

Cape Breton Barristers' Society Act

CHAPTER 58 OF THE REVISED STATUTES, 1989

as amended by

2025, c. 15, s. 3



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CHAPTER 58 OF THE REVISED STATUTES, 1989
2025, c. 15, s. 3

**An Act to Consolidate
the Acts Relating to the
Cape Breton Barristers' Society**

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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 *Cape Breton Barristers' Society Act*.
R.S., c. 58, s. 1.

Cape Breton Barristers' Society

2 C. M. Rosenblum, Q.C., S. J. Khattar, Q.C., F. L. Elman, Q.C., G. S. Khattar, Q.C., and T. J. K. Gillis, Q.C., J. B. Boudreau, Barrister-at-law, all of Sydney, in the County of Cape Breton, Clarence MacLennan, Barrister-at-law, of North Sydney, in the County of Cape Breton, and such other barristers and solicitors as they may associate with them and their successors are hereby constituted a body corporate under the name The Cape Breton Barristers' Society, hereinafter called the "Society". R.S., c. 58, s. 2.

Officers and executive council

3 (1) The officers of the Society shall be a President, a Vice-president and a Secretary-treasurer.

(2) The executive council of the Society shall consist of the officers named in subsection (1) and four other members of the Society elected annually by the Society. R.S., c. 58, s. 3.

Membership

4 (1) All barristers and solicitors of the Supreme Court of Nova Scotia, residing and practising in the County of Cape Breton shall, and barristers and solicitors residing elsewhere may, be members of the Society.

(2) A member of the Society is subject to this Act and the by-laws of the Society.

(3) Every member shall pay such annual fees as the Society from time to time prescribes by by-law. R.S., c. 58, s. 4.

By-laws

5 The Society may make by-laws, not inconsistent with this Act or any other enactment, to carry out the provisions of this Act and, without restricting the generality of the foregoing, may make by-laws

(a) regulating the conduct of the Society and the members of the Society;

(b) respecting the amount and payment of fees and dues by the members of the Society to the Society;

(c) defining the powers and duties of the officers and the executive council of the Society;

(d) respecting the use and management of the law library of the Society;

(e) respecting the management and expenditure of moneys and assets of the Society;

(f) respecting the method of calling meetings of the Society and the executive council, the conduct of business at those meetings and the order and proceedings at those meetings;

(g) defining the manner and procedure for making, repealing, amending or re-enacting by laws of the Society. R.S., c. 58, s. 5.

Law library

6 (1) The Society may provide for and maintain a law library at Sydney for the use of its members, and for the use of such other persons as the Society may determine.

(2) All books, papers, fixtures and furniture forming part of or appertaining to the library are the property of the Society and may at any time be sold or otherwise disposed of as the Society may determine. R.S., c. 58, s. 6.

7 *repealed 2025, c. 15, s. 3.*

Payment of annual fees

8 All annual fees and dues payable under the provisions of this Act shall become due and payable in advance on the first day of January in each year and the same may be recovered by the Society by action in any court of competent jurisdiction as in the case of ordinary debts. R.S., c. 58, s. 8.

Right of action removed

9 (1) Notwithstanding the *Barristers and Solicitors Act*, no barrister or solicitor residing and practising in the County of Cape Breton or any member of the Society is capable of maintaining any action for the recovery of any charge, fee, costs or disbursements for or in respect of any matter or thing done by him as a barrister or solicitor nor shall he, or any person represented by him, in any cause or matter be capable of taxing or having allowed to him, or to any such person, by any taxing authority solicitor's costs or disbursements in any action, cause, matter or proceeding or of entering judgment for any such charge, fee, costs or disbursements in any court of law, unless and until such solicitor's annual fees and dues to the Society are fully paid and not in arrears.

(2) The Secretary of the Society may from time to time furnish the prothonotary of the Supreme Court and the clerk of the county court at Sydney with a list of barristers and solicitors in arrears for such fees and dues. R.S., c. 58, s. 9.

Certificate to practise

10 (1) Notwithstanding the *Barristers and Solicitors Act*, no barrister or solicitor residing and practising in the County of Cape Breton or any member of the Society shall practise as such in the County of Cape Breton without holding an annual certificate to practise, which is in force.

(2) The form of the certificate shall be determined by the executive council and the certificate shall be issued by and be under the hand of the Secretary and the seal of the Society and shall state that the holder thereof is entitled to practise as a barrister and solicitor under the provisions of this Act.

(3) The fee for a certificate shall be the amount of the annual fees and dues prescribed by the by-laws of the Society.

(4) Every certificate expires on the thirty-first day of December in each year.

(5) Upon admission to the Nova Scotia Barristers' Society, a barrister shall be granted a certificate effective until the thirty-first day of the second month of December following the date of his admission to the Nova Scotia Barristers' Society, without payment of any fee. R.S., c. 58, s. 10.

Transfer of property and obligations

11 (1) Any rights, title and interest in property of any nature or kind vested in the Cape Breton Barristers' Society, incorporated by Chapter 62 of the Acts of 1943, is hereby vested in the Society, provided, however, that no officer or member of the Society shall be personally liable for any debt or obligation contracted or incurred by the Cape Breton Barristers' Society.

(2) All the obligations and liabilities of the Cape Breton Barristers' Society, incorporated by said Chapter 62, existing immediately before the first day of June, 1983, are the obligations and liabilities of the Society. R.S., c. 58, s. 11.

Borrowing

12 (1) The Society may, by resolution passed either at the annual meeting or at any special meeting called for that purpose, borrow money for the general purposes of the Society.

(2) The Society may make and give promissory notes, bills of exchange and other negotiable instruments in respect of any amount borrowed by it, may issue bonds, debentures or other securities on the credit of the Society at such prices and at such rates of interest as the executive council deems best and may mortgage, hypothecate or pledge the property of the Society to secure sums so borrowed. R.S., c. 58, s. 12.

Annual and special meetings

13 (1) The annual meeting of the Society for the appointment of officers and transaction of general business shall be held on a date to be fixed in each year by the executive council.

(2) Special meetings may be called by the executive council at any time on reasonable notice. R.S., c. 58, s. 13.

Quorum

14 (1) Eight members is a quorum of the Society.

(2) Three members of the executive council is a quorum of the executive council. R.S., c. 58, s. 14.
