



# **BILL NO. 21**

*Government Bill*

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*1st Session, 65th General Assembly  
Nova Scotia  
3 Charles III, 2025*

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## **An Act Respecting the Administration of Justice**

CHAPTER 9  
ACTS OF 2025

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE  
MARCH 26, 2025**

The Honourable Becky Druhan  
*Attorney General and Minister of Justice*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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# **An Act Respecting the Administration of Justice**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Justice Administration Amendment (2025) Act*.

## PART I

### ADULT CAPACITY AND DECISION-MAKING ACT

**2 (1)** Subsection 5(4) of Chapter 4 of the Acts of 2017, the *Adult Capacity and Decision-making Act*, is amended by adding immediately after clause (c) the following clause:

(ca) the Public Trustee;

**(2)** Subsection 5(7) of Chapter 4 is amended by striking out “no fewer than 25 days before the date of the hearing of the application” and substituting “on or before the day on which the application is required to be served on the respondents to the application”.

**3** Subsection 46(4) of Chapter 4 is repealed and the following subsection substituted:

(4) The Court may dispense with the requirement for a bond or reduce the amount of the required bond if, having considered all of the following matters, the Court is satisfied that sufficient safeguards are or will be in place to protect the adult’s well-being and interests in financial matters:

(a) the nature and extent of the representative’s authority over the adult’s financial matters;

(b) the relationship between the adult and the representative;

(c) the value and nature of the adult’s personal property;

(d) the source of the adult’s personal property, including whether the adult’s personal property is derived solely or primarily from property transferred without consideration by the representative;

(e) any other matter prescribed by the regulations;

(f) any other matter the Court considers relevant.

**4** Section 66 of Chapter 4 is amended by adding immediately after subsection (5) the following subsections:

(6) In any proceeding under this Act, any document that is required or permitted to be filed with or submitted to the Court, other than a notice, pleading or draft order, must be proved by affidavit and filed as part of the affidavit.

(7) In any proceeding under this Act, the Public Trustee must be named as a respondent.

**5 Subsection 72(1) of Chapter 4 is amended by adding immediately after clause (n) the following clause:**

(na) prescribing matters that the Court must consider when determining whether to dispense with the requirement for a representative to provide a bond or to reduce the amount of a required bond;

## PART II

### FAMILY COURT ACT

**6 (1)** The Family Court for the Province of Nova Scotia is abolished.

**(2)** Nothing in this Act affects the validity of an order made by a judge of the Family Court before the coming into force of this Section.

**7 Chapter 159 of the Revised Statutes, 1989, the *Family Court Act*, is repealed.**

**8** A reference in any Act of the Legislature or in any rule, order, regulation, bylaw, ordinance or proceeding or in any document whatsoever to the Family Court for the Province of Nova Scotia, the Chief Judge or Associate Judge of the Family Court or a judge of the Family Court, whether the reference is by official name or otherwise, shall, as regards to any subsequent transaction, matter of thing, be held and construed to be a reference to the Supreme Court of Nova Scotia (Family Division) or a judge thereof.

## PART III

### INTERPRETATION ACT

**9 Section 12 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is amended by adding “Section” immediately before “headers”.**

**10 Chapter 235 is further amended by adding immediately after Section 25 the following Section:**

25A (1) The Chief Legislative Counsel or another legislative counsel designated by the Chief Legislative Counsel shall, within the first 15 days of each calendar year provide to the Attorney General a list of all Acts or provisions of Acts that

- (a) are to come into force on a day to be fixed by proclamation;
- (b) were assented to at least nine years before January 1st of that calendar year; and
- (c) were not in force on December 31st of the preceding calendar year.

(2) The Attorney General shall, within the first five days on which the Assembly sits in each calendar year, table a report attaching the list provided under subsection (1).

(3) Every Act or provision of an Act in the list attached to the report tabled by the Attorney General under subsection (2) is repealed on December 31st of the calendar year in which the report is tabled unless

(a) the Act or provision of an Act comes into force on or before December 31st of that calendar year;

(b) the Assembly adopts a resolution that the Act or provision of an Act not be repealed; or

(c) the Governor in Council, on the request of the member of the Executive Council responsible for the affected Act, makes an order that the Act or provision of an Act is repealed on a later date, which may not be later than December 31st of the third calendar year after the calendar year in which the Attorney General's report is tabled.

(4) Where the Governor in Council makes an order referred to in clause (3)(c) that an Act or provision of an Act is repealed on a later date, the Act or provision of an Act is repealed on that date unless the Act or provision comes into force on or before that date.

(5) The Attorney General shall, within the first 90 days of each calendar year, publish in the Royal Gazette a list of every Act or provision repealed under subsection (3) in the preceding calendar year and may publish the list in any additional manner that the Attorney General considers appropriate.

#### PART IV

##### OFFSHORE PETROLEUM RESOURCES ACT

**11 Section 81 of Chapter 8 of the Acts of 1987, the *Offshore Petroleum Resources Act*, as amended by Chapter 5 of the Acts of 2001, is further amended by adding immediately after subsection (2) the following subsection:**

(3) Section 25A of the *Interpretation Act* does not apply to this Act.

#### PART V

##### OIL AND GAS OPERATIONS (NOVA SCOTIA) ACT

**12 Section 70 of Chapter 10 of the Acts of 1987, the *Oil and Gas Operations (Nova Scotia) Act*, as amended by Chapter 5 of the Acts of 2001, is further amended by adding immediately after subsection (2) the following subsection:**

(3) Section 25A of the *Interpretation Act* does not apply to this Act.

#### PART VI

##### POWERS OF ATTORNEY ACT

**13 Chapter 352 of the Revised Statutes, 1989, the *Powers of Attorney Act*, is amended by adding immediately after Section 3 the following Section:**

3A Notwithstanding clauses 3(1)(d) and (2)(b), a person authorized by the regulations may, in the manner specified by the regulations, witness a donor signing or acknowledging a signature on a power of attorney without being in the presence of the donor.

**14 Section 5 of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is amended by adding immediately after subsection (4) the following subsection:**

(4A) An attorney shall not co-mingle any property or finances of the donor with any property or finances of the attorney and shall hold each legally separate from the other, unless

(a) the property was jointly owned or otherwise co-mingled by the donor and attorney before the donor's incapacity, or is purchased with the proceeds of the disposition of such property after the donor's incapacity; or

(b) the property or finances are subject to an established pattern of co-mingling by the donor and attorney that began before the donor's incapacity.

**15 Section 7 of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is amended by adding immediately after subsection (3) the following subsection:**

(4) Notwithstanding subsection (3), unless a power of attorney provides otherwise, an attorney may delegate all or part of the attorney's authority in relation to investment matters to a qualified investment specialist, including a mutual fund manager, if done in accordance with

(a) where the attorney is the Public Trustee, the *Public Trustee Act*; or

(b) in any other case, the requirements of a trustee under Section 3F of the *Trustee Act*.

**16 Section 9 of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is amended by adding immediately after subsection (3) the following subsection:**

(4) Unless a power of attorney provides otherwise, the authority of an attorney who is the spouse, registered domestic partner or common-law partner of the donor terminates upon

(a) the parties ceasing to cohabit with the intention of ending the relationship; or

(b) either party starting an application or action for divorce, termination of a registered domestic partnership, matrimonial property division, spouse or child maintenance or child custody.

**17 Section 10 of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is amended by adding "only" immediately after "may".**

**18 Chapter 352 is further amended by adding immediately after Section 10 the following Sections:**

10A (1) An attorney is entitled to a fee as compensation for executing the attorney's duties, unless the power of attorney provides otherwise.

(2) Where a power of attorney is silent regarding compensation or does not specify an amount of compensation, the attorney is entitled to the compensation amount prescribed by the regulations.

(3) Where there are multiple attorneys acting jointly, the compensation amount prescribed by the regulations must be divided

(a) as agreed by the attorneys;

(b) equally; or

(c) as determined by the Court.

(4) Subject to subsection (5), compensation must be paid out of the donor's estate.

(5) Compensation paid out of the donor's estate may not be taken from funds derived from a government-funded income maintenance program.

(6) Compensation paid out of the donor's estate must be included in an accounting under Section 13.

10B (1) An attorney is entitled to reimbursement from the donor's estate for reasonable expenses incurred as a result of executing the attorney's duties, unless the power of attorney provides otherwise.

(2) Reimbursement paid out of the donor's estate must be included in an accounting under Section 13.

**19 Chapter 352 is further amended by adding immediately after Section 11 the following Section:**

11A Unless the power of attorney provides otherwise, an attorney may, in an instrument other than a will,

(a) change a beneficiary designation made by the donor if the Court authorizes the change; or

(b) create a new beneficiary designation if the designation is made in

(i) an instrument that is renewing, replacing or converting a similar instrument made by the donor, while capable, and the newly designated beneficiary is the same beneficiary that was designated in the similar instrument, or

(ii) a new instrument that is not renewing, replacing or converting a similar instrument made by the donor, while capable, and the newly designated beneficiary is the donor's estate.

**20 Section 13 of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is amended by adding immediately after subsection (8) the following subsections:**

(8A) An attorney shall provide an accounting to whoever assumes responsibility for the donor's estate upon termination of the attorney's authority.

(8B) Upon the death of a donor, the attorney shall provide an accounting to the personal representative of the donor's estate.

**21 (1) Subsection 15(1) of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is amended by adding “, and the notice must include the contents prescribed by the regulations” immediately after “regulations”.**

**(2) Section 15 of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is further amended by adding immediately after subsection (2) the following subsections:**

(3) Where no immediate family member or delegate is capable of receiving a notice of the attorney acting, the attorney shall deliver the notice to the first available of any of the donor's

- (a) grandparents;
- (b) grandchildren;
- (c) aunts or uncles;
- (d) nieces or nephews; or
- (e) other relatives.

(4) Notwithstanding subsections (1) to (3), a donor may, in the power of attorney,

- (a) waive the requirement for notice of the attorney acting; or
- (b) exclude a person or class of persons from receiving notice of the attorney acting.

(5) An attorney satisfies the duty to give notice of the attorney acting by providing the notice upon the initial incapacity of the donor.

**22 Chapter 352 is further amended by adding immediately after Section 15 the following Section:**

15A (1) An attorney is not liable for acts done pursuant to a power of attorney if the attorney did not know and could not reasonably have known that the power of attorney had been terminated or varied, or that the power pursuant to which the attorney acted was invalid.

- (2) The actions of an attorney whose authority
  - (a) is not yet in effect;
  - (b) is or has become invalid; or
  - (c) has been terminated,

are binding on the donor in favour of and against any party that did not know and could not reasonably have known that the attorney lacked authority.

- (3) A donor is not bound by transactions if
  - (a) the attorney's actions exceeded the limits of the authority granted by the power of attorney;
  - (b) in the case of an enduring power of attorney, the triggering event effecting the power of attorney has not yet occurred; or
  - (c) the power of attorney has been forged.
- (4) Nothing in this Section relieves any person of any independent duty owed to the donor.

**23 Chapter 352 is further amended by adding immediately after Section 17 the following Section:**

17A A power of attorney is not terminated by virtue of a donor's bankruptcy.

**24 (1) Subsection 18(1) of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is amended by adding immediately after clause (b) the following clause:**

(ba) declaring a donor's incapacity;

**(2) Section 18 of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is further amended by adding immediately after subsection (3) the following subsections:**

(4) A person other than those described in subsection (1) may bring an application with leave of the Court.

(5) Where an application is brought by an interested person, the interested person shall provide notice of the application to the donor and any attorney, unless otherwise ordered by the Court.

(6) Where a donor objects to an interested person's application, the Court may refuse to hear the matter on that basis alone.

**25 Clause 21(1)(d) of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is amended by striking out the semicolon and substituting a period.**

**26 Subsection 22(1) of Chapter 352, as enacted by Chapter 23 of the Acts of 2022, is amended by**

**(a) relettering clause (a) as (aa) and adding immediately before clause (aa), as relettered, the following clause:**

(a) prescribing the process and requirements for remote witnessing;

**(b) adding immediately after clause (c) the following clause:**

(ca) prescribing a fee schedule for attorney compensation;

**and**

**(c) adding immediately after clause (d) the following clause:**

(da) prescribing contents of a notice under subsection 15(1);

## PART VII

## PROVINCIAL COURT ACT

**27** Clause 2(b) of Chapter 238 of the Revised Statutes, 1989, the *Provincial Court Act*, as amended by Chapter 27 of the Acts of 2013, is further amended by striking out “and includes, for the purpose of Sections 22 to 27, a judge of the Family Court”.

**28** Subsections 3(2A) to (4) of Chapter 238 are repealed and the following subsections substituted:

(3) The Governor in Council may appoint, on the recommendation of the Attorney General,

(a) one Associate Chief Judge, who shall hold the office of Associate Chief Judge for such term as the Governor in Council determines; or

(b) two Associate Chief Judges, who shall each hold the office of Associate Chief Judge for such term as the Governor in Council determines.

(4) During the illness or absence of the Chief Judge,

(a) where one Associate Chief Judge is appointed, the Associate Chief Judge shall act in the place of the Chief Judge for all purposes; or

(b) where two Associate Chief Judges are appointed,

(i) the first appointed Associate Chief Judge shall act in the place of the Chief Judge for all purposes, or

(ii) where the Associate Chief Judges were appointed on the same day, the Associate Chief Judge first appointed as a judge of the Provincial Court shall act in the place of the Chief Judge for all purposes.

(4A) Where one Associate Chief Judge is appointed, the Attorney General may designate a judge to act in place of the Chief Judge for all purposes during the illness or absence of the Chief Judge and the Associate Chief Judge.

(4B) Where two Associate Chief Judges are appointed, the Attorney General may designate a judge to act in place of the Chief Judge for all purposes during the illness or absence of the Chief Judge and both Associate Chief Judges.

(4C) The Attorney General may designate a judge to act in the place of an Associate Chief Judge for all purposes during the illness or absence of the Associate Chief Judge or while the Associate Chief Judge is acting in the place of the Chief Judge.

**29** Subsection 4(1) of Chapter 238 is repealed and the following subsection substituted:

(1) Before exercising the judge’s powers of office, each judge shall take and subscribe an oath of office or make and subscribe an affirmation of office, as follows:

I, . . . . ., of . . . . . in the County of . . . . ., do (swear *or* solemnly affirm) that I will faithfully, impartially and honestly execute all the powers and duties of the office of judge of the Provincial Court according to my best skill and knowledge and I

will do right by all manner of people according to law, without fear, favour, affection or ill will. (So help me God.)

**30 Section 5 of Chapter 238 is amended by**

- (a) striking out “he” and substituting “the person”; and**
- (b) striking out “five” and substituting “ten”.**

**31 Subsection 6(2) of Chapter 238, as enacted by Chapter 6 of the Acts of 2004, is amended by striking out “or judge of the Family Court”.**

**32 Section 12 of Chapter 238 is repealed.**

**33 Section 15 of Chapter 238 is repealed and the following Section substituted:**

15 (1) The Chief Judge is responsible for the administration of the judicial functions of the court, including, without limiting the generality of the foregoing, supervising the judges in the performance of their duties, and has the power and duty to

- (a) designate the places where a judge is to hold sittings;
- (b) designate the places where a judge is to establish and maintain an office;
- (c) designate the days on which a judge is to hold sittings at a place;
- (d) require a judge to act during the absence of another judge in the place and stead of the judge who is absent;
- (e) issue directives, administrative standards and procedures to the judges; and
- (f) establish continuing education requirements for judges.

(2) Where the Chief Judge has designated the places where a judge is to hold sittings or the days on which a judge is to hold sittings, the judge shall hold sittings accordingly.

(3) Where the Chief Judge has designated the places where a judge is to establish and maintain an office, the judge shall establish and maintain an office accordingly.

(4) Where the Chief Judge requires a judge to act during the absence of another judge, the judge required to so act shall comply with the requirement.

(5) A judge shall comply with any directive, administrative standard and procedure and any continuing education requirement issued or established by the Chief Judge.

(6) The Chief Judge may suspend a judge upon such terms and conditions as the Chief Judge may determine if the Chief Judge believes immediate action is necessary.

(7) Within ten days of suspending a judge, the Chief Judge shall request the Judicial Council to investigate the circumstances giving rise to the suspension and to take appropriate action.

**34 Section 16 of Chapter 238 is repealed and the following Section substituted:**

16 (1) Subject to Section 17T, a Judicial Council is established for the purpose of this Act, consisting of

(a) the Chief Justice of Nova Scotia, who shall be the Chair of the Council;

(b) four judges of the Provincial Court appointed by the Nova Scotia Provincial Judges' Association, who may not be the Chief Judge or an Associate Chief Judge;

(c) the President of the Nova Scotia Barristers' Society;

(d) four practicing members of the Nova Scotia Barristers' Society appointed by the Council of the Society, each of whom must have a minimum of five years as a practising member; and

(e) four persons appointed by the Attorney General, who may not be lawyers, retired lawyers, judges of any court or retired judges of any court.

(2) Where a member of the Judicial Council is unable to carry out the duties of a member because of illness, a conflict of interest or any other cause, the member may be replaced for such time period as is considered necessary

(a) in the case of the Chief Justice of Nova Scotia, by the Chief Justice of the Supreme Court or an Associate Chief Justice of that Court designated by the Chief Justice of Nova Scotia;

(b) in the case of a judge appointed under clause (1)(b), by another judge of the Provincial Court, other than the Chief Judge or an Associate Chief Judge, appointed for that purpose by the Nova Scotia Provincial Judges' Association;

(c) in the case of the President of the Nova Scotia Barristers' Society or a member appointed under clause (1)(d), by another member of the Society appointed for that purpose by the Council of the Society; and

(d) in the case of a person appointed under clause (1)(e), by another person appointed for that purpose by the Attorney General.

(3) Members appointed under clauses (1)(b), (d) and (e) hold office for terms of three years and may be re-appointed but shall not be appointed for more than two consecutive terms.

**35 Section 17A of Chapter 238 is repealed and the following Section substituted:**

17A (1) A complaint made against a judge of the Provincial Court must be made in writing to the Chief Judge of the Provincial Court.

(2) A complaint made against the Chief Judge or an Associate Chief Judge of the Provincial Court must be made in writing to the Chief Justice of Nova Scotia, in which case the Chief Justice has the powers and duties of the Chief Justice under Section 17B.

(3) Where a complaint is made against a judge of the Provincial Court and the matter that gives rise to the complaint is ongoing before the judge who is the subject of the complaint, the person to whom the complaint is made pursuant to subsection (1) or (2) may defer dealing with the complaint until the conclusion of the proceedings before the judge.

**36 Clause 17B(1)(a) of Chapter 238, as enacted by Chapter 28 of the Acts of 2000, is amended by**

- (a) striking out “or” in subclause (ii);
- (b) striking out the semicolon at the end of subclause (iii) and substituting “, or”; and
- (c) adding immediately after subclause (iii) the following subclause:
  - (iv) the complaint does not relate to judicial conduct.

**37 (1) Subsection 17D(1) of Chapter 238 is repealed.**

**(2) Subsection 17D(3) of Chapter 238, as enacted by Chapter 28 of the Acts of 2000, is amended by striking out “the Chief Judge or an Associate Chief Judge of the Family Court or”.**

**38 (1) Clause 17F(a) of Chapter 238, as enacted by Chapter 28 of the Acts of 2000, is amended by striking out “(d)” and substituting “(b)”.**

**(2) Clause 17F(b) of Chapter 238, as enacted by Chapter 28 of the Acts of 2000, is amended by striking out “(e) or (f)” and substituting “(c) or (d)”.**

**(3) Clause 17F(c) of Chapter 238, as enacted by Chapter 28 of the Acts of 2000, is amended by striking out “(g)” and substituting “(e)”.**

**39 Section 17H of Chapter 238 is repealed and the following Section substituted:**

17H (1) A quorum of the Judicial Council for hearing complaints is five persons

- (a) one of whom must be the Chief Justice of Nova Scotia, who will be the Chair;
- (b) at least one of whom must be a member appointed pursuant to clause 16(1)(b);
- (c) at least one of whom must be a member referred to in clause 16(1)(c) or appointed under clause 16(1)(d);

(d) at least one of whom must be a member appointed pursuant to clause 16(1)(e).

(2) A person who was a member of the review committee that referred a complaint to the Judicial Council may not be counted toward quorum of the Judicial Committee for the purpose of hearing that complaint.

**40 Section 17I of Chapter 238 is repealed.**

**41 Clauses 20(1)(i), (j) and (l) of Chapter 238 are repealed.**

**42 Subsection 21A(1) of Chapter 238, as enacted by Chapter 7 of the Acts of 1998 and amended by Chapter 2 of the Acts of 2016, is further amended by striking out “and judges of the Family Court, including the chief judge and the associate chief judge of each court” and substituting “, including the Chief Judge and any Associate Chief Judge of the court”.**

**43 (1) Clause 21E(1)(a) of Chapter 238, as enacted by Chapter 7 of the Acts of 1998, is amended by striking out “and the Family Court, including the chief judge and associate chief judge of each court” and substituting “, including the Chief Judge and any Associate Chief Judge”.**

**(2) Clause 21E(1)(b) of Chapter 238, as enacted by Chapter 7 of the Acts of 1998 and amended by Chapter 5 of the Acts of 2001, is further amended by striking out “or the Family Court”.**

**(3) Clause 21E(1)(c) of Chapter 238, as enacted by Chapter 7 of the Acts of 1998, is amended by striking out “and the Family Court”.**

**(4) Clause 21E(1)(d) of Chapter 238, as enacted by Chapter 7 of the Acts of 1998 and amended by Chapter 27 of the Acts of 2013, is further amended by striking out “and the Family Court”.**

**(5) Clause 21E(1)(e) of Chapter 238, as enacted by Chapter 7 of the Acts of 1998, is amended by striking out “and the Family Court”.**

**44 Subsection 21L(1) of Chapter 238, as enacted by Chapter 39 of the Acts of 2013, is amended by striking out “or the Family Court”.**

**45 (1) Where a complaint was heard by the Judicial Council before the coming into force of this Act but the Judicial Council has not concluded the matter before the coming into force of this Act, the Judicial Council shall conclude the matter as if this Act had not come into force.**

**(2) For greater certainty**

**(a) where a review committee was empanelled to investigate a complaint before the coming into force of this Act but has not disposed of the complaint under**

Section 17G of the *Provincial Court Act* before the coming into force of this Act, the review committee shall dispose of the complaint in accordance with this Act; and

(b) where, under Section 17G of the *Provincial Court Act*, a complaint was referred to a hearing before the Judicial Council before the coming into force of this Act but has not been heard by Judicial Council before the coming into force of this Act, the Judicial Council shall hear the complaint in accordance with this Act.

## PART VIII

### EFFECTIVE DATE

**46** Parts II and VI come into force on such day as the Governor in Council orders and declares by proclamation.

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