

Court and Administrative Reform Act

CHAPTER 23 OF THE ACTS OF 1996

as amended by

2001, c. 31, s. 43; 2005, c. 8, ss. 7, 8; 2006, c. 16, s. 6;
2011, c. 14; 2025, c. 16, s. 58



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amended 2001, c. 31, s. 43; 2005, c. 8, ss. 7, 8; 2006, c. 16, s. 6;
2011, c. 14; 2025, c. 16, s. 58

**An Act Respecting
Court Reform and Administrative Reform**

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Short title

1 This Act may be cited as the *Court and Administrative Reform Act*.
1996, c. 23, s. 1.

Power to assign authority

2 Notwithstanding any enactment,

(a) where an enactment requires the approval of the Governor in Council for the acquisition or disposal of real property or an interest in real property, the Governor in Council may, by regulation, assign to a member of the Executive Council the authority to acquire or dispose of the real property or an interest in the real property under the enactment;

(aa) the Governor in Council may, by regulation, assign to a member of the Executive Council the authority to issue a certificate under Section 37 of the *Crown Lands Act* or Section 13 of the *Land Titles Clarification Act*;

(b) where the *Fatality Investigations Act*, except for Section 3, the *Notaries and Commissioners Act*, the *Solemnization of Marriage Act* or the *Vital Statistics Act* requires Governor in Council approval of an appointment, the Governor in Council may, by regulation, assign to a member of the Executive Council the authority to approve the appointment. 1996, c. 23, s. 2; 2001, c. 31, s. 43; 2005, c. 8, s. 7; 2011, c. 14, s. 1.

Restriction on authority assigned

3 (1) Notwithstanding clause 2(a), a member of the Executive Council may only exercise the authority referred to in that clause where the Governor in Council has, by regulation, established policies and procedures governing the acquisition or governing the disposal of real property or an interest in real property and those policies and procedures contain, as a minimum and where applicable, the following:

- (a) a requirement that the real property acquired or disposed of be less than a certain acreage or value, except in the case of an acquisition of real property by donation;
- (b) a requirement that the transaction be based on market value;
- (c) acceptable methods of sale;
- (d) a prohibition against selling real property at less than market value without the approval of the Governor in Council;
- (e) a prohibition against purchasing real property at more than market value, or a certain percentage above market value, without the approval of the Governor in Council;
- (f) procedures to prohibit a transaction with a party related to the minister or to senior officials in the department; and
- (g) and (h) *repealed 2025, c. 16, s. 58.*
- (i) a requirement that public notice be given of each acquisition or disposal of real property.

(2) For greater certainty, the requirement in clause (1)(b) is not a prohibition against the acquisition of real property at less than market value or the disposition of real property at more than market value. 1996, c. 23, s. 3; 2006, c. 16, s. 6; 2025, c. 16, s. 58.

Prerequisite regulation for issuance of certificate

3A Notwithstanding clause 2(aa), a member of the Executive Council may only exercise the authority referred to in that clause where the Governor in Council has, by regulation, established policies and procedures for the issuance of the certificate referred to in that clause. 2005, c. 8, s. 8.

Deemed exercise by Governor in Council

4 The exercise of authority by a member of the Executive Council pursuant to Section 2 is deemed to be an exercise of authority by the Governor in Council for the purpose of the relevant enactment. 1996, c. 23, s. 4.

Enforcement of order

5 Where an enactment authorizes a board, tribunal or commission to make an order disposing of a matter under the enactment and there is no provision in the enactment for the order to be filed and enforced in the same manner as a judgment of the Supreme Court of Nova Scotia, the Governor in Council may, by regulation, provide that an order of that board, tribunal or commission, whether made before or after the coming into force of this Section, may be filed and enforced in the same manner as a judgment of the Supreme Court. 1996, c. 23, s. 5.

Regulations

6 (1) The Governor in Council may make regulations

(a) assigning, prescribing or requiring anything that is required to be assigned, prescribed or required pursuant to Sections 2 to 5;

(b) respecting any matter deemed necessary or advisable to carry out effectively the intent and purpose of Sections 2 to 5.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 1996, c. 23, s. 6.

Corporations Registration Act amended

7 *amendment*

Court Reporters Act repealed

8 Chapter 110 of the Revised Statutes, 1989, the *Court Reporters Act*, is repealed. 1996, c. 23, s. 8.

Family Court Act amended

9 *amendment*

Judicature Act amended

10 and 11 *amendments*

Juries Act amended

12 and 13 *amendments*

Land Actions Venue Act amended

14 and 15 *amendments*

Overholding Tenants Act amended

16 to 19 *amendments*

Probate Act amended

20 to 23 *amendments*

Prothonotaries and Clerks of the Crown Act repealed
24 Chapter 364 of the Revised Statutes, 1989, the *Prothonotaries and Clerks of the Crown Act*, is repealed. 1996, c. 23, s. 24.

Provincial Court Act amended
25 amendment

Public Offices and Officers Act amended
26 to 28 amendments

Regulations Act amended
29 and 30 amendments

Rural Fire District Act amended
31 to 36 amendments

Sheriffs Act repealed
37 Chapter 426 of the Revised Statutes, 1989, the *Sheriffs Act*, is repealed. 1996, c. 23, s. 37.

Small Claims Court Act amended
38 and 39 amendments

Solemnization of Marriage Act amended
40 to 43 amendments

Summary Proceedings Act amended
44 and 45 amendments

Village Service Act amended
46 to 51 amendments

Proclamation
52 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 1996, c. 23, s. 52.

Proclaimed (except ss. 12 & 16-19)	-	March 11, 1997
In force)	-	April 1, 1999
s. 12 in force	-	July 1, 1997
ss. 16 to 19	-	not proclaimed