committee, a party has the right to

- (a) natural justice;
- (b) be represented by legal counsel, a union representative or another representative at the party's expense;
- (c) disclosure of any information to be provided to the Committee; and
- (d) a reasonable opportunity to present a response and make submissions.

(2) Evidence is not admissible before the Reinstatement Committee unless, at least 10 days before the hearing, the opposing party has been given

- (a) for written or documentary evidence, an opportunity to examine the evidence;
- (b) for expert evidence, the expert's qualifications and a copy of the expert's written report or, where there is no written report, a written summary of the evidence; and
- (c) the identity of any other witness, and a summary of the witness's anticipated evidence.

(3) The Reinstatement Committee may extend beyond 10 days the time required for an opposing party to be provided with evidence under clause (2)(b).

(4) Notwithstanding subsection (2), the Reinstatement Committee may, in its discretion, allow the introduction of evidence that is otherwise inadmissi-

ble under subsection (2) and may make directions it considers necessary to ensure that a party is not prejudiced. 2019, c. 8, s. 114.

Decision of Reinstatement Committee final

114 A decision of the Reinstatement Committee is final. 2019, c. 8, s. 115.

FITNESS-TO-PRACTISE PROCESS

Fitness to Practise Committee

115 The Board shall appoint a Fitness to Practise Committee composed of at least one public representative and such other number of registrants and public representatives as the Board determines. 2019, c. 8, s. 116.

Chair and Vice-chair

116 (1) The Board shall appoint a Chair and a Vice-chair of the Fitness to Practise Committee.

(2) The Vice-chair shall act as chair in the absence of the Chair.

(3) Where neither the Chair nor the Vice-chair is available for the purpose of subsections 117(1) and (3), the Chair may, for such purpose, appoint a member of the Fitness to Practise Committee as chair of the Committee. 2019, c. 8, s. 117.

Panel

117 (1) Upon referral of a matter to the Fitness to Practise Committee, the Chair of the Committee shall appoint a panel of at least three members of the Committee to act as the Fitness to Practise Committee, at least one of whom must be a public representative.

(2) The Chair of the Fitness to Practise Committee may sit on the panel and shall act as the chair of the panel in this event.

(3) Where the Chair of the Fitness to Practise Committee is not appointed to the panel, the Chair of the Committee shall appoint a chair for the panel. 2019, c. 8, s. 118.

Notice of meeting, quorum, voting and membership

118 (1) Failure of one or more Fitness to Practise Committee members to receive a notice of a meeting does not invalidate the proceedings at the meeting, and nothing precludes the members from waiving notice of a meeting.

(2) A quorum of the Fitness to Practise Committee consists of three members of the panel, at least one of whom must be a public representative and the remainder of whom must hold such designations as set out in the bylaws.

(3) A decision of the Fitness to Practise Committee requires the vote of a majority of the panel of the Committee appointed under subsection 117(1).

(4) Where a matter is referred to the Fitness to Practise Committee and the term of office of a person sitting on the Committee expires, that person may remain part of the Committee until the matter is concluded. 2019, c. 8, s. 119.

Functions and procedures

119 (1) The Fitness to Practise Committee shall perform such functions as set out in this Act and the bylaws.

(2) The Fitness to Practise Committee may set its own procedures for meetings. 2019, c. 8, s. 120.

Rights, powers and privileges

120 When performing their functions as set out in this Act, the regulations and the bylaws, the members of the Fitness to Practise Committee have all the rights, powers and privileges of a commissioner appointed under the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment. 2019, c. 8, s. 121.

Referral of registrant to fitness-to-practise process

121 (1) Subject to subsection (3), the Chief Executive Officer may refer a registrant to the fitness-to-practise process if the registrant agrees and the Chief Executive Officer determines that the registrant is eligible.

(2) The Board shall approve eligibility criteria for a referral under subsection (1).

(3) No registrant may be referred to the fitness-to-practise process unless

- (a) a complaint concerns the registrant's incapacity;
 - (b) the information disclosed in a regulatory process raises concerns about the registrant's incapacity;
 - (c) a person raises questions about the possible incapacity of the registrant to the College in the absence of a complaint; or
 - (d) the registrant self-reports incapacity to the College.
- 2019, c. 8, s. 122.

Fitness-to-practice process

122 (1) Where the Chief Executive Officer determines under Section 121 that a registrant is eligible for the fitness-to-practise process, the registrant shall

- (a) cease practising to pursue remediation of the incapacity under such terms and conditions as agreed with the Chief Executive Officer; or
- (b) continue in or resume practice under such terms and conditions as agreed with the Chief Executive Officer.

(2) An agreement reached under clause (1)(b) must be approved by the Fitness to Practise Committee.

(3) Where a matter referred to the fitness-to-practise process concerns a registrant who was previously part of a fitness-to-practise process, the Chief Executive Officer and the Fitness to Practise Committee must be provided with all information in the possession of the College related to the previous matter.

(4) The Chief Executive Officer may request a meeting with the Fitness to Practise Committee at any time during the fitness-to-practise process with respect to a registrant's progress in the process or to request the registrant's removal from the process.

(5) Where expenses are incurred in the fitness-to-practise process involving the remediation of the incapacity or in order for a registrant to continue in or resume practice, the Chief Executive Officer or the Fitness to Practice Committee may require a registrant to pay for such expenses under such terms as the Chief Executive Officer or Fitness to Practice Committee determines. 2019, c. 8, s. 123.

Fitness to Practice Committee meeting

123 (1) A registrant who has advised the Chief Executive Officer that the registrant

(a) has ceased practicing under clause 122(1)(a) and is seeking to return to practice; or

(b) has agreed to terms and conditions for practice under clause 122(1)(b) and seeks to remove or vary any of the terms and conditions,

may request the Chief Executive Officer to convene a meeting with the Fitness to Practise Committee.

(2) A registrant appearing before the Fitness to Practise Committee has the right to

(a) be represented by legal counsel, a union representative or another representative at the registrant's own cost;

(b) notice of any matters under investigation;

(c) a reasonable opportunity to present a response and make submissions in such form as is determined by the Committee;

(d) such other information as natural justice requires; and

(e) such other information as may be determined by the Chief Executive Officer.

(3) Upon receipt of a request under subsection (1), the Fitness to Practise Committee shall convene a meeting with the registrant and may

(a) approve the registrant's return to practice, subject to such terms and conditions as the Fitness to Practise Committee considers appropriate and with which the registrant agrees;

(b) vary the terms and conditions under which the registrant is practising if the registrant agrees to such variation; or

(c) deny the return to practice or variation request and refer the registrant back to the Chief Executive Officer. 2019, c. 8, s. 124.

Registrant referred back to Chief Executive Officer

124 (1) A registrant may be referred back to the Chief Executive Officer if

- (a) the registrant withdraws consent to participate in the fitness-to-practise process;
- (b) the registrant fails to submit to a capacity examination as directed by the Chief Executive Officer;
- (c) the registrant does not agree with the terms or conditions for practice or for a return to practice sought by the Fitness to Practise Committee;
- (d) the Committee determines that a registrant
 - (i) fails to meet the agreed terms and conditions of practice, or
 - (ii) poses an immediate threat to the health or safety of others;
- (e) the Committee is not satisfied that the registrant is incapacitated; or
- (f) at any time if the Committee considers that it is no longer consistent with the objects of the College for the registrant to participate in the fitness-to-practise process.

(2) Where a registrant is referred back to the Chief Executive Officer under subsection (1) or clause 123(3)(c), the registrant must be removed from the fitness-to-practise process and

- (a) where the registrant was involved in a regulatory process at the time of referral to the fitness-to-practise process, the registrant must be referred back to the committee conducting the regulatory process; or
- (b) where the matter was referred by the Chief Executive Officer outside of a regulatory process, the Chief Executive Officer shall determine whether a regulatory process should be initiated or whether the matter requires further action under this Act,

and the registrant's file, including reports, assessments and evaluations in the possession of or obtained by the Fitness to Practise Committee, must accompany the referral and may be provided by the Chief Executive Officer to any person or regulatory committee addressing the matter. 2019, c. 8, s. 125.

Jurisdiction

125 (1) The Fitness to Practise Committee retains jurisdiction over a registrant who is subject to ongoing terms and conditions of practice agreed upon with the Committee until such terms and conditions have been met or the matter has been referred back to the Chief Executive Officer under Section 124.

(2) Where a registrant has been referred back to a regulatory committee under clause 124(2)(a), the regulatory committee regains jurisdiction over the matter involving the registrant.

(3) Where the Chief Executive Officer initiates a regulatory process under clause 124(2)(b), the committee conducting the regulatory process gains jurisdiction over the matter. 2019, c. 8, s. 126.

Notification of registrant's licensing status

126 Where an agreement has been reached with a registrant to cease practising or to practise under terms and conditions under Section 122 or 123, the Chief Executive Officer shall

- (a) annotate the College's records to reflect the licensing status of the registrant;
- (b) notify the registrant's employers, as identified in the records of the College or otherwise known to the College, of the registrant's licensing status; and
- (c) notify the licensing authority in any other jurisdiction in which the registrant is licensed, of the registrant's licensing status,

without disclosing the nature of the registrant's incapacity. 2019, c. 8, s. 127.

EDUCATION PROGRAM APPROVAL

Education Program Approval Committee

127 (1) The Board shall appoint an Education Program Approval Committee, composed of such number of registrants and public representatives as is determined by the Board, but including at least one public representative.

(2) The Board shall appoint the Chair.

(3) The term of office of members of the Committee must be determined by the Board.

(4) The Committee shall perform such functions as are set out in this Act, the regulations and the bylaws.

(5) A quorum of the Committee consists of three members, at least one of whom is a public representative. 2019, c. 8, s. 128.

Duties of Education Program Approval Committee

128 The Education Program Approval Committee shall

- (a) advise and make recommendations to the Board with respect to
 - (i) establishing standards for education programs offered in the Province to meet in order to become approved education programs,
 - (ii) establishing standards for re-entry programs,
 - (iii) approving or conditionally approving education programs in the Province as approved education programs or re-entry programs for the purpose of this Act, and

- (iv) denying or withdrawing approval of approved education programs and re-entry programs that do not meet the standards approved by the Board;
- (b) ensure that approved education programs and re-entry programs in the Province are assessed for compliance with Board standards at times approved by Board; and
- (c) perform such other functions as directed by the Board. 2019, c. 8, s. 129.

CONFIDENTIALITY

Prohibition with respect to publishing, releasing or disclosing information

129 No individual involved in the administration of this Act, member of the Board or a committee of the Board, or other person who receives or has knowledge of information as a result of a regulatory process under this Act, the regulations or the bylaws, may publish, release or disclose the information and such individual shall maintain confidentiality with respect to such information that comes to that individual's knowledge, except

- (a) as permitted by the *Regulated Health Professions Network Act*;
- (b) as provided by this Act, the regulations or the bylaws;
- (c) to one's own legal counsel;
- (d) in the case of a respondent, to the respondent's legal counsel or union or other representative;
- (e) in the case of a participant in a regulatory process, other than a respondent, to legal counsel for the College or to legal counsel, a union representative or other representative for the respondent in that regulatory process;
- (f) where the information is otherwise publicly available;
- (g) as required bylaw; or
- (h) with the consent of the person to whom the information relates. 2019, c. 8, s. 130.

Permitted disclosure

130 (1) A disclosure of otherwise confidential information under Section 129 or subsection (2) must be limited to the minimum amount of information necessary to achieve the purpose for which it is disclosed.

(2) Notwithstanding Section 129 or any other Section of this Act, the regulations or the bylaws, where it is consistent with the objects of the College, the Chief Executive Officer may disclose

- (a) to the public
 - (i) information that is otherwise available to the public, and
 - (ii) subject to the terms of a decision ordering licensing sanctions, particulars of a licensing sanction that has

been imposed on a registrant or the decision of a Complaints Committee to issue an interim suspension or restriction pending completion of an investigation and any hearing that may follow;

(b) without a request for disclosure, to an extra-provincial nursing or other regulatory body

(i) that a complaint with respect to a registrant has been received, the particulars of the complaint and that the matter is under investigation, and

(ii) the decision of a regulatory committee that impacts the fitness or eligibility of a registrant for membership in the other regulatory body;

(c) to law enforcement authorities, information about possible criminal activity on the part of a registrant;

(d) specific information to a specific person or agency as will enable the recipient to determine whether action is required to protect the public; and

(e) to such other persons, such other information as is consistent with the objects of the College and in the public interest. 2019, c. 8, s. 131.

Legal proceedings

131 (1) A witness in a legal proceeding, whether a party thereto or not, shall not answer any question as to any proceedings of a regulatory process and shall not produce any report, statement, memorandum, recommendation or other document prepared for the purpose of the regulatory process, including any information gathered in the course of an investigation or produced for a regulatory committee.

(2) Subsection (1) does not apply to documents or records that have been made available to the public by the College if permitted by this Act, the regulations or the bylaws.

(3) Unless otherwise determined by a court of competent jurisdiction, a decision issued pursuant to any process conducted under this Act, or any information set out in subsection (1) relevant to such decision, is not admissible in a civil proceeding other than an appeal or a process under this Act. 2019, c. 8, s. 132.

Information contained in self-assessment tool

132 (1) Where the information or decision set out under subsections 131(1) and (3) involves a self-assessment tool prepared by a registrant for the continuing-competence program, no person shall disclose or is required to disclose in a proceeding under this Act or the regulations any information or documents relating to the content of a registrant's self-assessment tool without the express consent of the registrant or unless otherwise determined by a court of competent jurisdiction.

(2) The provision by a registrant of a copy of the registrant's self-assessment tool to another person is not, by itself, consent for the purpose of subsection (1).

(3) Subject to subsection (1), a witness in a legal proceeding shall answer any question or produce any document that the witness is otherwise bound bylaw to answer or produce.

(4) Subsection (1) does not apply to the original medical and hospital records of a client. 2019, c. 8, s. 133.

PRACTICE REVIEWS

Practice Review Committee

133 (1) The Board shall appoint a Practice Review Committee composed of such number of registrants and public representatives as is determined by the Board, but must include at least one public representative.

(2) The Board shall appoint a Chair and a Vice-chair of the Practice Review Committee.

(3) The Vice-chair shall act as Chair in the absence of the Chair.

(4) Where neither the Chair nor the Vice-chair is available for the purpose of subsections 135(1) and (3), the Chair may, for such purpose, appoint a member of the Practice Review Committee as chair of the Committee. 2019, c. 8, s. 134.

Panel

134 (1) Upon receipt of a referral to the Practice Review Committee, the Chair of the Committee shall appoint a panel of at least three members of the Committee to act as the Practice Review Committee, at least one of whom must be a public representative.

(2) The Chair of the Practice Review Committee may sit on the panel and shall act as the chair of the panel in this event.

(3) Where the Chair of the Practice Review Committee is not appointed to the panel, the Chair of the Committee shall appoint a chair for the panel. 2019, c. 8, s. 135.

Functions and Procedures

135 (1) The Practice Review Committee shall perform such functions as set out in the regulations.

(2) The Practice Review Committee may set its own procedures for meetings. 2019, c. 8, s. 136.

Notice of meeting, quorum, membership and voting

136 (1) Failure of one or more Practice Review Committee members to receive a notice of a meeting does not invalidate the proceedings at the meeting, and nothing precludes a member from waiving a notice of meeting.

(2) A quorum of the Practice Review Committee consists of any three members of the panel appointed under subsection 134(1), at least one of

whom must be a public representative and the remainder of whom must hold such designations as set out in the bylaws.

(3) Where a matter is referred to the Practice Review Committee and the term of office of a member sitting on the committee expires, that member may remain part of the Practice Review Committee until the matter is concluded.

(4) A decision of the Practice Review Committee requires the vote of a majority of the panel of the Committee appointed under subsection 134(1). 2019, c. 8, s. 137.

Rights, powers and privileges

137 When performing their functions as set out in this Act, the regulations and the bylaws, the members of the Practice Review Committee have all the rights, powers and privileges of a commissioner appointed under the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment. 2019, c. 8, s. 138.

CUSTODIANSHIP

Interpretation

138 In Sections 139 to 142,

“client records” includes all documents, charts, laboratory specimens, X-rays, photographic film or any other form of record relating to the clients of a self-employed registrant;

“court” means the Supreme Court of Nova Scotia. 2019, c. 8, s. 139.

Appointment of custodian

139 (1) Where adequate provision has not been made for the protection of the client’s interests in the client’s records and a self-employed registrant

(a) dies, disappears, is imprisoned, leaves the Province or surrenders the registrant’s licence to practise;

(b) is struck off the register or is the subject of a suspension of licence;

(c) has had a licensing sanction imposed; or

(d) neglects the registrant’s practice,

the College may, with or without notice as the court directs, request the court to appoint a custodian who is a physician or another registrant to take possession of the client records.

(2) A custodian appointed under subsection (1) shall

(a) hold and protect all client records taken into custody; and

(b) distribute copies of the client records, as may be appropriate, to the healthcare providers of the clients concerned, and to the duly appointed representatives of the clients, or the clients themselves, unless there are reasonable grounds to believe it would not be

in the best interest of the client to make that information available, subject to such fees as the court may direct. 2019, c. 8, s. 140.

Custody of client records

140 (1) In an order made under subsection 139(1), or in a subsequent order made on the application of the College or custodian, with or without notice as the court directs, the court may

- (a) authorize the custodian to employ professional assistance to carry out the custodian's duties;
- (b) direct a sheriff to seize, remove and place client records in the possession of the custodian;
- (c) where there are reasonable grounds to believe that client records may be found in a premises, safety deposit box or other receptacle, direct the sheriff to enter the premises or open the safety deposit box or other receptacle;
- (d) direct the owner of a premises, or person in possession of a premises, or a bank or other depository of client records to deal with, hold, deliver or dispose of such client records as the court directs;
- (e) direct the custodian as to the disposition of client records;
- (f) make provision for the remuneration, disbursements and indemnification of the custodian in the course of the custodian's duties;
- (g) make provision for the discharge of a custodian either before or after the completion of the custodian's responsibilities under Section 139; and
- (h) give such further directions as the court considers are required in the circumstances.

(2) Unless the court otherwise directs, it is sufficient for the custodian to give notice by newspaper advertisement and the College's website to clients, healthcare providers, registrants or the general public that the custodian has possession of the client records.

(3) Subject to a court order, where one year has passed from the date of the court order appointing the custodian, the custodian shall report to the Board, which may discharge the custodian or make any order it considers appropriate regarding any patient records remaining in the hands of the custodian, and the custodian's compliance with the order of the Board discharges the custodian with respect to those client records affected.

(4) The court may, upon the application of the College made either *ex parte* or on such notice as the court directs, remove a custodian from office and, where the court considers it expedient, appoint another custodian in the custodian's place, and may include in such order such further directions as are required in the circumstances.

(5) Unless otherwise ordered under subsection (3), upon discharge of a custodian under subsection (3) or (4), the College shall take into permanent custody client records and assume the responsibilities of a custodian as provided in subsection 139(2).

(6) The College may destroy records if permitted by the court. 2019, c. 8, s. 141.

Service of notice

141 The court may give directions as to service of any notice required or order made under Sections 139 and 140. 2019, c. 8, s. 142.

Application to court to vary or set aside order

142 A self-employed registrant who is subject to an order made under Section 139 may, after giving notice to the College and to the custodian, apply to the court to vary or set aside the order and to direct the custodian to place all or part of the client records back into the possession of the registrant upon such terms as may be just. 2019, c. 8, s. 143.

No action lies

143 No action lies against the College, Board or any committee, registrant, officer or employee of the College, custodian or any other person for anything done or omitted to be done in good faith under Sections 139 to 142. 2019, c. 8, s. 144.

Former registrants and members

144 Sections 139 to 143 apply to former registrants of the College or former members of the legacy Colleges. 2019, c. 8, s. 145.

PROFESSIONAL INCORPORATION

Incorporation not prevented

145 Subject to any regulations made under this Act, nothing in this Act prevents the incorporation of a registrant, but every registrant continues to be personally responsible for compliance with this Act, the regulations, and bylaws notwithstanding incorporation. 2019, c. 8, s. 146.

Liability for acts or omissions

146 A person who carries on the practice of nursing as, through or on behalf of an incorporated entity is liable with respect to acts or omissions done or omitted to be done by that person in the course of that person's practice to the same extent and in the same manner as if such practice were carried on by that person as an individual or a partnership carrying on such practice. 2019, c. 8, s. 147.

Applicable law or standard not affected

147 Where a registrant is engaged in the practice of nursing as an incorporated entity, the existence of the incorporated entity does not affect, modify or limit any law or standard applicable to the confidential or ethical relationship between the registrant and the registrant's client. 2019, c. 8, s. 148.

Compellable witnesses

148 A shareholder, director, officer or employee of an incorporated entity engaged in the practice of nursing is a compellable witness in any proceedings under this Act. 2019, c. 8, s. 149.

Power of inspection, investigation or inquiry continues

149 Where the conduct of a registrant is the subject of a complaint, investigation or inquiry and the registrant was an officer, director, shareholder or employee of an incorporated entity at the time the conduct occurred, any power of inspection, investigation or inquiry that may be exercised with respect to the registrant or the registrant's records may be exercised with respect to the incorporated entity or its records. 2019, c. 8, s. 150.

OFFENCES AND PENALTIES**Offences and penalties apply to incorporated entity**

150 (1) Every incorporated entity engaged in the practice of nursing, that contravenes this Act, the regulations or the bylaws is guilty of an offence and is liable to the same penalties as any person who is guilty of an offence under this Act.

(2) Sections 151 and 152 apply to all incorporated entities engaged in the practice of nursing. 2019, c. 8, s. 151.

Offences and penalties

151 (1) Every person who

(a) knowingly furnishes false information in an application under this Act or in a statement required to be furnished under this Act, the regulations or the bylaws;

(b) engages in practice in the Province without complying with this Act, the regulations or the bylaws;

(c) engages in practice in violation of any condition or limitation contained on the person's licence; or

(d) otherwise contravenes this Act or the regulations,

is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

(2) The *Summary Proceedings Act* applies in addition to any regulatory process or penalty otherwise provided for in this Act or the regulations.

(3) All fines and penalties payable under this Act or under the *Summary Proceedings Act* as a result of a prosecution by or on behalf of the College belong to the College.

(4) An information to be laid under this Act or the *Summary Proceedings Act* may be laid by the Chief Executive Officer or a person authorized by the Chief Executive Officer. 2019, c. 8, s. 152.

Proof

152 (1) In a prosecution for an offence under this Act or the regulations, the onus of proof that a person accused of an offence has the right to practise, or that a person comes within an exemption provided by this Act, is on the accused person.

(2) For the purpose of this Act or the regulations, proof of the performance by a non-registrant of one act of practice is sufficient to establish that a person has engaged in practice. 2019, c. 8, s. 153.

Continuing offence

153 Where an offence under this Act or the regulations is committed or continues for more than one day, by a person or an employer, the offender is guilty of a separate offence for each day that the violation is committed or continues. 2019, c. 8, s. 154.

Injunction

154 (1) In the event of a threatened or continuing violation of this Act or the regulations, the College may apply to a judge for an injunction to restrain the person from continuing or committing the violation and the judge, where the judge considers it to be just, may grant such an injunction.

(2) A judge may, on application, grant an interim injunction pending the hearing of an application for an injunction under subsection (1) if the judge is satisfied that there is reason to believe that a person is likely to commit or is continuing to commit a violation of this Act or the regulations.

(3) A judge may make such order as to costs as the judge considers appropriate in a proceeding under this Section. 2019, c. 8, s. 155.

GENERAL**Requirements for employers**

155 (1) Every person, other than a client, who employs a person in practice and every agency or registry that procures employment for a person in practice shall

(a) ensure that the person, at the time of employment and each year employed thereafter, holds a current licence; and

(b) where the person's employment is terminated or the person resigns because of allegations of professional misconduct, conduct unbecoming the profession, incompetence or incapacity, report the matter to the Chief Executive Officer forthwith and provide a copy of the report to the person whose employment is terminated.

(2) Every person, other than a client, who employs an incorporated entity engaged in practice and every agency or registry that procures employment for an incorporated entity engaged in practice shall comply with the provisions of subsection (1) with respect to each person who is in the employ of the incorporated entity. 2019, c. 8, s. 156.

Where registrant does not comply

156 (1) Where a registrant does not comply with a decision of a committee within the time specified in the decision, and the period for an appeal has expired, the Chief Executive Officer may file a certified copy of the decision with the Supreme Court of Nova Scotia and enforce the decision as if it were an order of the Court.

(2) Any fine or costs ordered to be paid under this Act or the regulations is a debt due to the College and recoverable by civil action, in addition to any other remedy available to the College for non-payment of a fine or costs.

(3) Where a registrant or other person does not comply with a power exercised under the *Public Inquiries Act*, the Chief Executive Officer may apply to the Supreme Court of Nova Scotia for enforcement of the power and the Court may award costs arising from the application. 2019, c. 8, s. 157.

No action lies

157 (1) No action lies against the College, Board, members of the Board, committees or subcommittees of the College or Board, or the members of the committees or subcommittees, or the Chief Executive Officer, officers, agents, investigators, contractors or employees of the College or anyone acting on the instruction of any of them for

(a) any act or failure to act, or any proceeding initiated or taken in good faith under this Act, the regulations or bylaws, or in carrying out the duties or obligations under this Act;

(b) a decision, order or resolution made or enforced in good faith under this Act; or

(c) a disclosure made in good faith under this Act.

(2) No registrant of the College or member of the Board, committees or subcommittees of the College or Board, or any officer, agent or employee thereof is personally liable for any of the debts or liabilities of the College, unless the person expressly agrees to be liable. 2019, c. 8, s. 158.

Complaint in good faith

158 No action lies against a person for making a complaint under this Act unless the complaint is not made in good faith. 2019, c. 8, s. 159.

No action lies for activities under former Act

159 (1) No action for damages or other relief lies against a legacy College, its Board, its Council, the members of its Board or Council, its committees or subcommittees or the members of its committees or subcommittees, or the Executive Director, officers, agents, investigators, contractors or employees of the legacy Colleges or anyone acting on the instruction of any of them

(a) for any act or failure to act, or any proceeding initiated or taken in good faith under a former Act, its regulations or bylaws, or in carrying out the duties or obligations under the former Act;

(b) for a decision, order or resolution made or enforced in good faith under a former Act; or

(c) for a disclosure made in good faith under a former Act.

(2) No action lies against a person for making a complaint under a former Act unless the complaint was not made in good faith.

(3) No member of the legacy Colleges, the Board, Council, committees or subcommittees of the legacy Colleges or Board, Council, or any officer, agent or employee thereof is personally liable for any of the debts or liabilities of the legacy College, unless the person expressly agrees to be liable. 2019, c. 8, s. 160.

Quorum

160 Where a quorum of members of a committee is not available for a meeting or hearing, the Board may, for the purpose of such meeting or hearing, appoint to the committee such additional members as are needed for a quorum. 2019, c. 8, s. 161.

Notice

161 (1) Unless otherwise provided in this Act or directed by a regulatory committee, a notice required to be given under this Act, the regulations or the bylaws may be delivered electronically, and a meeting required to be held under this Act, may be held by electronic means.

(2) Where a notice is delivered electronically, delivery is deemed effective on the date the notice was sent to the last electronic address the registrant filed with College.

(3) Where a notice is sent by registered mail, delivery is deemed effective on the third day after the day of mailing. 2019, c. 8, s. 162.

Legal or other assistance

162 (1) For the purpose of the execution of their duties under this Act, the Chief Executive Officer or any committee of the College, may retain such legal or other assistance as the Chief Executive Officer or the committee thinks necessary or proper.

(2) Where authorized by this Act or the regulations, the costs of legal or other assistance retained under subsection (1) may be included, in whole or in part, as costs ordered by the Chief Executive Officer or the committee. 2019, c. 8, s. 163.

Costs

163 The Registration and Licensing Review Committee, the Complaints Committee, the Professional Conduct Committee, the Reinstatement Committee, and such other committees as may be set out in the regulations, may award costs against a registrant or the College where authorized by this Act or the regulations. 2019, c. 8, s. 164.

Suspension and reinstatement of licence

164 The Chief Executive Officer may suspend the licence of a registrant without notice or investigation upon the registrant's contravention of a regulation or bylaw that requires the registrant to pay a fee, file a document or do any other act by

a specified or ascertainable date, and may reinstate the licence so suspended upon payment of such fine as set out in the bylaws. 2019, c. 8, s. 165.

Fine for practising without current licence

165 Where the Chief Executive Officer, the Registration and Licensing Committee, the Registration and Licensing Review Committee, the Complaints Committee or the Professional Conduct Committee determines a person who subsequently becomes a registrant has engaged in practice without holding a current licence, the Chief Executive Officer or the relevant committee may impose a fine in such amount as set out in the bylaws. 2019, c. 8, s. 166.

Proof of registration and licensing status

166 A statement certified under the hand of the Chief Executive Officer respecting the registration and licensing status of a person is admissible in evidence as prima facie proof of that person's registration and licensing status. 2019, c. 8, s. 167.

Competence assessment

167 The Chief Executive Officer or committee requiring a competence assessment may require one or more of

- (a) a review of information provided by an applicant for registration or a licence;
- (b) a self-assessment;
- (c) a written or oral test or examination;
- (d) a case study;
- (e) an audit;
- (f) a practice review;
- (g) a live demonstration of competencies;
- (h) an interview of the applicant;
- (i) a practice observation;
- (j) a reflective practice; and
- (k) such other method of assessment the Chief Executive Officer or committee determines to be necessary. 2019, c. 8, s. 168.

Publication ban

168 With respect to any proceeding conducted or decision issued by a regulatory committee, the committee may, on its own initiative or at the request of a party, impose a publication ban on such portions of its proceeding or decision that is in the public interest. 2019, c. 8, s. 169.

Exemptions from application of Act

169 Nothing in this Act prohibits

- (a) the private care of a person without remuneration;
- (b) the furnishing of first aid or emergency assistance if such aid or assistance is given without hire, gain or hope of reward;

- (c) employees from engaging in a lawful strike;
- (d) the practice of a profession or performance of a function authorized under an enactment of the Province by a person authorized under that enactment, if the person does not describe the person's practice as "nursing" or use a word of similar meaning, or does not use any of the designations or titles protected under this Act or the regulations;
- (e) the practice by registrants of acts approved for practice under the *Medical Act*;
- (f) the carrying out of delegated tasks constituting part of the practice of nursing by a person under the supervision of a registrant;
- (g) provision of services for compensation, other than the provision of nursing services, at a place that is subject to or providing a service under the *Children and Family Services Act*, the *Early Learning and Child Care Act*, the *Homemakers Services Act*, the *Homes for Special Care Act* or the *Social Assistance Act*; or
- (h) the provision of services as may be prescribed by the regulations. 2019, c. 8, s. 170.

TRANSITIONAL

Scope of practice

170 (1) Until such time as regulations made under this Act are effective, the scope of practice for the licensed practical nurse and registered nurse designations includes the scopes of practice for such nursing designations set out in the former Acts and all modifications to such scopes of practice approved under the *Regulated Health Professions Network Act*.

(2) Until such time as regulations made under this Act are effective, the scope of practice for a nurse practitioner means the application of advanced nursing knowledge, skills and judgement in addition to the scope of practice for the registered nurse designation under this Act, including all modifications to such scope of practice as approved under the *Regulated Health Professions Network Act*, in which a nurse practitioner may, in accordance with standards for nurse practitioners, do one or more of the following:

- (a) make a diagnosis identifying a disease, disorder or condition;
- (b) communicate the diagnosis to the client and other healthcare professionals as appropriate;
- (c) perform procedures;
- (d) initiate, order or prescribe consultations, referrals and other acts;
- (e) order and interpret screening and diagnostic tests;
- (f) recommend, prescribe or reorder drugs, blood, blood products and related paraphernalia,

including research, education, consultation, management, administration, regulation, policy or system development relevant to clauses (a) to (f). 2019, c. 8, s. 174.

Education programs and requirements

171 (1) All standards for education programs and all practical nursing education programs, nursing education programs, nurse practitioner programs, licensed practical nurse re-entry programs and registered nurse re-entry programs approved by the legacy Colleges immediately before June 4, 2019, are deemed to be approved by the Board under this Act until their approval is withdrawn or expires.

(2) Until such time as regulations made under this Act respecting the minimum education requirements for approved education programs for each nursing designation are effective, the minimum education requirements for approved education programs for each nursing designation are those approved under the processes in place under the former Acts.

(3) An examination required for registration or licensing purposes under a former Act or bylaws of a legacy College is an approved examination for the same purpose under this Act, unless provided otherwise in the bylaws.

(4) The requirements respecting the number of times a registrant may write an examination under subsection (3) as set out in the bylaws of a legacy College remain in effect unless provided otherwise in the bylaws. 2019, c. 8, s. 175.

Continuing-competence program

172 (1) A continuing-competence program approved under a former Act remains approved until such time as amended by the bylaws.

(2) The processes for verification of compliance with a continuing-competence program under a former Act remain in place until such time as amended by the bylaws.

(3) All requirements for currency of practice in place under the former Acts and regulations remain in effect for registration and licensing purposes until such time as amended by the bylaws. 2019, c. 8, s. 176.

Registration and licensing under former Acts

173 (1) Every person who, immediately before June 4, 2019, was registered under either of the former Acts, is deemed to be registered under this Act with the same privileges, and subject to the same conditions or restrictions as contained in the register under the former Act.

(2) Every person who, immediately before June 4, 2019, held a licence issued under either of the former Acts authorizing that person to practise under the former Act, is deemed to hold a licence under this Act with the same privileges, and subject to the same conditions or restrictions, under the licence issued under the former Act.

(3) The registration or licence deemed to be held by a person under subsection (1) or (2) remains in effect until the earlier of the expiration of the licence issued under the former Act and the issuing of a new licence under this Act.

(4) Until such time as regulations made under this Act are effective,

(a) the authority and processes of a reinstatement committee; and

(b) the procedure for processing settlement agreements, under a former Act or its regulations remain in effect for registrants. 2019, c. 8, s. 177.

Codes of ethics, standards of practice and entry-level competencies

174 The codes of ethics, standards of practice and entry-level competencies approved by each legacy College under the former Acts remain in place until such time as a change is made under this Act. 2019, c. 8, s. 178.
