

# Chapitre 10 : Nouvelle-Écosse

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DERNIÈRE MISE À JOUR : NOVEMBRE 2017

## Nouvelle-Écosse – Lois linguistiques principales

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### [Loi sur les services en français, S.N.S. 2004, c. 26](#)

#### ATTENDU :

que la Constitution du Canada, et en particulier la *Charte canadienne des droits et libertés*, reconnaît que le français est l'une des deux langues officielles du Canada;

que la collectivité acadienne et francophone de la Nouvelle-Écosse a beaucoup fait pour la Nouvelle-Écosse et joue un rôle important dans la province;

que la Nouvelle-Écosse entend bien promouvoir le développement de sa collectivité acadienne et francophone et tient à la sauvegarde pour les générations à venir de la langue française, source d'enrichissement de la vie en Nouvelle-Écosse:

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#### 1. Titre abrégé

1. La présente loi peut être citée : Loi sur les services en français.

2004, c. 26, art. 1.

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#### 2. Objet de la loi

2. La présente loi a pour objet :

a) de favoriser la préservation et l'essor de la collectivité acadienne et francophone;

b) de pourvoir à la prestation, par les ministères, offices, organismes gouvernementaux, sociétés d'État et institutions publiques désignées, de services en français destinés à la collectivité acadienne et francophone.

2004, c. 26, art. 2.

#### 3. Interprétation

### **3. Dans la présente loi :**

- a) « ministère » s'entend d'un ministère établi par la loi intitulée *Public Service Act* ou sous le régime de cette loi;**
- b) « ministre » désigne le ministre des Communautés, de la Culture et du Patrimoine;**
- c) « office » s'entend d'un office établi par la loi intitulée *Public Service Act* ou sous le régime de cette loi.**

**2004, c. 26, art. 3; 2011, c. 9, art. 18.**

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### **4. Application générale de la loi**

#### **4. Le ministre est chargé de l'application générale de la présente loi.**

**2004, c. 26, art. 4.**

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### **5. Mission de l'Office**

#### **5. Outre les responsabilités énumérées à l'article 30B de la loi intitulée *Public Service Act*, le ministère des Communautés, de la Culture et du Patrimoine a pour mission :**

- a) de veiller à ce que le gouvernement demeure conscient des besoins de la collectivité acadienne et francophone;**
- b) de fournir aux ministères, offices et organismes gouvernementaux, tout comme aux sociétés d'État, des conseils et des mesures de soutien favorisant l'élaboration, l'adoption ou la prestation de programmes, de politiques et de services adaptés aux besoins de la collectivité acadienne et francophone;**
- c) de fournir des mesures de soutien aux autres ministères en matière de services en français au sein du gouvernement;**
- d) de nouer aux paliers provincial, national et international des partenariats avec les organismes acadiens et francophones;**
- e) de veiller à ce que les besoins de la collectivité acadienne et francophone soient pris en compte dans l'élaboration des programmes, des politiques et des services;**
- f) de reconnaître l'apport de la collectivité acadienne et francophone.**

**2004, c. 26, art. 5; 2011, c. 9, art. 19.**

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## 6. Fonctions du ministre

**6. (1) En consultation avec le ministre des Affaires acadiennes, le ministre conseille le gouvernement dans les matières suivantes :**

- a) la prestation de services en français au sein des ministères et des offices;**
- b) le développement et l'épanouissement de la collectivité acadienne et francophone.**

**6. (2) Pour l'application du paragraphe (1), le ministre :**

- a) élabore et recommande des plans, programmes, politiques, services et priorités gouvernementaux;**
- b) coordonne et surveille la mise en œuvre par la fonction publique des plans, programmes, services et politiques du gouvernement;**
- c) formule des recommandations au sujet du financement des programmes, services et politiques gouvernementaux;**
- d) donne suite aux préoccupations de la population concernant la qualité des programmes et des services en français;**
- e) remplit les autres fonctions que lui confie le gouverneur en conseil.**

**2004, c. 26, art. 6; 2011, c. 9, art. 20.**

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## 7. Rapport annuel

**7. (1) Le ministre dresse chaque année un rapport pour l'exercice précédent dans lequel sont énoncés les initiatives et les programmes que le gouvernement a entrepris de même que les services qu'il a fournis afin de réaliser la mission énoncée à l'article 5 et est abordé l'accès des personnes acadiennes et francophones à ces services.**

**7. (2) Le ministre dépose le rapport annuel devant l'Assemblée si elle tient séance, sinon, dans la quinzaine de sa prochaine séance.**

**2004, c. 26, art. 7; 2011, c. 9, art. 21.**

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## 8. Coordonnateur

**8. (1) Le sous-ministre de chaque ministère et le directeur général de chaque office nomment un coordonnateur des services en français chargé de l'assister et de le conseiller dans la mise en œuvre de la présente loi.**

**8. (2) Le coordonnateur des services en français d'un ministère ou d'un office relève directement du sous-ministre ou du directeur général, selon le cas, sur les questions relatives à la mise en œuvre de la présente loi.**

**2004, c. 26, art. 8.**

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## **9. Comité de coordination**

**9. (1) Est constitué le Comité de coordination des services en français, lequel se compose :**

**a) des coordonnateurs des services en français de chaque ministère et office;**

**b) du cadre ou de l'employé principal de la division des affaires acadiennes du ministère des Communautés, de la Culture et du Patrimoine, qui assure la présidence du Comité.**

**9. (2) Le Comité assiste et conseille le ministre dans la mise en œuvre de la présente loi.**

**2004, c. 26, art. 9; 2011, c. 9, art. 22.**

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## **10. Règlements**

**10. (1) Sur la recommandation du ministre formulée après consultation auprès de la collectivité acadienne et francophone, le gouverneur en conseil peut prendre des règlements :**

**a) concernant l'élaboration de plans visant la prestation de services en français dans tout secteur de la province;**

**b) portant désignation des ministères, offices, organismes gouvernementaux, sociétés d'État et institutions publiques qui ont l'obligation de fournir des services en français;**

**c) concernant la prestation par les ministères, offices, organismes gouvernementaux, sociétés d'État et institutions publiques de services en français dans tout secteur de la province;**

**d) concernant les normes applicables à la prestation de services en français;**

- e) attribuant au ministre des fonctions relativement aux services en français;
- f) précisant les responsabilités des membres du Conseil exécutif concernant la prestation de services en français;
- g) définissant des termes qu'emploie la présente loi sans les définir;
- h) concernant toute autre mesure qu'il estime nécessaire ou utile pour assurer la réalisation de la vocation et de l'objet de la présente loi.

10. (2) Les règlements visés au paragraphe (1) sont des règlements au sens de la loi intitulée *Regulations Act*.

10. (3) Le gouverneur en conseil prendra un règlement en application du paragraphe (1) avant le 31 décembre 2006.

2004, c. 26, art. 10.

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## 11. Droits linguistiques existants

11. Il est entendu que la présente loi ne saurait porter atteinte aux droits linguistiques existants des membres de la collectivité acadienne et francophone.

2004, c. 26, art. 11.

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## 12. *Public Service Act* modifié

12. Le chapitre 376 des Lois révisées de 1989, savoir la loi intitulée *Public Service Act*, est modifié par adjonction, après l'article 25D, des articles suivants :

25E. (1) There shall be an Office of Acadian Affairs or *Office des affaires acadiennes*.

(2) The Governor in Council may assign to a member of the Executive Council responsibility for the Office of Acadian Affairs.

(3) The Office of Acadian Affairs shall be presided over by the Minister of Acadian Affairs who has the supervision, direction and control of all affairs and matters relating to the Office and who shall supervise the performance of the functions of the Office.

(4) Such officers and employees as are required for the purposes of the Office of Acadian Affairs may be appointed pursuant to the *Civil Service Act* and that Act applies to those officers and employees.

**25F. The objects and purposes of the Office of Acadian Affairs are as set out in the *French-language Services Act*.**

**2004, c. 26, s. 12.**

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### **13. Proclamation**

**13. La présente loi entre en vigueur à la date que le gouverneur en conseil décrète et déclare par proclamation.**

**2004, c. 26, art. 13.**

**Proclamé – 3 décembre 2004**

**En vigueur- 9 décembre 2004**

**[French-Language Services Regulations – French-Language Services Act,  
N.S. Reg. 233/2006](#) [en anglais seulement]**

### **1. Citation**

**1. These regulations may be cited as the *French-language Services Regulations*.**

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### **2. Definitions**

**2. In these regulations,**

**(a) “designated public institution” means a department, office, agency of Government, Crown corporation, or public institution listed in Schedule A;**

**(b) “French-language services plan” means a plan developed and published under Section 4 by a designated public institution.**

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### **3. Objective of these regulations**

**3. (1) The objective of these regulations is to ensure that there are substantive and measurable improvements to the French-language services offered by the Government of Nova Scotia.**

**3. (2) Before July 31, 2010, the Minister must conduct a review of the French-language services offered by the Government of Nova Scotia for the purpose of evaluating the effectiveness of these regulations in achieving the objective set out in subsection (1).**

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#### **4. Annual French-language services plans**

**4. (1) Before March 31, 2007, and annually before March 31 of each subsequent year, each designated public institution must develop and publish a French-language services plan.**

**4. (2) A French-language services plan must be published in French and English.**

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#### **5. Content of French-language services plans**

**5. (1) A French-language services plan must describe all of the following:**

- (a) how the designated public institution's staff have been instructed to respond to verbal and written requests from the public to communicate in French;**
  - (b) the French-language services offered by the designated public institution;**
  - (c) the steps the designated public institution will take to preserve or improve its French-language services in the next fiscal year;**
  - (d) if the designated public institution intends to improve its French-language services in the next fiscal year, the specific goals and objectives that have been established for improving French-language services and the specific measures that it will take to achieve these goals and objectives;**
  - (e) how the plan will contribute to the preservation or growth of the Acadian and francophone community.**
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#### **6. Addressing priorities of Acadian and francophone community**

**6. After January 1, 2008, in addition to meeting the requirements of Section 5, a French-language services plan must describe how the designated public institution will address the priorities of the Acadian and francophone community that have been expressed during consultations required by Section 15 or in communications between the Acadian and francophone community and the designated public institution.**

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#### **7. Reporting progress**

**7. After January 1, 2008, in addition to meeting the requirements of Section 5 and 6, a French-language services plan must describe the public institution's progress in reaching any specific goals and objectives set for the previous fiscal year in accordance with clause 5(1)(d).**

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## **8. Developing French-language services plans**

**8. In establishing specific goals and objectives in accordance with clause 5(1)(d), a designated public institution must give priority to services to which one or both of the following apply:**

**(a) there is a demand from the Acadian and francophone community for the services to be provided in French;**

**(b) failure to provide the services in French may compromise the health, safety or security of members of the public.**

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## **9. Implementing regulations**

**9. A Minister responsible for a designated public institution must ensure the following:**

**(a) that the designated public institution's French-language services plan is developed and published in accordance with these regulations;**

**(b) that the implementation of these regulations within the Minister's area of responsibility conforms with the purpose of providing quality French-language services and contributing to the preservation and growth of the Acadian and francophone community.**

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## **10. Minister's annual report**

**10. After April 1, 2008, the Minister must set out all of the following in the annual report required by subsection 7(1) of the *French-language Services Act*:**

**(a) the progress of the designated public institutions in reaching the specific goals and objectives set for improving French-language services in the previous fiscal year;**

**(b) the progress of the Government of Nova Scotia in reaching the objective set out in subsection 3(1);**

**(c) recommendations to designated public institutions for implementing French-language services plans.**



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## 11. List of French-language services co-ordinators

**11. The Office of Acadian Affairs must publish a list of all French-language services co-ordinators annually.**

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## 12. Communicating with public

**12. Each designated public institution must ensure all of the following:**

- (a) that all written correspondence in French that is received by the designated public institution is replied to in French;**
  - (b) that all information material issued to the public simultaneously in French and English displays a bilingual Provincial logo;**
  - (c) that reasonable and appropriate steps are taken to make members of the public aware that services are available in French and English.**
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## 13. Information material

**13. In determining which of its information material that is intended for the general public will be issued simultaneously in French and English, a designated public institution must give priority to information material to which one or more of the following apply:**

- (a) the information material is of particular relevance to the Acadian and francophone community;**
  - (b) the information material pertains to French-language service delivery from the designated public institution;**
  - (c) failure to provide the information in French may compromise the health, safety or security of members of the public.**
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## 14. Information issued by the Office of Acadian Affairs

**14. Despite Section 13, all information material that is issued by the Office of Acadian Affairs and is intended for the general public must be issued in French.**

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## 15. Consulting with Acadian and francophone community

**15. The Office of Acadian Affairs must conduct regular consultations with the Acadian and francophone community regarding French-language services offered by the Government of Nova Scotia.**

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## 16. Province-wide public meetings for public consultations

**16. (1) French-language services must be provided during at least one session of every series of Province-wide public meetings conducted by a designated public institution for the purpose of consulting the public.**

**16. (2) Subsection (1) does not apply if, in the opinion of the Minister responsible for the public meetings, members of the Acadian and francophone community have been able to participate in the public consultation process by other appropriate means.**

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## 17. Third party services

**17. Each designated public institution must ensure that, if practicable, any new contract or renewal of a contract between the designated public institution and a third party that provides services on its behalf requires the third party to provide services in accordance with these regulations.**

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## 18. Participating in Provincial agencies, boards and commissions

**18. Each designated public institution must encourage members of the Acadian and francophone community to become members of agencies, boards and commissions whose members are nominated for appointment or appointed by the Government of Nova Scotia.**

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## 19. Existing practice protected

**19. These regulations do not limit the use of the French or English language outside of the application of these regulations.**

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## 20. Limitation of obligations of designated public institutions

**20. The obligations of designated public institutions under these regulations are subject to any limits that circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with these regulations have been taken or made.**

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## **Schedule A**

**[Note: The Office of the Registrar of Regulations has not updated any of the references to departments, offices and agencies in Schedule A.]**

### **Departments**

**Agriculture**

**Community Services**

**Economic Development**

**Education**

**Energy**

**Environment and Labour**

**Finance**

**Health**

**Health Promotion and Protection**

**Intergovernmental Affairs**

**Justice**

**Natural Resources**

**Public Service Commission**

**Service Nova Scotia and Municipal Relations**

**Tourism, Culture and Heritage**

**Transportation and Public Works**

### **Offices**

**Communications Nova Scotia**

**Emergency Management Office**

**Freedom of Information and Protection of Privacy Review Office**

**Nova Scotia Fisheries and Aquaculture**

**Office of Acadian Affairs**

**Office of Immigration**

**Office of the Ombudsman**

**Office of the Premier**

**Agencies**

**Advisory Council on the Status of Women**

**Annapolis Valley District Health Authority**

**Art Gallery of Nova Scotia**

**Cape Breton District Health Authority**

**Capital District Health Authority**

**Colchester East Hants District Health Authority**

**Cumberland District Health Authority**

**Guysborough Antigonish Strait Health Authority**

**IWK Health Centre**

**Nova Scotia Business Inc.**

**Nova Scotia Gaming Corporation**

**Nova Scotia Human Rights Commission**

**Nova Scotia Legal Aid Commission**

**Nova Scotia Liquor Corporation**

**Nova Scotia Pension Agency**

**Nova Scotia Utility and Review Board**

**Pictou County Health Authority**

Seniors' Secretariat

South Shore District Health Authority

South West Nova District Health Authority

Voluntary Planning Board

Workers' Compensation Board of Nova Scotia

Youth Secretariat

## **Nouvelle-Écosse – Autres lois linguistiques**

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**[Adult Learning Act, S.N.S. 2010, c. 31](#) [en anglais seulement]**

### **7. Adult Learning**

**7. (1) The purpose of the Nova Scotia School for Adult Learning is to provide support for learning organizations to offer tuition-free adult-learning programs in English or French for adult Nova Scotians seeking to improve their knowledge and skills.**

**[An Act to Incorporate the Gaelic College Foundation, S.N.S. 1980, c. 89](#) [en anglais seulement]**

### **Objects**

**The objects of the Foundation are to promote Celtic studies and the advancement of education in all related areas and, without restricting the generality of the foregoing, the objects of the Foundation are:**

- (a) to preserve and foster the customs, traditions, culture and language of immigrants from the Highlands of Scotland who settled in the Province;**
- (b) to provide and conduct classes and courses of teaching and instruction in Celtic and Gaelic literature, language, culture, history, music, customs and folk arts and crafts, and to grant diplomas and certificates in those subjects;**
- (c) to function as a source of inspiration and diffusion of knowledge of Celtic history, literature and culture for the benefit of people with an interest in the Scottish heritage everywhere and generally to promote all things Highland Scottish;**

(d) to own, operate, develop and promote the facility to be known as the Gaelic College of Celtic Arts and Crafts at St. Ann's in the County of Victoria and to manage the affairs of the College;

(e) to promote, conduct and carry on at St. Ann's in the County of Victoria, the Nova Scotia Gaelic Mod for the purpose of promoting, preserving and perpetuating the Gaelic language, culture, music, folk arts and crafts, and the customs and traditions of the Highland Scottish pioneers of the Province.

1980, c. 89, s. 5.

**Loi portant regroupement Université Sainte-Anne et du Collège de l'Acadie,  
S.N.S. 2002, c. 31**

4. Responsabilité, droits, pouvoirs et privilèges

4. (1) L'Université-Collège est un établissement postsecondaire dont la responsabilité première est de promouvoir le bien-être économique et social de la population acadienne et francophone en offrant des programmes d'études complets de niveau postsecondaire, ainsi que des services de formation professionnelle et technique, d'éducation de base aux adultes et d'éducation permanente et des services connexes.

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5. Langue d'administration

5. (1) Sous réserve du paragraphe (2), le français est la langue d'administration et de fonctionnement de l'Université-Collège.

5. (2) Au besoin, l'Université-Collège utilise la langue anglaise.

2002, ch. 31, art. 5.

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16. Versions française et anglaise

16. Les versions française et anglaise de la présente loi ont également force de loi

2002, c. 31, art. 16

**Canada and United Kingdom Reciprocal Recognition and Enforcement of  
Judgments Act, R.S.N.S. 1989, c. 52 [en anglais seulement]**

**Part IV – Procedures**

## Article VI

4. The registering court may require that an application for registration be accompanied by

[...]

(b) a certified translation of the judgment, if given in a language other than the language of the territory of the registering court;

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## Article XIV

DONE in duplicate at Ottawa, this 24<sup>th</sup> day of April 1984 in the English and French languages, each version being equally authentic.

[Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation \(Nova Scotia\) Act, S.N.S. 1987, c. 3](#) [en anglais seulement]

### 30. Annual report

30. (1) The Board shall, in respect of each fiscal year, prepare an annual report in both official languages of Canada and submit it to the Minister and the federal Minister not later than ninety days after the expiration of that fiscal year.

30. (2) The annual report submitted under subsection (1) shall contain an audited financial statement and a description of the activities of the Board, including those relating to occupational health and safety, during the fiscal year covered by the report.

1987, c. 3, s. 30; 2013, c. 16, s. 5.

[Child Abduction Act, R.S.N.S. 1989, c. 67](#) [en anglais seulement]

## Chapter V – General Provisions

### Article 24

Any application, communication or other document sent to the Central Authority of the requested State shall be in the original language, and shall be accompanied by a translation into the official language or one of the official languages of the requested State or, where that is not feasible, a translation into French or English.

However, a Contracting State may, by making a reservation in accordance with Article 42, object to the use of either French or English, but not both, in any application, communication or other document sent to its Central Authority.

**Children and Family Services Act, S.N.S. 1990, c. 5 [en anglais seulement]**

[...]

**AND WHEREAS the preservation of a child's cultural, racial and linguistic heritage promotes the healthy development of the child:**

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### 3. Interpretation

**3. (2) Where a person is directed pursuant to this Act, except in respect of a proposed adoption, to make an order or determination in the best interests of a child, the person shall consider those of the following circumstances that are relevant:**

[...]

**(g) the child's cultural, racial and linguistic heritage;**

**1990, c. 5, s. 3.**

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#### **ANNOTATIONS**

**Nova Scotia (Minister of Community Services) c. S. (S.), 2016 NSFC 5 (CanLII) [décision disponible en anglaise seulement]**

[NOTRE TRADUCTION]

[73] La Cour doit tenir compte de l'intérêt supérieur de K., en particulier en regard des alinéas 3(2)(a), (b) et (g), lequel vise à protéger le patrimoine culturel et linguistique autochtone de K. La Cour estime que le ministre a tenu compte de ce facteur de manière satisfaisante en tenant à placer l'enfant dans une famille mi'kmaw ou, à défaut, à confier la responsabilité de l'enfant aux Mi'kmaw Children and Family Services.

[74] La capacité de S.S. de répondre aux besoins culturels et linguistiques de l'enfant ne l'emporte pas sur les importants risques continus associés à sa toxicomanie et à ses lacunes parentales.

[75] Par conséquent, la Cour conclut que K. demeure une enfant ayant besoin de services de protection.

**Nova Scotia (Minister of Community Services) c. F. (R.L.), 2001 NSSF 27 (CanLII) [décision disponible en anglais seulement]**



[NOTRE TRADUCTION]

[77] Le patrimoine racial, culturel et linguistique représente une question importante qui doit toutefois être prise en considération dans le cadre de l'examen des [TRADUCTION] « plans » devant la Cour.

[78] La preuve de R.L.F., la mère des enfants, est qu'il importe que les enfants connaissent [TRADUCTION] « les deux côtés » de leur patrimoine. De la même manière, S.W.J. a indiqué qu'il ne s'agissait pas d'établir [TRADUCTION] « un seul gagnant », et que l'important était de permettre aux enfants de garder un lien avec leur culture.

[79] La preuve de D.P., de la chef M.A.S. et de M. Allbright provenait d'un point de vue de tribu ou de bande qui reposait sur le traitement que les enfants autochtones ont reçu des organismes de protection de l'enfance par le passé, particulièrement dans l'Ouest du Canada durant la « rafle des années soixante ». La preuve mettait l'accent sur la nécessité de rapatrier les enfants, de permettre aux enfants autochtones d'apprendre la langue, la culture et le patrimoine autochtones et de se les approprier. Cette preuve est importante, instructive et puissante.

[80] Cela dit, je ne peux en tenir compte sans également prendre en considération le patrimoine non autochtone de K.J.F. et de S.N.F. Cette précision ne vise non pas à critiquer cette preuve, mais à en souligner les limites, dont la rapidité à laquelle elle a été présentée en cour. En effet, ni la chef M.A.S. ni M. Allbright n'ont eu beaucoup de temps pour examiner en profondeur le contexte de la procédure et les antécédents des enfants. Il est vrai que D.P. et son organisme [TRADUCTION] « jouaient un rôle » depuis le mois de janvier, mais en réalité, ils devaient composer avec des contraintes semblables. J'estime cependant que l'on pouvait raisonnablement s'attendre à ce que D.P. et son organisme cherchent à s'informer davantage sur les enfants et le processus par l'entremise de sources autres que l'avocat de R.L.F., particulièrement le ministère des Services communautaires et la Mi'kmaq Family and Children's Services Agency. Tous ces témoins ont reconnu qu'ils en savaient peu sur le patrimoine des enfants que leur avait transmis leur père ainsi que sur la procédure de façon générale. Je comprends et je crois que la Tribu porte effectivement un intérêt, peut-être semblable à un intérêt *parens patriae*, envers tous ses enfants. Je considère que la preuve de D.P., de la chef M.A.S. et de M. Allbright repose, au moins en partie, sur ce point de vue (voir Fraser, C.; *Protecting Native Americans: The Tribe as Parens Patriae* (2000) 5 *Michigan Journal of Race and Law*, 665).

[...]

[86] Dans le cas de S.N.F., l'importance de ce facteur est différente, mais je ne dirais pas qu'il s'agit d'un facteur [TRADUCTION] « minime ». Si l'on pousse l'argument de Mme Litke un peu plus loin, on pourrait dire que R.L.F. est Autochtone et qu'il semble qu'elle l'ait presque toujours su. Bien qu'elle n'ait jamais choisi de s'informer sur sa culture autochtone ni de s'en imprégner comme l'ont fait par exemple S.W.J. et M. Allbright, cela ne devrait aucunement diminuer ou rendre [TRADUCTION] « minime » son importance pour K.J.F. et S.N.F. À mon avis, le caractère latent de l'éducation culturelle ne devrait pas être considéré de manières diamétralement opposées selon qu'il est question d'une facette ou d'une autre du patrimoine d'un enfant, c'est-à-dire qu'il s'agirait d'un facteur important pour une facette du patrimoine, mais d'un facteur [TRADUCTION] « minime » pour une autre.

[87] En raison de l'histoire qui y est liée, de l'apparence de l'enfant ou d'autres facteurs, le patrimoine peut exiger une analyse différente. En l'espèce, aucun des parents de S.N.F. ne

propose de plan pour s'occuper personnellement d'elle ou pourvoir à ses besoins – sur une base quotidienne – ni pour lui fournir une éducation et une expérience de vie axée sur son patrimoine culturel.

[88] Dans la présente affaire, aucun des enfants n'a développé un sentiment personnel d'identité fondé sur la race, la culture ou la langue par lui-même ou grâce à ses parents ou à sa famille élargie. Cependant, pour déterminer [TRADUCTION] « l'intérêt supérieur » des enfants, la Cour devrait néanmoins tenir compte de leur patrimoine et du rôle que celui-ci pourrait jouer dans l'avenir, peu importe le contexte.

[...]

[90] La *Family Maintenance Act* ne fait aucunement référence à la race, à l'origine ethnique ou à la culture. La *Children and Family Services Act*, dans son préambule et dans sa définition de « *best interest* » (intérêt supérieur) qui se trouve au paragraphe 3(2) fait mention du patrimoine culturel, racial et linguistique et souligne son importance. Or, cette loi porte sur les processus susceptibles de mettre fin aux droits parentaux, au moyen des ordonnances de prise en charge permanente ou d'adoption. Elle fournit donc peu de directives aux tribunaux qui sont appelés à régler un litige portant sur la garde d'un enfant d'origine mixte.

[...]

[92] De toute évidence, il faut tenir compte des [TRADUCTION] « différentes origines raciales » dans le cadre « l'évaluation de l'intérêt supérieur » (*Anderson v. Williams* (1988) B.C.J. n° 428, le juge Cohen, C.S. C.-B., p. 4). Il est arrivé plus d'une fois qu'un tribunal appelé à évaluer « l'intérêt supérieur » d'un enfant d'origine mixte ait tenu compte de la mesure dans laquelle le parent ou le demandeur reconnaissait, appuyait et valorisait le patrimoine racial et culturel mixte de l'enfant. (Voir *Camba v. Sparks* (1993) 124 N. S. R. (2d) 321, le juge Daley, juge du tribunal de la famille, p. 330; *Ffrench v. Ffrench* (1994) 134 N. S. R. (3d) 241, le juge Goodfellow, juge de la Cour suprême, p. 247; *D. H. v. H. M.* (1997) 1997 CanLII 667 (C.S. C.-B.), B. C. J. n° 2144, le juge Bauman, juge de la Cour suprême, p. 12 et 13, confirmé par (1988) 1 R.C.S. 328 (C.S.C.).)

[93] Les tribunaux hésitent à renier un pan de la culture d'un enfant. Ces précédents donnent à penser que les enfants d'origine mixte devraient, sous réserve d'autres considérations, bénéficier de suffisamment de renseignements culturels et d'expériences culturelles pour pouvoir faire leur propre choix en vieillissant.

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## 9. Functions of agency

### 9. The functions of an agency are to

[...]

**(i) provide services that respect and preserve the cultural, racial and linguistic heritage of children and their families;**

1990, c. 5, s. 9.

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## 20. Placement considerations

**20. Where the Minister or an agency enters into an agreement pursuant to Section 17, 18 or 19, the Minister or the agency shall, where practicable, in order to ensure the child's best interests are served, take into account**

[...]

**(d) the preservation of the child's cultural, racial and linguistic heritage; and**

1990, c. 5, s. 20.

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## 39. Interim hearing

**39. (8) Where the agency places a child who is the subject of an order pursuant to clause (e) of subsection (4), the agency shall, where practicable, in order to ensure the best interests of the child are served, take into account**

[...]

**(c) the preservation of the child's cultural, racial and linguistic heritage; and**

1990, c. 5, s. 39.

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## 44. Temporary care and custody order

**44. (3) Where the agency places a child who is the subject of an order for temporary care and custody, the agency shall, where practicable, in order to ensure the best interests of the child are served, take into account**

[...]

**(c) the preservation of the child's cultural, racial and linguistic heritage; and**

1990, c. 5, s. 44.

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## 47. Permanent care and custody order

**47. (5) Where practicable, a child, who is the subject of an order for permanent care and custody, shall be placed with a family of the child's own culture, race, religion or language but, if such placement is not available within a reasonable time, the child may be placed in the most suitable home available with the approval of the Minister.**

1990, c. 5, s. 47; 1996, c. 10, s. 6; 2005, c. 15, s. 1; 2015, c. 37, s. 37.

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## ANNOTATIONS

[G. \(T.\) c. Nova Scotia \(Minister of Community Services\)](#), 2012 NSCA 43 (CanLII) [décision disponible en anglais seulement]

[NOTRE TRADUCTION]

[122] Plus important encore, au paragraphe 47(5), le législateur précise que la compatibilité raciale est un facteur particulièrement important. Le paragraphe 47(5) reflète l'énoncé du préambule de la CFSA selon lequel [TRADUCTION] « le maintien du patrimoine culturel, racial et linguistique d'un enfant favorise le développement sain de l'enfant ». Selon le législateur, ce facteur valorise l'intérêt supérieur de l'enfant de sorte qu'il mérite d'être souligné au paragraphe 47(5). Selon le ministre, ce facteur était pertinent puisque R.C. et les sœurs de R. étaient compatibles avec R. sur le plan racial. De même, diverses dispositions de la CFSA favorisent l'intégrité de la famille et permettent le placement d'un frère ou d'une sœur si cela est dans l'intérêt supérieur de l'enfant.

[123] L'arrêt *Nova Scotia (Minister of Community Services) v. H. (T.)*, 2010 NSCA 63 (C.A. N.-É.), autorisation d'appel refusée [2011] 1 R.C.S. xi, portait sur la décision d'un juge du tribunal de la famille qui avait ordonné que deux enfants soient pris en charge de façon permanente par le ministre, à condition qu'ils restent en famille d'accueil pendant une période indéterminée et que toute possibilité d'adoption soit [TRADUCTION] « écartée ». Le juge avait imposé ces conditions parce qu'il était, selon lui, dans l'intérêt supérieur de l'enfant de rester chez le parent d'accueil, plutôt que d'être adopté. La Cour d'appel a annulé ces conditions et a déclaré :

55. [...] Les processus et les normes prévus dans la CFSA reflètent les intentions du législateur qui tend à favoriser l'intérêt supérieur de l'enfant à l'égard de l'adoption. Il ne s'agit pas simplement d'une solution de rechange à l'intérêt supérieur de l'enfant dont il est question au paragraphe 2(2), qui laisserait au juge chargé de rendre une décision la possibilité de choisir entre l'un ou l'autre. Au contraire, ils viennent donner corps au principe de l'« intérêt supérieur » prévu au paragraphe 2(2) et, conjugués à ce paragraphe, ils renforcent la volonté du législateur de répondre à l'intérêt supérieur de l'enfant à l'égard de l'adoption.

[...]

[57] Le paragraphe 2(2) n'est pas de nature abrogative, contrairement au paragraphe 52(1) de la *Loi constitutionnelle de 1982*. Il n'a pas pour effet d'invalidier d'autres dispositions de la CFSA. En fait, il doit être interprété conformément aux autres dispositions de la CFSA.

Comme les conditions imposées par le juge relativement à l'ordonnance de prise en charge ne correspondaient pas au processus pré-adoption de la CFSA, qui reflétait l'opinion du législateur quant à l'intérêt supérieur, la Cour d'appel a accueilli l'appel et annulé ces conditions.

[124] Dans *Children & Family Services of Colchester (County) v. T. (K.)*, 2010 NSCA 72 (C.A. N.-É.), connexe à l'arrêt *H. (T.)*, le juge en chef MacDonald (aux paragraphes 2, 32, 46 et 54) a réitéré les points soulevés dans *H. (T.)* et a ajouté :

[34] En résumé, bien qu'il soit essentiel que le juge tienne compte de l'intérêt supérieur de l'enfant, il ne saurait passer outre aux conditions préalables de la loi pour atteindre cet objectif. Après tout, il incombe à la province, si elle le décide, de déterminer comment l'intérêt supérieur de l'enfant sera protégé. Cela ne relève pas exclusivement des tribunaux.

[125] Le législateur peut ajouter un critère primordial ou prioritaire, comme la directive énoncée au paragraphe 47(5) selon laquelle un enfant [TRADUCTION] « est » placé quand les conditions prévues sont respectées. À moins qu'une contestation constitutionnelle de ce paragraphe soit accueillie, l'Agence ne contrevient pas au critère général de « l'intérêt supérieur » établi aux paragraphes 2(2), 3(2) et 3(3) simplement en suivant la directive du législateur.

### **Companies Act, R.S.N.S. 1989, c. 81 [en anglais seulement]**

## **12. Unlimited companies**

### **12. In the case of an unlimited company,**

#### **(a) the memorandum must state**

##### **(i) the name in all its language forms of the company, and**

**[...]**

**R.S., c. 81, s. 12; 1998, c. 8, s. 18.**

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## **15. Language of name**

**15. Subject to subclause (i) of clause (a) of Section 10 and subclause (i) of clause (a) of Section 11, a company may have its name in more than one language form.**

**R.S., c. 81, s. 15.**

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## **80. Company name**

**80. (3) Where a company's name is in more than one language form, the company may be legally designated by any such form and, unless expressly required by law to use a particular language form or all language forms of its name, it may use any one language form of its name by itself in any case where its name is required to be used.**

80. (4) Notwithstanding any provision of this Act, a limited company with the word “Incorporated” or the word “Incorporée” as part of its name may use as part of the name of the company the word “Incorporated” or the word “Incorporée”, or both, and may substitute for these words the abbreviation “Inc.” and reference to the company may be made in the same manner.

80. (5) Notwithstanding any provision of this Act, a limited company with the word “Limited” or the word “Limitée” as part of its name may use as part of the name of the company the word “Limited” or the word “Limitée”, or both, and may substitute for these words the abbreviation “Ltd.” or “Ltée” and reference to the company may be made in the same manner.

R.S., c. 81, s. 82.

**Education Act, S.N.S. 1995-96, c. 1 [en anglais seulement]**

3. Interpretation

3. (1) In this Act,

[...]

(h) “entitled parent” means a parent who is a citizen of Canada and

(i) whose first language learned and still understood is French,

(ii) who received his or her primary school instruction in Canada in a French-first-language program, or

(iii) of whom any child has received or is receiving primary or secondary school instruction in Canada in a French-first-language program;

[...]

(k) “French-first-language program” means a school program in which the first language of instruction is French and in which the English language is taught, but does not include a French-immersion program;

[...]

(r) “Mi’kmaq education” means the development of programs, resources and learning materials that provide information about and promote understanding of the Mi’kmaq and their history, heritage, language, culture, traditions and contributions to society and that recognize their origins as first-nations people;

## **Conseil scolaire acadien provincial**

### **11. Establishment of Conseil**

**11. (1)** The Governor in Council may establish a school board with jurisdiction throughout the Province, a body corporate to be known as the *Conseil scolaire acadien provincial*, for the purpose of providing a French-first-language program to the children of entitled parents.

**11. (2)** The *Conseil acadien* is responsible for the delivery and administration of all French-first-language programs.

**11. (3)** A public school, or part of a public school, in which a French-first-language program is provided shall be known as an *école acadienne*.

**11. (4)** Upon the establishment of the *Conseil acadien*,

(a) every conseil d'école is dissolved;

(b) the *Conseil acadien* becomes responsible for the control and management of every educational facility of a *conseil d'école*;

(c) the assets and liabilities of the *conseils d'école* are vested in the *Conseil acadien*, including all employee benefits and entitlements;

(d) the vesting of any assets of a *conseil d'école* in the *Conseil acadien* does not void any policy of insurance with respect to any of the assets, including any public liability policy, and the *Conseil acadien* is deemed to be the insured party for the purpose of such policy;

(e) the *Conseil acadien* is substituted for a dissolved *conseil d'école* with respect to any agreement to which the dissolved *conseil d'école* was a party.

(f) all persons employed by a *conseil d'école* become employees of the *Conseil acadien*, the employment and seniority of each of the employees with the *conseil d'école* at the time of establishment of the *Conseil acadien* is deemed to be employment and seniority with the *Conseil acadien* and the continuity of employment and seniority is not broken;

(g) the *Conseil acadien* is a successor employer for the purpose of the *Pension Benefits Act*;

(h) the *Conseil acadien* shall continue to pay any pension or annuity, being paid by a *conseil d'école*, according to its terms;

(i) notwithstanding clauses (c) and (f), Section 71 of the *Labour Standards Code* does not apply to a period of employment with a *conseil d'école*; and

(j) Sections 9 and 10 apply *mutatis mutandis*.

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ANNOTATIONS

[Doucet-Boudreau c. Nouvelle-Écosse \(Ministre de l'Éducation\)](#), [2003] 3 R.C.S. 3, 2003 CSC 62 (CanLII)

[4] On reconnaît, en l'espèce, que l'art. 23 de la *Charte* donne aux parents appelants le droit de faire instruire leurs enfants dans des établissements d'enseignement francophones financés sur les fonds publics. Depuis un certain temps, les parents francophones de ces cinq districts scolaires réclamaient au gouvernement provincial des écoles secondaires francophones homogènes en plus des écoles primaires existantes. Le gouvernement a acquiescé à leurs demandes : il n'a pas contesté que le nombre d'élèves justifiait ce service. Afin de respecter les droits à l'instruction dans la langue de la minorité garantis par la *Charte*, il a modifié les art. 11 à 16 de l'*Education Act*, S.N.S. 1995-96, ch. 1, de manière à instituer le Conseil scolaire acadien provincial (le « Conseil »), conseil scolaire francophone ayant compétence dans toute la province. Toutefois, même si le par. 11(1) habilite le Conseil à fournir et à administrer tous les programmes de langue française, seul le ministre peut, avec l'agrément du gouverneur en conseil, construire et aménager des écoles (voir le par. 88(1)). Malgré l'annonce faite en ce sens par le gouvernement, la mise en chantier des nouvelles écoles francophones promises n'a jamais eu lieu. C'est pourquoi, en 1998, soit 16 ans après la constitutionnalisation de ces droits, les parents appelants ont demandé à la Cour suprême de la Nouvelle-Écosse de délivrer une ordonnance enjoignant à la province et au Conseil de fournir, sur les fonds publics, des programmes et des écoles homogènes de langue française au niveau secondaire.

[...]

[43] Il peut y avoir lieu à réparation sous le régime du par. 24(1) lorsqu'une action du gouvernement, autre que l'adoption d'une loi ou d'une disposition législative inconstitutionnelle, porte atteinte aux droits que la Charte garantit à une personne (voir *Schachter c. Canada*, 1992 CanLII 74 (CSC), [1992] 2 R.C.S. 679, p. 719-720). En l'espèce, ce n'est pas la loi qui fait problème : l'*Education Act* ne comporte ni disposition ni omission empêchant le gouvernement de dispenser l'instruction dans la langue de la minorité conformément à la *Loi constitutionnelle de 1982*. Au contraire, cette loi, dans sa version modifiée de 1996, établit un conseil scolaire francophone chargé d'offrir un enseignement homogène en français aux enfants des parents visés à l'art. 23. De même, le problème découle non pas d'une action gouvernementale quelconque, mais plutôt de l'inaction du gouvernement provincial et, en particulier, de son défaut de mobiliser des ressources pour fournir sans délai des établissements d'enseignement, conformément à l'art. 23 de la *Charte*. On peut se prévaloir du par. 24(1) pour remédier à ce défaut.

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## 12. Entitlement to program

**12. The children of an entitled parent are entitled to be provided a French-first-language program by the *Conseil acadien* if they otherwise have a right pursuant to this Act to attend a public school and if the numbers warrant the provision of the program out of public funds.**



### 13. Election of Conseil

13. (1) The *Conseil acadien* shall be elected by entitled persons, at the same time as the regularly scheduled elections for school boards.

13. (2) An entitled person may vote in an election for the *Conseil acadien* or for another school board if that person is otherwise entitled to vote in an election for a school board but that person is not entitled to and shall not vote in the same election for both.

13. (2A) For greater certainty, an entitled person who votes in an election for either the *Conseil acadien* or for another school board may vote for either the *Conseil acadien* or for another school board in a special election that follows the election.

13. (3) Notwithstanding the *Municipal Elections Act*,

(a) for greater certainty, only entitled persons may be members of the *Conseil acadien*;

(b) only an entitled person may nominate a candidate for election as a member of the *Conseil acadien* and a person nominating such a candidate shall be required to sign a statement stating that person's status as an entitled person, in a form prescribed pursuant to the *Municipal Elections Act*;

(c) a person applying to vote in an election for the *Conseil acadien* shall not be required to take an oath or make an affirmation attesting to that person's status as an entitled person but shall be required to confirm the person's status as an entitled person as defined in the *Education Act* and, where a person wishes to provide the confirmation, the person may provide the confirmation by requesting the ballot to vote for the *Conseil acadien* and that request constitutes the confirmation;

(d) where a person votes in an election for the *Conseil acadien*, that fact shall be entered in the poll book in the manner prescribed by or pursuant to the *Municipal Elections Act*;

(e) for greater certainty, the Minister of Housing and Municipal Affairs may, pursuant to that Act, prescribe or alter any forms under that Act for the purpose of this Section; and

(f) the Municipal Elections Officer may give such directions as may be necessary for the purpose of this Section.

13. (3A) A returning officer shall accept

(a) subject to subsection 44(5) of the *Municipal Elections Act*, a signed statement, in a form prescribed pursuant to the *Municipal Elections Act*, of a candidate that the candidate is an entitled person; or

(b) a statement signed pursuant to clause (3)(b),

as sufficient evidence that the candidate or person is an entitled person.

13. (4) Pending the election of the first *Conseil acadien*, the Governor in Council shall appoint the members of the *Conseil acadien*.

13. (5) Commencing with the first election of the members of the *Conseil acadien*,

(a) the Province shall be divided into eight electoral districts or such greater number of districts as the Utility and Review Board determines;

(b) the boundaries of the electoral districts shall be as determined by the Utility and Review Board; and

(c) the same number of members need not be elected from each electoral district.

13. (6) In determining the boundaries of the electoral districts and the number of members to be elected from each, the Utility and Review Board shall give consideration to effective representation of the Acadian and francophone communities in the Province and effective representation shall be considered of greater importance than parity of voting.

1995-96, c. 1, s. 13; 2000, c. 11, s. 4; 2003, c. 9, s. 44.

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VOIR ÉGALEMENT :

[Designation of Persons as Employees of the Conseil Scolaire Acadien Provincial – Education Act, N.S. Reg. 43/2005](#) [en anglais seulement]

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#### 14. Designation of facilities

14. (1) The Governor in Council may designate educational facilities that are to be used to provide a French-first-language instruction program.

14. (2) Upon designation pursuant to subsection (1) of an educational facility owned by a district school board or regional school board,

(a) where the educational facility is an entire school, the ownership of the school and its control and management are transferred to the *Conseil acadien*; or

(b) where the educational facility is not an entire school, the ownership of the school and its control and management are transferred to the *Conseil acadien* if the Governor in Council so orders.

**14. (3) Upon designation pursuant to subsection (1) of an educational facility owned by a municipality,**

**(a) where the educational facility is an entire school, the control and management of the school is transferred to the *Conseil acadien*; or**

**(b) where the educational facility is not an entire school, the control and management of the school is transferred to the *Conseil acadien* if the Governor in Council so orders.**

**14. (4) In subsections (2) and (3), “school” includes the real property upon which the school is situate.**

**14. (5) Where an educational facility is designated pursuant to subsection (1), the Governor in Council may, on the recommendation of the Minister after consultation by the Minister with the *Conseil acadien* and the school board responsible for the facility before the designation,**

**(a) after consultation by the Minister or the Minister’s representative with persons employed by a school board in or with respect to the facility or their representative, designate them to become employees of the *Conseil acadien*;**

**(b) designate assets and liabilities of a school board within or pertaining to the facility to be vested in the *Conseil acadien*;**

**(c) designate assets of a school board within or pertaining to the facility, including assets designated pursuant to clause (b), to be shared by the school board and the *Conseil acadien*;**

**(d) designate agreements in which the *Conseil acadien* is to be substituted for the school board.**

**14. (6) Upon designation of a person pursuant to clause (5)(a),**

**(a) that person becomes an employee of the *Conseil acadien*;**

**(b) the period of employment and seniority of that person with a school board at the time of designation of that person is deemed to be employment and seniority with the *Conseil acadien* and the continuity of employment and seniority is not broken;**

**(c) the *Conseil acadien* becomes responsible for all employee benefits and entitlements that person had as an employee of the other school board;**

**(d) the *Conseil acadien* is a successor employer for the purpose of the *Pension Benefits Act*; and**

**(e) Section 9 applies *mutatis mutandis*.**

**14. (7) Upon designation of assets and liabilities pursuant to clause (5)(b),**

(a) those assets and liabilities are vested in the *Conseil acadien*; and

(b) the vesting of any assets of a school board in the *Conseil acadien* does not void any policy of insurance with respect to any of the assets, including any public liability policy, and the *Conseil acadien* is deemed to be the insured party for the purpose of such policy.

14. (8) Upon designation of assets pursuant to clause (5)(c), the assets shall be maintained by the school board that owns the assets and each school board shall pay its share of the costs necessary to operate and maintain those assets, as agreed upon by the school boards.

14. (9) Where as a result of a designation pursuant to subsection (1) an educational facility becomes a facility shared by the *Conseil acadien* and another school board, each school board shall pay its share of the costs necessary to operate and maintain the facility and of the outstanding capital costs pertaining to the facility, as agreed upon by the school boards.

14. (10) Where the *Conseil acadien* and another school board cannot agree upon their shares of the costs referred to in subsection (8) or (9), the Minister shall determine each school board's share.

14. (11) Upon designation pursuant to clause (5)(d) of an agreement to which a school board is a party, the *Conseil acadien* is substituted for the school board with respect to that agreement.

1995-96, c. 1, s. 14.

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## 15. Language of administration and operation

15. (1) Subject to subsection (2), the language of administration and operation of the *Conseil acadien* and all French-first-language program facilities shall be French.

15. (2) When the circumstances warrant the use of English, the *Conseil acadien* and French-first-language program facilities shall use English

1995-96, c. 1, s. 15.

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## 16. Duties of Conseil

### 16. the Conseil acadien shall

(a) promote and distribute information about the French-first-language program;

(b) include in its learning materials information about the Acadian culture; and

(c) in providing its educational programs, engage in activities that promote Acadian culture and the French language.

1995-96, c. 1, s. 16.

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## ANNOTATIONS

[Doucet-Boudreau c. Nouvelle-Écosse \(Ministre de l'Éducation\)](#), [2003] 3 R.C.S. 3, 2003 CSC 62 (CanLII)

[4] On reconnaît, en l'espèce, que l'art. 23 de la *Charte* donne aux parents appelants le droit de faire instruire leurs enfants dans des établissements d'enseignement francophones financés sur les fonds publics. Depuis un certain temps, les parents francophones de ces cinq districts scolaires réclamaient au gouvernement provincial des écoles secondaires francophones homogènes en plus des écoles primaires existantes. Le gouvernement a acquiescé à leurs demandes : il n'a pas contesté que le nombre d'élèves justifiait ce service. Afin de respecter les droits à l'instruction dans la langue de la minorité garantis par la *Charte*, il a modifié les art. 11 à 16 de l'*Education Act*, S.N.S. 1995-96, ch. 1, de manière à instituer le Conseil scolaire acadien provincial (le « Conseil »), conseil scolaire francophone ayant compétence dans toute la province. Toutefois, même si le par. 11(1) habilite le Conseil à fournir et à administrer tous les programmes de langue française, seul le ministre peut, avec l'agrément du gouverneur en conseil, construire et aménager des écoles (voir le par. 88(1)). Malgré l'annonce faite en ce sens par le gouvernement, la mise en chantier des nouvelles écoles francophones promises n'a jamais eu lieu. C'est pourquoi, en 1998, soit 16 ans après la constitutionnalisation de ces droits, les parents appelants ont demandé à la Cour suprême de la Nouvelle-Écosse de délivrer une ordonnance enjoignant à la province et au Conseil de fournir, sur les fonds publics, des programmes et des écoles homogènes de langue française au niveau secondaire.

[...]

[43] Il peut y avoir lieu à réparation sous le régime du par. 24(1) lorsqu'une action du gouvernement, autre que l'adoption d'une loi ou d'une disposition législative inconstitutionnelle, porte atteinte aux droits que la Charte garantit à une personne (voir *Schachter c. Canada*, 1992 CanLII 74 (CSC), [1992] 2 R.C.S. 679, p. 719-720). En l'espèce, ce n'est pas la loi qui fait problème : l'*Education Act* ne comporte ni disposition ni omission empêchant le gouvernement de dispenser l'instruction dans la langue de la minorité conformément à la *Loi constitutionnelle de 1982*. Au contraire, cette loi, dans sa version modifiée de 1996, établit un conseil scolaire francophone chargé d'offrir un enseignement homogène en français aux enfants des parents visés à l'art. 23. De même, le problème découle non pas d'une action gouvernementale quelconque, mais plutôt de l'inaction du gouvernement provincial et, en particulier, de son défaut de mobiliser des ressources pour fournir sans délai des établissements d'enseignement, conformément à l'art. 23 de la *Charte*. On peut se prévaloir du par. 24(1) pour remédier à ce défaut.

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## School Board Membership

### 44. Powers and duties of Utility and Review Board

**44. (3) In determining the number and boundaries of electoral districts, the Utility and Review Board shall give consideration to**

**[...]**

**(d) the principal language of instruction of the school board and language of instruction of the school population in areas of the district; and**

**(e) any other relevant matter that in the opinion of the Utility and Review Board affects the necessity, expediency or justice of the order sought.**

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## **Mi'kmaq Education**

### **137. Council on Mi'kmaq Education**

**137. (1) There is hereby established a Council on Mi'kmaq Education.**

**137. (2) The Minister shall establish the terms of reference for the Council on Mi'kmaq Education in consultation with the Task Force on Mi'kmaq Education.**

**137. (3) The Council shall**

**(a) promote the rights and interests of the Mi'kmaq by providing recommendations to the Minister on programs and services in public schools and on adult education; and**

**(b) perform such other duties as determined by the regulations.**

**137. (4) Pending the appointment of the members of the Council pursuant to subsection (5), the Council is composed of the members of the Task Force on Mi'kmaq Education.**

**137. (5) Members of the Council shall be appointed by the Minister for such terms and upon such conditions as determined by the regulations.**

**137. (6) The Council shall meet at least four times a year.**

**137. (7) Meetings of the Council shall be presided over by a member of the Council chosen by the Council.**

**137. (8) The members of the Council are entitled to such remuneration and shall be reimbursed for such reasonable expenses as are necessarily incurred in carrying out their duties, as the Governor in Council determines by regulation.**

**1995-96, c. 1, s. 137.**

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## 138. Duties of school boards

### 138. School boards shall

- (a) provide and implement programs and policies promoting Mi'kmaq education; and
- (b) include in learning materials information respecting the history, language, heritage, culture, traditions and the contribution to society of the Mi'kmaq.

1995-96, c. 1, s. 138.

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## General

### 146. Regulations by Governor in Council

#### 146. (1) The Governor in Council may make regulations

[...]

- (i) prescribing the method for determining those who are entitled to receive a French-first-language program in the Province;
- (j) establishing procedures for determining the demand for French-first-language programs in the Province;
- (k) providing for the manner in which students may be transferred between a school of the *Conseil acadien* and a school of another school board;
- (l) providing for the sharing of enrolment information between the *Conseil acadien* and another school board;
- (m) providing for the method of determining the location of French-first-language program educational facilities;
- (n) providing for the conveyance of students, including the conveyance of students to facilities providing a French-first-language program;
- (o) generally providing for the provision and administration of French-first-language programs in the Province;
- (p) respecting such other matters as the Governor in Council deems necessary or advisable for French-first-language programs;

[...]

(t) determining the remuneration of and respecting the reimbursement for expenses of members of the Council on Mi'kmaq Education;

**Designation of Facilities for French-first Language Instruction – Education Act, N.S. Reg. 42/2005 [en anglais seulement]**

The following facilities are designated as facilities for French-first language instruction under subsection 14(1) of the *Education Act*:

Facility	O.I.C.	Effective Date
Academic centre and residence on Aberdeen Street, Truro, Colchester County  amended: O.I.C. 2005-436, N.S. Reg. 183/2005	2000-436	August 30, 2000
École Buttes-Amirault of the Southwest Regional School Board	96-585	July 31, 1996
École Belleville of the Southwest Regional School Board	96-585	July 31, 1996
École Pubnico-Ouest of the Southwest Regional School Board	96-585	July 31, 1996
École Wedgeport of the Southwest Regional School Board	96-585	July 31, 1996
École Saint-Albert of the Southwest Regional School Board	96-585	July 31, 1996
École Stella-Maris of the Southwest Regional School Board	96-585	July 31, 1996



<b>École Jean-Marie Gay of the Southwest Regional School Board</b>	<b>96-585</b>	<b>July 31, 1996</b>
<b>École Joseph-Dugas of the Southwest Regional School Board</b>	<b>96-585</b>	<b>July 31, 1996</b>
<b>École Pomquet of the Strait Regional School Board</b>	<b>96-585</b>	<b>July 31, 1996</b>
<b>École Petit-de-Grat of the Strait Regional School Board</b>	<b>96-585</b>	<b>July 31, 1996</b>
<b>École Francophone Cornwallis of the Cape Breton-Victoria Regional School Board</b>	<b>96-585</b>	<b>July 31, 1996</b>
<b>École Francophone R. C. Gordon of the Annapolis Valley Regional School Board</b>	<b>96-585</b>	<b>July 31, 1996</b>
<b>École Sainte-Anne du Ruisseau of the Southwest Regional School Board</b>	<b>96-585</b>	<b>July 31, 1996</b>
<b>École Secondaire de Clare of the Southwest Regional School Board</b>	<b>96-585</b>	<b>July 31, 1996</b>
<b>École NDA Chéticamp of the Strait Regional School Board</b>	<b>96-585</b>	<b>July 31, 1996</b>
<b>P-12 school at Isle Madame</b>	<b>2000-422</b>	<b>as determined by Minister</b>

**Designation of School Regions and Establishment of School Boards  
Regulations – Education Act, N.S. Reg. 34/2005 [en anglais seulement]**

The following geographic areas of the Province are designated as school regions and the following regional school boards are established under Section 7 of the *Education Act*:

School Board	School Region	O.I.C.	Effective Date
<b>Annapolis Valley Regional School Board</b>  [Name amended by O.I.C. 96-437, N.S. Reg. 39/2005.]	the geographic area made up of the school districts in which public schools are administered by the following district school boards:  (i) Hants West District School Board,  (ii) Kings County District School Board,  (iii) Annapolis District School Board	96-187	Mar 1, 1996
<b>Cape Breton-Victoria Regional School Board</b>	the geographic area made up of the school districts in which public schools are administered by the following district school boards:  (i) Cape Breton District School Board,  (ii) Northside-Victoria District School Board	96-269	Apr 1, 1996
<b>Chignecto-Central Regional School Board</b>	the geographic area made up of the school districts in which public schools are administered by the following district school boards:  (i) Cumberland District School Board,  (ii) Colchester-East Hants District School Board,	96-584	Aug 1, 1996

	(iii) Pictou District School Board		
Conseil scolaire acadien provincial	jurisdiction throughout the Province for the purpose of providing a French-first-language program to the children of entitled parents	96-292	Apr 1, 1996
Halifax Regional School Board	the geographic area made up of the school districts in which public schools are administered by the following district school boards:  (i) Halifax District School Board,  (ii) Dartmouth District School Board,  (iii) Halifax County-Bedford District School Board	96-583	Aug 1, 1996
Strait Regional School Board	the geographic area made up of the school districts in which public schools are administered by the following district school boards:  (i) Inverness District School Board,  (ii) Richmond District School Board,  (iii) Antigonish District School Board,  (iv) Guysborough County District School Board	96-88	Feb 13, 1996

[Note: The Southwest Regional School Board established by O.I.C. 96-270 dated April 16, 1996, (effective May 1, 1996) has been removed from this consolidation. Effective August 1, 2004, the Southwest Regional School Board is dissolved by Section 10A of the *Education Act*, as added by Section 16 of the *Financial Measures (2004) Act*, S.N.S. 2004, c. 3, which also establishes the South Shore Regional School Board and Tri-County Regional School Board.]

**Governor in Council Education Act Regulations – Education Act, N.S. Reg. 74/97 [en anglais seulement]**

9. Department heads

**9. Department heads may be appointed for business education, English, French, student services, family studies, industrial arts technology, fine arts, mathematics, modern and classical languages, music, physical education, science and social studies, provided that a minimum of four teachers are teaching a minimum of 60 percent of teaching time in that area.**

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13. Programs in adult education

**13. (1) A school board may provide adult education programs that have as their purpose the following:**

**[...]**

**(d) to provide programs of instruction in English or French, as a second language; and**

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**21. The Minister may require that an applicant for a teacher's certificate provide satisfactory evidence of proficiency in the English language or the French language to meet the requirements of the Department.**

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30H. Endorsation of teachers' certificates

**30H. (1) Where the Minister receives an application for a teacher's certificate on or after August 1, 2005, from a person to whom the Minister has not previously granted a teacher's certificate, the Minister may grant the teacher's certificate pursuant to the post-July 31, 2000 certification system to a person who satisfies the requirements for the class of teacher's certificate applied for, that is endorsed for**

**[...]**

**(c) both elementary and secondary education where the secondary education subject fields are French, physical education/health education, or fine arts.**

---

73. (2) Application for registration as registered special education private school

**73. (2) The Minister may register an extra-Provincial private education institution that applies under subsection (1) if the Minister is satisfied that the school meets the requirements of clauses 68(2)(a) to (h) and all of the following requirements:**

**[...]**

**(c) the school offers French-first-language programs and services for students with special needs.**

---

**77A. Eligibility for applying for funding unit**

**77A. (2) A student is eligible to apply for a funding unit for a school year at a registered special education private school if all of the following criteria are met:**

**[...]**

**(b) the student was a student at a publicly supported school in Canada that offered French-first-language programs and services to the student during a previous school year;**

**[...]**

**(e) the student is entitled to be provided a French-first-language program of the *Conseil acadien* under Section 12 of the Act.**

**Ministerial Education Act Regulations – Education Act, N.S. Reg. 80/97 [en anglais seulement]**

**25.-33. Council on Mi'kmaq Education**

**25. For the purposes of Sections 26 to 33, “Council” means the Council on Mi'kmaq Education.**

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**26. The Council shall consist of not more than 15 members appointed by the Minister.**

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**27. The Council shall consist of the following members appointed by the Minister:**

**(a) not less than 4 nor more than 6 persons recommended by First Nation organizations including**

**(i) the Native Council of Nova Scotia,**

- (ii) the Union of Nova Scotia Indians,
- (iii) the Confederacy of Mainland Mi'kmaq,
- (iv) the Nova Scotia Native Women's Association, and
- (v) the Mi'kmaw Kina'matnewey;

(b) the Mi'kmaq representatives to the regional school boards, appointed by the Minister pursuant to subsection 42(4) of the Act;

(c) three members at large representing the Mi'kmaq community.

---

**28. (1) The members of the Council**

(a) appointed pursuant to clauses 27(a) and (c), shall hold office for a term of three years; and

(b) appointed pursuant to clause 27(b), shall hold office for the term for which they are appointed by the Minister pursuant to subsection 42(4) of the Act.

**28. (2) Despite clause (1)(a), the first members of the Council appointed pursuant to clause 27(c), shall hold office for a term of one year.**

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**29. A majority of members of the Council present at a meeting shall constitute a quorum.**

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**30. Where a member of the Council dies, resigns or is unavailable, unable or unwilling to act, the Council shall request that the Minister appoint a person to act for the unexpired term of the member who died, resigned or was unable, unavailable or unwilling to act.**

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**31. In addition to the duties prescribed by clause 137(3)(a) of the Act, the Council shall**

(a) provide guidance to the Minister on the development, implementation, evaluation and funding of educational programs and services for Mi'kmaq students in the public school system;

(b) in respect of the Public School Program and Mi'kmaq students, advise the Minister on the development of appropriate curricula reflecting Mi'kmaq history, language, heritage, culture, traditions and contributions to society;

(c) in respect of the Public School Program and non-native students, advise the Minister on the development of appropriate curricula reflecting Mi'kmaq history, language, heritage, culture, traditions and contributions to society;

(d) in respect of the Public School Program, advise the Minister respecting the development of Mi'kmaq language arts courses for Mi'kmaq students and Mi'kmaq language arts courses for non-native students;

(e) advise the Minister respecting the adequacy of the information about the Mi'kmaq Nation and other First Nations as found in existing curricula, and provide suggestions for change where needed;

(f) advise the Minister respecting the ways the programs and services of the Department of Education are meeting the needs of Mi'kmaq students in the public schools and in respect of adult education, and the ways they may be improved to better serve Mi'kmaq students;

[Note: Effective April 4, 2013, the reference to the Department of Education should be read as a reference to the Department of Education and Early Childhood Development in accordance with Order in Council 2013-128 under the *Public Service Act*, R.S.N.S. 1989, c. 376.]

(g) make recommendations to the Minister regarding cross-cultural issues, learning styles and assessment practices and how these may be supported in the public education system;

(h) recommend to the Minister policies, initiatives and ideas which foster the educational development of Mi'kmaq students and the advancement of Mi'kmaq education;

(i) make recommendations to the Minister in respect of research on matters relevant to the education of Mi'kmaq students.

32. The Council may recommend to the Minister the names of persons to be considered for appointment to the Board of Governors of the Nova Scotia Community College and the Nova Scotia Council on Higher Education.

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33. The Council may establish rules respecting its operations and administration.

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#### 49.-50. Public School Program

49. (1) Each school board shall provide, as part of the Public School Program, in each school under the jurisdiction of the school board,

(a) in grades primary to 6 inclusive, instruction as prescribed by the Minister in

- (i) language arts, health, science, mathematics, social studies, physical education, music and art, and
  - (ii) English language arts beginning at grade 3 for students served by the *Conseil scolaire acadien provincial*, or
  - (iii) core French beginning at grade 4 for students served by the school boards other than the *Conseil scolaire acadien provincial*.
- (b) in grades 7 to 9 inclusive, instruction in the courses prescribed by the Minister in English, French, personal development and relationships, science, mathematics, social studies, physical education and two of industrial arts technology, family studies or fine arts;
- (c) in grades 10 to 12 inclusive, instruction in the courses prescribed by the Minister in English, French, sciences, social studies, mathematics, physical education and technology;

50. (1) Each regional school board may provide, as part of the Public School Program,

- (a) French immersion programs; and
- (b) extended core French programs.

**School Board Rules – Utility and Review Board Act, N.S. Reg. 1/99 [en anglais seulement]**

4. (1) An application to the Board under Section 43 of the Act to confirm the number and boundaries of the electoral districts or to change the number and boundaries of the electoral districts shall be in writing and shall contain the following information:

[...]

- (b) the principal language of instruction of the school board and the language of instruction of the school population in areas of the district;

**Elections Act, S.N.S. 2011, c. 5 [en anglais seulement]**

119. Interpreter

119. (1) Where neither the deputy returning officer nor another election officer understands the language spoken by a person admitted to a polling station, the deputy returning officer shall



(a) where possible, obtain an interpreter who shall be the means of communication between the deputy returning officer and the elector with reference to all matters required to enable the elector to vote; or

(b) where no interpreter is obtained and the person is required to take an oath in order to vote, not allow the elector to vote until an interpreter is obtained.

119. (2) Every person other than an election officer must take an oath in the prescribed form before acting as an interpreter.

2011, c. 5, s. 119.

### **Intercountry Adoption Act, S.N.S. 1998, c. 15 [en anglais seulement]**

## **Chapter VI – General Provisions**

### **Article 48**

Done at The Hague, on the ..... day of ..... 19....., in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Seventeenth Session and to each of the other States which participated in that Session.

### **Interjurisdictional Support Orders Act, S.N.S. 2002, c. 9 [en anglais seulement]**

## **Part III – Registration and Enforcement of Orders Made Outside the Province**

### **23. Translation of foreign order not in English or French**

23. (1) Where an order or other document from a reciprocating jurisdiction outside Canada is written in a language other than English or French, the order or document must be accompanied by a translation of the order or document into the English or French language.

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## **Part V – Appeals and Miscellaneous**

### **45. Translation of orders and documents**

45. Where a reciprocating jurisdiction requires an order or other document to be translated into a language other than English or French, the person for whom the order or document is being transmitted shall provide the required translation together with a certificate of the translator authenticating the accuracy of the translation.

2002, c. 9, s. 45.

**International Commercial Arbitration Act, R.S.N.S. 1989, c. 234 [en anglais seulement]**

**Schedule A – Convention on the Recognition and Enforcement of Foreign Arbitral Awards**

Article IV

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

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Article XVI

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

R.S., c. 234, Sch. A.

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**Schedule B – UNCITRAL Model Law on International Commercial Arbitration**

(As adopted by the United Nations Commission on International Trade Law on 21 June 1985)

**Chapter V. Conduct of Arbitral Proceedings**

Article 22. Language

(1) The parties are free to agree on the language or languages to be used in the arbitral proceedings. Failing such agreement, the arbitral tribunal shall determine the language or languages to be used in the proceedings. This agreement or determination, unless otherwise specified therein, shall apply to any written statement by a party, any hearing and any award, decision or other communication by the arbitral tribunal.

(2) The arbitral tribunal may order that any documentary evidence shall be accompanied by a translation into the language or languages agreed upon by the parties or determined by the arbitral tribunal.

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## **Chapter VIII. Recognition and Enforcement of Awards**

### **Article 33. Recognition and enforcement**

(1) An arbitral award, irrespective of the country in which it was made, shall be recognized as binding and, upon application in writing to the competent court, shall be enforced subject to the provisions of this article and of article 36.

(2) The party relying on an award or applying for its enforcement shall supply the duly authenticated original award or a duly certified copy thereof, and the original arbitration agreement referred to in article 7 or a duly certified copy thereof. If the award or agreement is not made in an official language of this State, the party shall supply a duly certified translation thereof into such language.

**International Interests in Mobile Aircraft Equipment Act, S.N.S. 2004, c. 5**  
**[en anglais seulement]**

## **Schedule A - Convention on International Interests in Mobile Equipment**

### **Chapter XIV – Final Provisions**

#### **Article 62 – Depositary and its functions**

DONE at Cape Town, this sixteenth day of November, two thousand and one, in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic, such authenticity to take effect upon verification by the Joint Secretariat of the Conference under the authority of the President of the Conference within ninety days hereof as to the conformity of the texts with one another.

2004, c. 5, Sch. A.

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## **Schedule B – Protocol to the Convention on International Interests in Mobile Equipment in Matters Specific to Aircraft Equipment**

### **Chapter VI – Final Provisions**

#### **Article XXXVII – Depositary and its functions**

DONE at Cape Town, this sixteenth day of November, two thousand and one, in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic, such authenticity to take effect upon verification by the Joint Secretariat of the Conference under the authority of the President of the Conference within ninety days hereof as to the conformity of the texts with one another.

**[International Sale of Goods Act, S.N.S. 1988, c. 13](#) [en anglais seulement]**

**Part IV – Final Provisions**

Article 101

DONE at Vienna, this eleventh day of April, one thousand nine hundred and eighty, in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

**[International Trusts Act, S.N.S. 2005, c. 41](#) [en anglais seulement]**

Article 32

Done at The Hague, on the.....day of....., 19 ....., in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Fifteenth Session.

**[International Wills Act, S.N.S. 2000, c. 7](#) [en anglais seulement]**

**Schedule A – Convention Providing a Uniform Law on the Form of an International Will**

Article I

2. Each Contracting Party may introduce the provisions of the Annex into its law either by reproducing the actual text, or by translating it into its official language or languages.

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Article XVI

1. The original of the present Convention, in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each of the

signatory and acceding States and to the International Institute for the Unification of Private Law.

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## **Annex – Uniform Law on the Form of an International Will**

### **Article 3**

- 1. The will shall be made in writing.**
- 2. It need not be written by the testator himself.**
- 3. It may be written in any language, by hand or by any other means.**

**Language Schools Act, S.N.S. 2013, c. 5 [en anglais seulement]**

### **2. Purpose of the Act**

**2. The purpose of this Act is to ensure language schools provide quality English and French language programs along with adequate support services to international students in the Province.**

**2013, c. 5, s. 2.**

---

### **3. Interpretation**

#### **3. In this Act,**

**(a) “bridging language program” means a language program in which an international student is enrolled concurrently while attending a university, a community college or another institution in the Province designated in the regulations;**

**[...]**

**(d) “Fund” means the Language Program Completion Fund established by this Act;**

**[...]**

**(g) “language program” means either an English or French language program;**

**(h) “language school” means an institution offering language programs to international students on one or more campuses in the Province;**

[...]

(j) “operator” means the owner of a language school or a person designated by the owner;

[...]

(l) “student contract” means an agreement between a language school and an international student to provide a language program;

**2013, c. 5, s. 3.**

---

#### **4. Restrictions on application of Act**

##### **4. This Act does not apply to**

(a) language schools that do not accept international students; or

(b) bridging language programs offered by universities, community colleges or other institutions designated by the regulations.

**2013, c. 5, s. 4.**

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#### **5. Prohibition**

**5. No person shall operate a language school for international students in the Province unless a certificate of registration has been issued for the language school.**

**2013, c. 5, s. 5.**

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#### **6. Application for registration**

##### **6. Every person who applies to register a language school for international students shall**

(a) complete and submit an application as prescribed by the regulations;

(b) permit an inspector to inspect the premises to be used as a language school and the premises to be used for student housing;

(c) provide confirmation that the language school is registered with the Registrar of Joint Stock Companies;

**(d) provide a copy of the language school's corporate ownership share register if applicable;**

**(e) establish to the satisfaction of the Director that**

**(i) the language school meets the financial, human resources and administrative capacities prescribed by the regulations,**

**(ii) the language school has facilities and equipment as prescribed by the regulations to offer language programs,**

**(iii) the language school has policies and procedures, including policies or procedures regarding credential assessment, language testing and tuition payment and refund that satisfy the requirements as prescribed by the regulations,**

**(iv) the language school has adequate accommodation and support services for students as prescribed by the regulations, and**

**(v) the language school and the language program offered by the language school are eligible to be accredited by an accreditation agency approved by the Minister and listed in the regulations;**

**(f) pay the application fee prescribed by the regulations;**

**(g) post a surety bond with the Minister in an amount and in accordance with requirements prescribed by the regulations;**

**(h) undertake to make the payments to the Fund required pursuant to this Act; and**

**(i) satisfy any additional requirements prescribed by the regulations.**

**2013, c. 5, s. 6.**

---

## **7. Registration**

**7. (1) Upon receiving a satisfactory inspection report prepared pursuant to clause 6(b), the Director shall register a language school that meets the criteria set out in this Act and the regulations by issuing a certificate of registration listing each individual campus location in the Province of the language school.**

**7. (2) Only campus locations listed on the certificate of registration may be used for a language school's language program.**

**7. (3) The certificate of registration may not be transferred or assigned.**

**7. (4) The certificate of registration must be displayed on each campus of the language school in a place clearly visible to the public.**

**7. (5) A certificate of registration issued by the Director remains in force until it expires on a date determined by the regulations or is revoked by the Director.**

**7. (6) A certificate of registration that has not been revoked may be renewed by following the process set out in the regulations.**

**2013, c. 5, s. 7.**

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## **8. Register**

**8. (1) The Director shall keep a register of all registered language schools.**

**8. (2) The Director shall strike from the register a language school whose registration is not renewed in accordance with the regulations.**

**8. (3) The Director shall strike from the register a language school whose registration has been revoked.**

**2013, c. 5, s. 8.**

---

## **9. Suspension and cancellation**

**9. (1) The Director may attach conditions or restrictions to a language school's certificate of registration.**

**9. (2) The Director may revoke or suspend a language school's certificate of registration for its operator's failure to comply with this Act, the regulations or conditions or restrictions attached to the certificate of registration.**

**9. (3) The Director shall give the operator 10 days written notice of the revocation or suspension of the language school's certificate of registration pursuant to subsection (2).**

**9. (4) Where a certificate of registration is revoked, the operator of the language school shall cease offering language programs to international students and surrender its certificate of registration to the Minister.**

**9. (5) Where a certificate of registration is suspended, the operator of the language school shall not accept new international students and shall fulfil all obligations to the international students enrolled in the language school at the time the certificate of registration is suspended.**

**2013, c. 5, s. 9.**



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## 10. Representations

**10. No person, including an agent of a language school, shall hold out a language school as registered unless the registration has been made pursuant to this**

**Act. 2013, c. 5, s. 10.**

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## 11. Misleading advertising

**11. No person shall publish or cause to be published an advertisement relating to a language school that is misleading, tends to mislead or does not meet the advertising requirements prescribed by the regulations.**

**2013, c. 5, s. 11.**

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## 12. Duties of school operator

### **12. The operator of a language school shall**

- (a) keep and maintain at the language school's place of business student files, student records, attendance records, student transcripts, certificates, diplomas and all other student documentation prescribed by the regulations;**
- (b) have a student contract with each international student as prescribed by the regulations;**
- (c) before entering into the student contract pursuant to clause (b) provide to each international student a copy of the policies and procedures required by subclause 6(e)(iii);**
- (d) report to the Minister on its activities, operations and any changes to the corporate ownership share register as prescribed by the regulations;**
- (e) provide annually its financial statements along with any other reporting documentation as set out in the regulations;**
- (f) at the request of the Minister, immediately make available to the Minister any documents or records;**
- (g) comply with all applicable federal, provincial and municipal laws; and**
- (h) satisfy any additional requirements as set out in the regulations.**

2013, c. 5, s. 12.

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### 13. Recruiting practices

**13. The operator or agent of a language school shall not engage in any student recruiting practices that are misleading or contrary to the requirements prescribed by the regulations.**

2013, c. 5, s. 13.

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### 14. Complaints

**14. (1) A complaint against a language school may be initiated by any person.**

**14. (2) A complaint must be in writing, signed by the complainant and filed with the Director in accordance with the regulations.**

**14. (3) Within seven days of receipt of the complaint, the Director shall dismiss a complaint if it is**

**(a) frivolous or vexatious,[:]**

**(b) not advanced in good faith,[:] or**

**(c) not within the jurisdiction of the Director.**

**14. (4) Where a complaint is not dismissed by the Director pursuant to subsection (3), the Director shall**

**(a) advise the operator of the language school that a complaint alleging a violation of the Act or the regulations has been received;**

**(b) disclose to the operator of a language school the information received respecting the alleged violation of the Act or the regulations, in the form prescribed by the regulations; and**

**(c) advise the operator of the language school that a written response may be filed in accordance with the regulations.**

**14. (5) Within 14 days of receipt of the complaint or within seven days of the date of the Director's decision not to dismiss the complaint pursuant to subsection (3), whichever is earlier, the Director shall**

**(a) informally resolve the complaint; or**

**(b) make an order dismissing the complaint or doing one or more of the following:**

- (i) giving clear directions that certain immediate actions be taken by the language school,**
- (ii) imposing conditions or restrictions on the language school's certificate of registration,**
- (iii) suspending or revoking the language school's certificate of registration,**
- (iv) reinstating a dismissed international student until all appeals and reviews have been completed,**
- (v) imposing restrictions on the language school's advertising,**
- (vi) directing the operator of the language school to reimburse all or a portion of the tuition and other program costs paid by an international student to the student,**
- (vii) directing the release of all or a portion of the surety bond posted pursuant to clause 6(g),**
- (viii) granting any other remedy that is just and reasonable in the circumstances.**

**14. (6) The decision or order of the Director made pursuant to subsection (4) [(5)] must be in writing and must be sent to the parties by registered mail, personal service or such other method as is prescribed by the regulations.**

**2013, c. 5, s. 14.**

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## **15. Review by Senior Executive Director**

**15. (1) An affected party may request a review by the Senior Executive Director of the Director's**

- (a) decision imposing conditions or restrictions on a language school's certificate of registration pursuant to subsection 9(1);**
  - (b) decision to revoke or suspend a language school's certificate of registration pursuant to subsection 9(2);**
  - (c) decision or order made pursuant to subsection 14(5);**
- and**
- (d) administrative sanction issued pursuant to subsection 23(1).**

**15. (2) The request for a review must be in writing, signed by the party and filed in accordance with the regulations with the Senior Executive Director no later than seven days from the date on which the decision or order of the Director referred to in subsection (1) was sent.**

**15. (3) Upon the filing of the request for a review, the Senior Executive [Director] shall advise the parties of the review procedures prescribed by the regulations.**

**15. (4) Within 14 days of receipt of the request for a review, the Senior Executive Director shall confirm, reverse or vary the decision or order being reviewed.**

**15. (5) The decision of the Senior Executive Director must be in writing and must be sent to the parties by registered mail, personal service or such other method as is prescribed by the regulations.**

**2013, c. 5, s. 15.**

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## **16. Inspectors**

**16. (1) The Minister shall appoint inspectors for the purpose of this Act.**

**16. (2) The Minister may delegate to any person any power conferred or duty imposed on the Minister by this Act.**

**2013, c. 5, s. 16.**

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## **17. Inspections**

**17. (1) Subject to subsection (2), an inspector may, at any reasonable time, enter upon the premises of a language school to make an inspection for the purpose of this Act or the regulations.**

**17. (2) An inspector may not enter a private dwelling or student housing premises in which an international student resides except**

**(a) with the consent of the principal occupant of the dwelling or premises; or**

**(b) pursuant to an order to enter and inspect obtained pursuant to Section 18.**

**17. (3) An inspector, on the request of a person occupying the premises, shall produce the identification provided by the Director for this purpose.**

**17. (4) An inspector has such other powers and duties as are prescribed by the regulations.**

**17. (5) Upon an inspection under this Section, an inspector may**

- (a) require the production of any documents or records for inspection and copying;**
- (b) inspect the physical premises and equipment; and**
- (c) inquire into matters that relate to compliance with the requirements of this Act or the regulations.**

**2013, c. 5, s. 17.**

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**18. Order to enter and inspect**

**18. (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 17; 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 premises that are locked or otherwise inaccessible,**
  - (ii) a person has denied the inspector access to premises or there are reasonable grounds for believing that a person may deny the inspector access to premises,**
  - (iii) a person has prevented the inspector from doing anything set out in Section 17 or denied the inspector access to any thing, as a result of which the inspector is unable to do anything set out in Section 17,**
  - (iv) there are reasonable grounds to believe that a person may prevent an inspector from doing anything set out in Section 17, 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 17,**
  - (v) it is impractical, because of the remoteness of the 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 17 without the order might defeat the purpose of that Section or cause an adverse effect, the judge may issue an order authorizing the inspector to do anything set out in Section 16 [17] that is specified in the order for the period set out in the order.**

**18. (2) The period 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 may not be more than 30 days.**

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

**18. (4) An order under this Section may be issued or renewed on application without notice.**

**2013, c. 5, s. 18.**

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## **19. Language Program Completion Fund**

**19. (1) There is hereby established a trust fund within the meaning of the *Finance Act* to be known as the Language Program Completion Fund.**

**19. (2) The Fund consists of**

**(a) fees that operators are required by the regulations to pay into the Fund;**

**(b) donations to the Fund; and**

**(c) any income and earnings from investments of the Fund.**

**19. (3) The Minister of Finance shall administer the Fund.**

**19. (4) Subject to the approval of the Minister of Finance, the Minister may direct payments out of the Fund to**

**(a) compensate international students who have entered into a student contract with an operator who is unable to meet the requirements of the student contract;**

**(b) compensate third party sponsors who have paid tuition on behalf of an international student;**

**(c) pay for the expenses of administering and auditing the Fund; and**

**(d) do any other thing relating to a language school that is necessary to effectively carry out the intent and purpose of this Act.**

**19. (5) The Minister of Finance may**

**(a) invest any monies of the Fund in any investments that are authorized for the investment of monies in the General Revenue Fund of the Province;**

(b) dispose of the investments in the manner and on terms that the Minister of Finance considers appropriate and invest the proceeds in other investments authorized pursuant to clause (a);

(c) pay for the expenses of administering and auditing the Fund; and

(d) do any other thing that is prescribed by the regulations.

19. (6) In each fiscal year the Minister of Finance shall prepare and submit to the Minister a financial statement showing the business of the Fund for the preceding fiscal year and the Minister shall publish the report.

19. (7) The fiscal year of the Fund is the same as the fiscal year of the Province.

19. (8) No action may be brought against Her Majesty in right of the Province for claims against the Fund.

2013, c. 5, s. 19.

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## 20. Offence

20. (1) Every person who

(a) operates a language school without a valid certificate of registration;

(b) knowingly furnishes false information in any application under this Act or the regulations or in any statement or return required to be furnished under this Act or the regulations;

(c) obstructs, misleads, interferes or otherwise refuses to comply with an inspector in the exercise of a power granted pursuant to this Act;

(d) fails to comply with an order of the Director; or

(e) otherwise contravenes this Act or the regulations, is guilty of an offence and liable on summary conviction to a fine of not more than \$100,000 and, in default of payment, to imprisonment for a period not exceeding six months.

20. (2) A prosecution for an offence pursuant to this Act may not be commenced more than two years from the date of the alleged offence.

20. (3) Where a corporation commits an offence under this Act or the regulations, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the violation of this Act or the regulations is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted.

2013, c. 5, s. 20.

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## 21. Injunction

**21. (1) In the event of a threatened or a continuing contravention of this Act or the regulations, the Minister may file an application to be heard by a judge of the Supreme Court of Nova Scotia for an injunction to restrain the person from continuing or committing the contravention and, where the judge considers it to be just, the judge may grant such injunction.**

**21. (2) A judge may, on motion, grant an interim injunction pending the hearing of an application for an injunction pursuant to 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 contravention of this Act or the regulations.**

2013, c. 5, s. 21.

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## 22. Order to comply

**22. (1) Where the Director is of the opinion that a person has failed to comply with this Act or the regulations, the Director may issue an order in writing requiring compliance immediately or within such period of time as the Director specifies.**

**22. (2) An order to comply issued pursuant to subsection (1) must**

**(a) indicate the nature of the non-compliance and state the provisions of this Act or the regulations that were contravened; and**

**(b) state that failure to follow the order may result in the Director**

**(i) issuing a notice and imposing an administrative sanction as set out in the regulations, or**

**(ii) laying a charge for failure to comply with the Act or the regulations.**

2013, c. 5, s. 22.

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## 23. Administrative sanction

**23. (1) Where a person fails to follow an order to comply issued pursuant to Section 22, the Director may issue a notice in writing imposing an administrative sanction as set out in the regulations.**



**23. (2) The notice referred to in subsection (1) must**

- (a) include a copy of the order to comply issued pursuant to Section 22;**
- (b) provide details of the person's failure to comply with the order referred to in clause (a);**
- (c) provide a clear description of the administrative sanction;**
- (d) state when and how the administrative sanction can be satisfied;**
- (e) state the date by which any monetary sanction must be paid; and**
- (f) provide the manner in which the person may request a review of the administrative sanction by the Senior Executive Director no later than seven days from the date of the notice referred to in subsection (1).**

**23. (3) A person who satisfies the administrative sanction pursuant to this Section may not be charged with an offence respecting the matter that gave rise to the administrative sanction.**

**2013, c. 5, s. 23.**

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## **24. Regulations by Minister**

**24. (1) The Minister may make regulations**

- (a) establishing a listing of approved accreditation agencies for language schools and language programs;**
- (b) respecting the designation of institutions offering a bridging language program;**
- (c) respecting application forms and fees;**
- (d) prescribing the form and content of a certificate of registration including the expiry date of the certificate;**
- (e) establishing procedures and criteria for the renewal of a certificate of registration;**
- (f) prescribing criteria for the revocation or suspension of a certificate of registration;**
- (g) respecting files, forms, records and documents relating to students to be kept at the place of business of the language school;**
- (h) prescribing the form and content of the student contract;**

- (i) prescribing the content of the report required for the purpose of clause 12(d);
- (j) prescribing reporting documents required for the purpose of clause 12(e);
- (k) prescribing the procedures for filing, responding to, processing and disposing of a complaint for the purpose of Section 14;
- (l) prescribing the procedure for filing a request for review and establishing review procedures for the purpose of Section 15;
- (m) prescribing methods of notifying parties of a decision or order;
- (n) prescribing the fees that operators are required to pay into the Fund.

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

**2013, c. 5, s. 24.**

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## **25. Regulations by Governor in Council**

### **25. (1) The Governor in Council may make regulations**

- (a) establishing registration criteria for language schools;
- (b) establishing the financial, human resources and administrative capacities required of language schools;
- (c) prescribing policies and procedures including policies or procedures regarding credential assessment, language testing and tuition payment and refund;
- (d) establishing criteria for adequate student accommodation and support services;
- (e) regarding student recruiting practices;
- (f) authorizing the Director to determine whether recruiting practices are misleading or contrary to these regulations, for the purpose of a complaint, revocation or suspension pursuant to this Act;
- (g) prescribing the form for the disclosure of the information for the purpose of clause 14(4)(b);
- (h) prescribing the form, amount and requirements for the security to be posted by a person who applies to register a language school;
- (i) respecting the Fund;

- (j) regulating the content of language-school advertising;
- (k) authorizing the Director to determine whether an advertisement is misleading, tends to mislead or does not meet the advertising requirements prescribed by these regulations for the purpose of a complaint, revocation or suspension pursuant to this Act;
- (l) prescribing powers and duties of inspectors;
- (m) respecting administrative sanctions;
- (n) defining any word or expression used by but not defined in this Act;
- (o) further defining any word or expression defined in this Act;
- (p) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

25. (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*.

2013, c. 5, s. 25.

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#### 26. Effective date

26. This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

2013, c. 5, s. 26.

Proclaimed - June 17, 2014

In force - June 17, 2014

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#### VOIR ÉGALEMENT :

[Language School Accreditation and Accountability Regulations – Language Schools Act, N.S. Reg. 105/2014](#) [en anglais seulement]

[Language Schools General Regulations – Language Schools Act, N.S. Reg. 88/2014](#) [en anglais seulement]

[Legal Profession Act, S.N.S. 2004, c. 28](#) [en anglais seulement]

#### 4. Purpose of Society

4. (1) The purpose of the Society is to uphold and protect the public interest in the practice of law.

4. (2) In pursuing its purposes, the Society shall

[...]

(d) seek to improve the administration of justice in the Province by

(i) regularly consulting with organizations and communities in the Province having an interest in the Society's purpose, including, but not limited to, organizations and communities reflecting the economic, ethnic, racial, sexual and linguistic diversity of the Province, and

2004, c. 28, s. 4; 2010, c. 56, s. 2

**[Maintenance and Custody Act, R.S.N.S. 1989, c. 160](#)** [en anglais seulement]

18. Powers of court

18. (6) In determining the best interests of the child, the court shall consider all relevant circumstances, including

[...]

(e) the child's cultural, linguistic, religious and spiritual upbringing and heritage;

**[Maintenance Enforcement Act, S.N.S. 1994-95, c. 6](#)** [en anglais seulement]

27. Garnishment order issued outside the Province

27. (1) On the filing with the Director of a garnishment or a document of similar effect that

[...]

(d) is written in or accompanied by a sworn, affirmed or certified translation into English or French, the Director may issue a garnishment to enforce the support or maintenance obligation.

27. (2) A garnishment may be issued in respect of an income source that is outside the Province shall

[...]

(d) be written in or accompanied by a sworn, affirmed or certified translation into English or French.

1994-95, c. 6, s. 27.

**Maritime Economic Cooperation Act, S.N.S. 1992, c. 7 [en anglais seulement]**

3. Guiding principles

3. (1) In future actions that affect the economy of the Maritime Provinces, the governments of the Maritime Provinces are to be guided by the following principles:

- (a) maintain the authority of each government and legislature;
- (b) protect and enhance the right of all residents of the Maritime Provinces to participate fully in the Maritime economy regardless of language and geographic location and in accordance with the *Human Rights Act*;
- (c) protect and enhance the linguistic rights and cultural identities of the people of the Maritime Provinces;
- (d) meet the needs of future generations by following the principles of sustainable development; and
- (e) work together for a strong and united Canada.

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**General**

8. Bilingualism

8. Any resident of the Maritime Provinces has the right to communicate with and receive service in English and French from any institution established specifically in pursuance of the purpose, principles and strategic goals of this Act.

1992, c. 7, s. 8.

**Municipal Elections Act, R.S.N.S. 1989, c. 300 [en anglais seulement]**

87. (1) Interpreter

87. (1) Where a deputy returning officer does not understand the language spoken by an elector and is satisfied that the elector does not understand the procedure that he must

follow to cast his vote, the deputy returning officer shall, if possible, obtain an interpreter who, after taking the oath in prescribed form in the poll book, shall be the means of communication between the deputy returning officer and the elector with reference to all matters required to enable the elector to vote.

87. (2) Interpreter required

87. (2) The elector shall not be allowed to vote until an interpreter is obtained.

**Municipal Elections Act Forms – Municipal Elections Act, N.S. Reg. 84-87**  
**[en anglais seulement]**

Statement of Nominators

Under the *Education Act*, only an “entitled person” may nominate a candidate for election as a member of the *Conseil scolaire acadien provincial*.

Under the *Education Act*, an “entitled person” is defined to mean a person who is a Canadian citizen AND

- (a) whose first language learned and still understood is French; OR
- (b) who received his or her primary school instruction in Canada in a French-first-language program; OR
- (c) who is the parent of a child who has received or is receiving primary or secondary school instruction in Canada in a French-first-language program (note that the definition of “parent” in respect to “entitled persons” does not include a guardian or person acting in loco parentis to a child).

I state that I am an “entitled person” within the meaning of this definition.

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Statement of Candidate

Under the *Education Act*, only an “entitled person” may be a member of the *Conseil scolaire acadien provincial*.

Under the *Education Act*, an “entitled person” is defined to mean a person who is a Canadian citizen AND

- (a) whose first language learned and still understood is French; OR
- (b) who received his or her primary school instruction in Canada in a French-first-language program; OR

(c) who is the parent of a child who has received or is receiving primary or secondary school instruction in Canada in a French-first-language program (note that the definition of parent does not include a guardian or person acting in loco parentis to a child).

I state that I am an “entitled person” within the meaning of this definition.

**Midwifery Act, S.N.S. 2006, c. 18 [en anglais seulement]**

25. Prohibition respecting designations

25. Subject to the regulations, no person shall take or use the designation “Registered Midwife”, “midwife” or a variation or equivalent in another language of the title in the Province, either alone or in combination with other words, letters or descriptions to imply that the person is entitled to practise as a midwife in the Province unless the person is a holder of an active-practising licence with or without conditions or restrictions.

2006, c. 18, s. 25.

**Midwifery Regulations – Midwifery Act, N.S. Reg. 58/2009 [en anglais seulement]**

5. Registration requirements

5. (2) In addition to the educational requirements in Section 15 of the Act, an applicant must meet all of the following requirements to be registered:

[...]

(c) demonstrated proficiency in the English language in the manner determined by the Council;

**Motor Vehicle Act, R.S.N.S. 1989, c. 293 [en anglais seulement]**

67. Refusal to issue and restoration of driver’s license

67. (24) The Department shall not issue a driver’s license to any person when, in the opinion of the Department, the person is sufficiently illiterate or is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs in the English language.

R.S., c. 293, s. 67; revision corrected; 1994-95, c. 12, s. 5; 1996, c. 34, s. 2; 1998, c. 32, s. 1; 1999, c. 11, s. 2; 2001, c. 44, s. 1; 2002, c. 20, ss. 2, 12; 2002, c. 30, s. 14; 2004, c. 42, s. 3; 2005, c. 32, s. 3; 2005, c. 38, s. 1; 2005, c. 54, s. 1; 2006, c. 36, s. 1; 2007, c. 45, s. 5; 2008, c. 21, s. 2; 2010, c. 20, s. 1; 2011, c. 22, s. 1; 2013, c. 10, s. 10; 2014, c. 53, s. 2.

## **Personal Health Information Act, S.N.S. 2010, c. 41 [en anglais seulement]**

### **Consent**

#### **15. Reasonable to believe individual knowledge**

**15. (1) Unless it is not reasonable in the circumstances, it is reasonable to believe that an individual knows the purpose of the collection, use or disclosure of personal health information about the individual by a custodian if the custodian**

**(a) makes readily available a notice describing the purpose in a manner that the purpose is likely to come to the individual's attention; or**

**(b) explains the purpose to the individual.**

**15. (2) Subsection (1) does not apply if the custodian should have known that the individual**

**(a) has a limited ability to read or understand the language in which the notice or explanation is presented; or**

**(b) has a disability or condition that impairs the individual's ability to read or understand the notice.**

**15. (3) A custodian shall make reasonable efforts to assist an individual referred to in subsection (2) with the individual's understanding of the purpose of the collection, use and disclosure of the individual's personal health information.**

**2010, c. 41, s. 15.**

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### **Process for Requesting Access**

#### **77. Waiver of written request**

**77. A custodian may waive the requirement to make the request in writing if the individual making the request**

**(a) has a limited ability to read or write English; or**



(b) has a disability or condition that impairs the individual's ability to make a request in writing.

2010, c. 41, s. 77.

**Pharmacy Act, S.N.S. 2011, c. 11 [en anglais seulement]**

**General**

80. Regulations without Governor in Council approval

80. (1) The Council may make regulations respecting

[...]

(b) determining language requirements, competence in jurisprudence and examinations required to be proven or taken before a person can be registered;

**Pharmacy Practice Regulations – Pharmacy Act, N.S. Reg. 258/2013 [en anglais seulement]**

4. Pharmacist candidate preceptors

4. (1) A preceptor is responsible for the oversight of a registered student or intern engaged in practice experience, and must

[...]

(e) confirm to the Registrar that the registered student or intern has satisfactory language skills and is a fit and proper person to practise pharmacy competently, safely and ethically.

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5. Pharmacy technician candidate preceptors

5. (1) A preceptor for a pharmacy technician candidate is responsible for the oversight of a pharmacy technician candidate engaged in practice experience, and must

[...]

(e) confirm to the Registrar that the pharmacy technician candidate has satisfactory language skills and is a fit and proper person to practise pharmacy competently, safely and ethically.

**Registration, Licensing and Professional Accountability Regulations –  
Pharmacy Act, N.S. Reg. 252/2013 [en anglais seulement]**

2. Definitions

2. (1) In these regulations,

[...]

**“satisfactory language proficiency” for purposes of an application for a licence means the successful completion of an English-language proficiency assessment at a level consistent with language fluency requirements for licensure as a pharmacist or pharmacy technician, as the case may be, in Canada, as approved by the Council;**

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7. Qualifications for registration and licensing as pharmacist

**7. (1) Except as provided in subsections (2) and (3) for applicants who are licensed outside the Province, an applicant must have all of the following qualifications to be eligible for registration and licensing as a pharmacist:**

[...]

**(b) satisfactory language proficiency;**

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8. Qualifications for registration and licensing as pharmacy technician

**8. (1) Except as provided in subsections (2), (3) and (4) for applicants to whom those subsections apply, an applicant must have all of the following qualifications to be eligible for registration and licensing as a pharmacy technician:**

[...]

**(b) satisfactory language proficiency;**

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10. Qualifications for registration as intern

**10. An applicant must have all of the following qualifications to be eligible for registration as an intern:**

[...]

(b) satisfactory language proficiency;

**Probate Act, S.N.S. 2000, c. 31 [en anglais seulement]**

**37. Extra-provincial grants**

**37. (1) Where there is filed with a court**

(a) a grant or an order to the like effect made by an authority outside the Province, or a copy thereof, appearing to be certified under the seal of the authority that granted it as a true copy;

(b) a translation into English of any document referred to in clause (a), including any will, and the translation is certified in the prescribed manner and form; and

(c) security in such an amount and in such form as is prescribed pursuant to Section 40, the court may issue a grant with respect to the estate.

**Probate Court Practice, Procedure and Forms Regulations – Probate Act,  
N.S. Reg. 119/2001 [en anglais seulement]**

**12. English translation**

**12. (1) If a will is written in a language other than English, the applicant for a grant respecting the will shall provide an affidavit in Form 3 verifying the translation of the will into English.**

**12. (2) A registrar may require any document written in a language other than English and referred to in a will to be translated into English, and where the registrar so requires, the applicant for a grant respecting the will shall provide an affidavit in Form 3 verifying the translation of the document into English.**

**12. (3) The original of the English translation of a will referred to in subsection (1) or a document referred to in subsection (2) together with the original will or document and an affidavit in Form 3 must be attached to the application for a grant respecting the will.**

**12. (4) A certified copy of the English translation of a will referred to in subsection (1) or a document referred to in subsection (2) together with a certified copy of the original will or document shall be attached to the duplicate grant respecting the will delivered to the personal representative.**

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**Form 3 – Affidavit Verifying Translation**

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF \_\_\_\_\_, Deceased

Affidavit Verifying Translation

(S.12(1))

I, [name of translator], of [address]

make oath and say:

1. I can read, write, and speak English and [translated language] fluently and I am competent to translate documents from either language to the other.

2. I have carefully examined the original document(s) dated [month and day, year] which [is/are] written in the [translated language] language and which purport(s) to be the

[ ] last will

[ ] last will and codicil(s)

[ ] document referred to in will or codicil: [specify document]

of the deceased and [is/are] marked Exhibition "A" to this affidavit.

3. Exhibit "B" to this affidavit is the original of my translation of Exhibit "A" to this affidavit into English and it is accurate.

[Psychologists Act, S.N.S. 2000, c. 32](#) [en anglais seulement]

## Registers

15. Right to be registered

15. (4) Notwithstanding subsections (1) and (2), the Board may, in its discretion, decline to register the name of an applicant on the Register of Psychologists where the applicant

[...]

(d) is not able to speak and write either English or French with reasonable fluency.

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16. Register of Candidates

16. (3) Notwithstanding subsections (1), the Board may, in its discretion, decline to register the name of an applicant on the Register of Candidates where the applicant

[...]

(d) is not able to speak and write either English or French with reasonable fluency.

2000, c. 32, s. 16.

**Public Service Act, R.S.N.S. 1989, c. 376 [en anglais seulement]**

**Department of Communities, Culture and Heritage**

**30B. Powers of Minister**

**30B. The Minister of Communities, Culture and Heritage has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all matters relating to**

[...]

(e) the *French-language Services Act*;

[...]

(k) developing and promoting the Gaelic language and culture in the Province;

2011, c. 9, s. 26.

**Reciprocal Enforcement of Judgments Act, R.S.N.S. 1989, c. 388 [en anglais seulement]**

**5. Judgment not in English**

**5. Where a judgment sought to be registered under this Act is in a language other than the English language, the judgment or the exemplification or certified copy thereof, as the case may be, shall have attached thereto for all purposes of this Act a translation in the English language approved by the court, and upon such approval being given the judgment shall be deemed to be in the English language.**

R.S., c. 388, s. 5.

**Trust and Loan Companies Act, S.N.S. 1991, c. 7 [en anglais seulement]**

## 20. Name of provincial loan or trust company

20. (3) Subject to subsection (1) of Section 22, the instrument of incorporation may set out the name of the company in an English form, a French form, an English form and a French form or in a combined English and French form and it may use and may be legally designated by any such form, but where the name is set out in an English form and a French form or in a combined English and French form, the company may use and may be legally designated by any one of those forms.

20. (4) Subject to subsection (1) of Section 22, the instrument of incorporation may, for use outside Canada, set out the name of the company in any language form and it may use and may be legally designated by its name in any such form outside Canada.

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## 22. Restrictions on name

22. (2) Subject to this Act and the regulations, a provincial company may have a name in an English form, a French form, an English form and a French form or a combined English and French form and it may be legally designated by any such name.

## **Nouvelle-Écosse – Autres règlements**

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**[Apprenticeship and Trades Qualifications Act General Regulations, N.S. Reg. 129/2003](#)** [en anglais seulement]

## 30A. Certificate of proficiency

30A. (1) To be eligible for a certificate of proficiency under subsection 21(1A) of the Act, a person must have worked at least 18 000 hours in a designated trade and must meet at least 1 of the following criteria:

- (a) they experience cultural barriers, or barriers to literacy or education;
- (b) they speak some English and need time to develop functional English language skills;
- (c) they have unsuccessfully written the certification examination at least twice.

Subsection 30A(1) amended: O.I.C. 2016-238, N.S. Reg. 184/2016

**[Canada-Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations, N.S. Reg. 229/2014](#)** [en anglais seulement]

### **Division 3: Controlled Products**

#### **148. Workplace material safety data sheets**

**148. (5) If the information required to be disclosed under this Section is not available to the employer or not applicable to the controlled product, the employer must replace the information with the words “not available” or “not applicable”, as the case may be, in the English version and the words “non disponible” or “sans objet”, as the case may be, in the French version of the material safety data sheet.**

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#### **149. Availability of material safety data sheets**

**149. (1) Subject to subsection (2), every employer, other than an employer referred to in subsection 147(4), must keep readily available for examination by employees and by the committee or the coordinator, in any workplace in which an employee may handle or be exposed to a controlled product, a copy in English and in French of**

**(a) in the case of an employer who is an employer referred to in subsection 148(1) or (2), the workplace material safety data sheet; and**

**(b) in any other case, the supplier material safety data sheet.**

**149. (2) In place of keeping a material safety data sheet in the manner required under subsection (1), an employer may make a computerized version of the material safety data sheet available in English and in French for examination by employees and by the committee or the coordinator by means of a computer if the employer**

**(a) takes all reasonable steps to keep the computer in working order;**

**(b) provides the training referred to in clause 133(2)(d) to the employees and to the committee or to the coordinator; and**

**(c) on the request of an employee or the committee or the coordinator, makes the material safety data sheet readily available to the employee or the committee.**

**Counselling Therapists Regulations – Counselling Therapists Act, N.S.  
Reg. 287/2011 [en anglais seulement]**

### **Criteria for registration**

**6. (2) In addition to completion of a counselling-therapy education program, as required by subsection 16(1) of the Act, the following are the criteria for registration:**

**[...]**

(c) demonstration of proficiency in the English language in the manner required by the Registrar;

**Advertising Standards Regulations (Regulation No. 4) – Dental Act, N.S.  
Reg. 136/2000 [en anglais seulement]**

5. Relevant public information

5. Relevant public information includes

[...]

(h) the languages spoken;

**Dental Hygienists Regulations – Dental Hygienists Act, N.S. Reg. 214/2009  
[en anglais seulement]**

## **Registration**

3. Qualifications for registration

3. Except as provided in Section 4 for persons subject to the Mutual Recognition Agreement, a person must possess all the following qualifications for registration in the register:

[...]

(g) they must have demonstrated proficiency in the English language in a manner determined by the Council.

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## **Advertising**

35. Advertising standards

35. (1) In this Section, “advertising” means to publish, display, or distribute any advertisement, announcement or information related to a dental hygienist’s practice, or to cause or permit it, directly or indirectly, to be published, displayed, distributed or used.

(3) In clause (2)(g), “information relevant to the public’s ability to make an informed choice” includes all of the following information:

[...]



(c) the languages spoken at the office;

**Nova Scotia Civil Procedure Rules, Nova Scotia Civil Procedure Rules –  
Judicature Act, Royal Gaz. Nov 19, 2008 [en anglais seulement]**

**Rule 48 - Translation, Interpretation, and Assistance**

**48.01 Scope of Rule 48**

**48.01 A party who has difficulty understanding what is being said in court, a witness who has a difficulty communicating in court, and a person with a disability that impedes them in court may be assisted in accordance with this Rule.**

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**48.02 Assistance for party to understand proceeding**

**48.02 (1) A party with a hearing impairment, or who has difficulty understanding the language in which a trial or hearing is conducted, may make a motion to be assisted by a translator, interpreter, or signer.**

**48.02 (2) A party with a mental or physical disability that impedes them in court may make a motion for appropriate assistance.**

**48.02 (3) A judge who makes an order to assist a party may include terms to ensure a fair balance between the need of the party to understand the trial or hearing and the need of all parties for a trial or hearing conducted without unnecessary disruption.**

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**48.03 Assistance for witness to communicate**

**48.03 (1) A party who calls a witness at trial, or presents a witness on the hearing of an application, must provide a translator or signer if the witness cannot adequately understand the questions, or cannot give answers that are adequately understood, without the assistance of a person who is able to translate or sign.**

**48.03 (2) The party must satisfy the judge that the proposed translator or signer has the ability to clearly understand the questions to be asked and the answers to be given, and to accurately translate the questions and answers.**

**48.03 (3) The translator or signer must swear to or affirm all of the following, unless the judge permits otherwise:**

**(a) the translator or signer will accurately translate each question asked of, and each answer given by, the witness;**

**(b) except to translate, the translator or signer will not communicate with the witness during the examination without advising the judge and awaiting the judge's permission;**

**(c) the translator or signer is not related by blood or marriage to the witness, is not an employer or employee of the witness, and is independent of the witness.**

**(4) A party who calls a witness with another kind of difficulty communicating in court may make a motion for means to assist the communication.**

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#### **48.05 Expense of assistance**

**48.05 (1) A judge may determine who must bear the expense of assistance not covered by a government authority, an insurer, or another person.**

**48.05 (2) A party who makes a motion for a government authority, an insurer, or another person to pay the expense of assistance must deliver a copy of the notice of motion and documents filed in support of the motion to the person in the same manner as a person is notified of a proceeding under Rule 31 - Notice, unless the authority, insurer, or other person agrees or a judge orders otherwise.**

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### **Child Protection**

#### **60A.17 Agency plan for disposition hearing**

**60A.17 (3) An agency that proposes the child be placed in temporary care and custody of the agency, must include all of the following in the plan:**

**[...]**

**(j) an explanation of the steps taken to preserve the child's cultural, racial, and linguistic heritage;**

**[...]**

**60A.17 (4) An agency that proposes the child be placed in permanent care and custody of the agency, must include all of the following in the plan:**

**[...]**

**(d) an explanation of the placement with a family in relation to preserving the child's own religious faith, culture, race, and language.**

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## 86.07 Translation and interpretation

**86.07** A judge who makes an order under this Rule 86 for communications, a conference, or a hearing that involves uses of a language not understood by the judge, counsel, or a party may make an order on terms similar to those permitted by Rule 48 - Translation, Interpretation, and Assistance.

### **Nova Scotia Offshore Area Petroleum Drilling and Production Regulations – Canada-Nova Scotia Offshore Petroleum Resources Accord, N.S. Reg. 336/2009 [en anglais seulement]**

## **Part 3: Operator's Duties**

### 20. Safety and environmental protection

**20.** The operator shall take all reasonable precautions to ensure safety and environmental protection, including ensuring that

[...]

(d) differences in language or other barriers to effective communication do not jeopardize safety or environmental protection;

### **Land Surveyors Regulations – Land Surveyors Act, N.S. Reg. 308/2013 [en anglais seulement]**

12. Additional criteria for applicants not currently registered in another Canadian jurisdiction

**12.** An applicant for entry in the active membership roster who is not currently registered in another Canadian jurisdiction must pay the applicable registration fee and meet all of the following criteria:

[...]

(e) demonstration of proficiency in the English language in a manner required by the Board;

### **Libraries Act Funding Regulations – Libraries Act, N.S. Reg. 70/98 [en anglais seulement]**

## 4. French language grants

4. (1) The Minister shall, each fiscal year, pay to a regional library board, where the French language speaking population exceeds 10% of the total population of the area served by the regional library board, a French language operating grant to assist in the provision of library service in the French language.

4. (2) The grant specified in subsection (1) shall be

(a) 5% for the fiscal years 1995-1996, 1996-1997 and 1997-1998; and

(b) 10% for the fiscal years 1998-1999 and thereafter,

of the Provincial annual operating grant prescribed in subsection 3(2) and shall be in addition to the Provincial annual operating grant.

4. (3) The French language operating grant prescribed in this Section shall be paid as required under subsection 3(6).

4. (4) The French language operating grant prescribed under this Section shall be conditional on the preparation of a separate financial statement, in accordance with subsection 14(2) of the Act, detailing the expenditures made for the French language library service provided by the regional library board.

**Licensed Practical Nurses Regulations – Licensed Practical Nurses Act,  
N.S. Reg. 197/2009 [en anglais seulement]**

**Registration**

10. Registration qualifications for graduates of practical-nursing education programs in Province

10. (1) The following are the qualifications required for registration of a graduate of a practical-nursing education program in the Province:

[...]

(d) demonstrated proficiency in the English language in the manner determined by the Executive Director-Registrar;

**Liquor Plebiscite Regulations – Liquor Control Act, N.S. Reg. 9/2007 [en  
anglais seulement]**

63. Interpreters

63. (1) A deputy returning officer who does not understand the language spoken by an elector must obtain an interpreter, if possible.

63. (2) An interpreter must take the oath for an interpreter set out in the poll book.

63. (3) An interpreter must communicate between the deputy returning officer and the elector to enable the elector to vote.

**Public Education About Fetal Alcohol Syndrome Regulations – Liquor Control Act, N.S. Reg. 181/2005** [en anglais seulement]

2. Signs warning of fetal alcohol syndrome

2. (1) Each Government store and agency store must periodically display a sign that warns women who are pregnant that the consumption of alcohol during pregnancy may cause fetal alcohol syndrome.

2. (2) A sign referred to in subsection (1) must be prominently displayed and visible to purchasers of liquor and must conform to all of the following requirements:

(a) the sign must be in English and may be in any other language that is approved by the Corporation;

**Medical Laboratory Technologists Registration Regulations – Medical Laboratory Technology Act, N.S. Reg. 168/2003** [en anglais seulement]

3. Applying for initial registration

3. (3) An applicant for initial registration must

[...]

(b) be competent in both written and oral English to the satisfaction of the Registrar or as determined by the Board;

**Nova Scotia Museum Fees Regulations – Nova Scotia Museum Act, N.S. Reg. 202/2013** [en anglais seulement]

6. Admission fees for single visit

6. (1) In this Section,

[...]

“ESL group” means a group of persons who are studying English as a second language;

**College of Occupational Therapists of Nova Scotia Registration Regulations – Occupational Therapists Act, N.S. Reg. 34/99, Sch. A** [en anglais seulement]

27. Registration

27. An applicant for registration or re-registration shall

[...]

(b) be able to demonstrate competency in both written and oral English or written and oral French to the satisfaction of the Registrar or as determined by the Board.

**Optometry Regulations – Optometry Act, N.S. Reg. 453/2007** [en anglais seulement]

**Registration and Licensing**

3. Eligibility for registration

3. To be eligible for registration, an applicant must meet all of the following qualifications:

[...]

(d) the applicant must pass a test of language proficiency in French or English.

**Paramedics Regulations**, NS Reg 57/2017 [en anglais seulement]

**Registration and Licensing**

17. Criteria for entry in rosters

17. (2) The following are the criteria a person is required to meet for entry in a roster for any class of licence:

(d) they have demonstrated proficiency in the English language, in the manner prescribed by the Registrar;

**Personal Property Security Act General Regulations – Personal Property Security Act, N.S. Reg. 129/97** [en anglais seulement]

**Debtor (enterprise) name information**

21. Body corporate

21. (1) Where the debtor is an enterprise that is a body corporate, the registrant shall enter the name of the body corporate.

21. (2) The registrant shall enter, under separate “Debtor (Enterprise)” headings in the registration, all forms of the name of a debtor that is a body corporate if the name of the debtor is in more than one of the following forms:

- (a) an English form;
- (b) a French form;
- (c) a combined English-French form.

**College of Physicians and Surgeons Registration Regulations – Medical Act, N.S. Reg. 141/96** [en anglais seulement]

**Part II – General**

5. Applications

5. With the exception of clinical undergraduate students listed in the Medical Education Register pursuant to Section 27 of the Act, applicants for registration shall satisfy the Registrar as to their good character and good professional conduct in such a manner as the Registrar requires and shall comply with the following conditions:

- (a) applicants must be Canadian citizens or satisfy the Registrar that they are legally entitled to live and work in Canada;
- (b) applicants must be able to communicate in English to the satisfaction of the Registrar;

**Medical Practitioners Regulations – Medical Act, N.S. Reg. 225/2014** [en anglais seulement]

**Full Medical Register**

## 19. Full Medical Register—application and criteria for registration

**19. (3) The following are the criteria a person is required to meet for registration in the Full Medical Register:**

[...]

(c) they have demonstrated proficiency in the English language, in a manner prescribed by the Registrar;

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## Education Register

### 25. Education Register—criteria for registration

**25. (1) Except as provided in Section 26 for a student member, an applicant for registration in the Education Register must meet all of the following criteria:**

[...]

(e) they have demonstrated proficiency in the English language as required by the Registrar;

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## Conditional Register

### 39. Conditional Register—criteria for registration

**39. (1) Except as provided in Section 46 for a temporary licence and Section 59 for a restricted licence, an applicant for registration on the Conditional Register must meet all of the following criteria:**

[...]

(d) they have demonstrated proficiency in the English language, in a manner prescribed by the Registrar;

**[Nova Scotia College of Physiotherapists Registration Regulations – Physiotherapy Act, N.S. Reg. 23/99, Sch. A](#) [en anglais seulement]**

## 19. Registration

**19. An applicant for registration shall**



[...]

(b) be able to demonstrate competency in both written and oral English to the satisfaction of the Registrar or achieve a TOEFL® score as determined by the Board;

**Prescription Monitoring Regulations – Prescription Monitoring Act, N.S. Reg. 132/2005 [en anglais seulement]**

22. Required information for dispensing or releasing monitored drugs

22. (1) A monitored drug must only be dispensed by a pharmacist if the following information is provided to the pharmacist or if the pharmacist has access to all of the following information:

[...]

(m) the quantity of the monitored drug in arabic numbers and spelled out in English;

**Private Career Colleges Operational Regulations – Private Career Colleges Act, N.S. Reg. 96/2016 [en anglais seulement]**

**Advertising and Recruiting**

31. Records of advertisements

31. (1) An operator must keep all of the following material related to advertisements:

[...]

(c) for any advertisement published or broadcast in a language other than English or French, a translation of the text prepared by a person whose primary employment is translation or who has trained as a translator;

**Registered Nurses Regulations – Registered Nurses Act, N.S. Reg. 155/2001 [en anglais seulement]**

**Registration**

7. Qualifications for registration for graduates of nursing education programs

7. (1) The following are the qualifications for registration of a graduate of a nursing education program:

[...]

(f) demonstrated proficiency in the English language in the manner determined by the Executive Director;

**Respiratory Therapists Regulations – Respiratory Therapists Act, N.S. Reg. 460/2007 [en anglais seulement]**

8. Criteria for registration for graduates of respiratory therapy education programs

8. (1) The following are the criteria for registration for a graduate of a respiratory therapy education program:

[...]

(d) demonstration of proficiency in the English language in the manner required by the Credentials Committee;

**Summary Offence Tickets Regulations – Summary Proceedings Act, N.S. Reg. 281/2011 [en anglais seulement]**

**Schedule 1 – Tickets and Forms**

**Summons to Accused (English form)**

**Option #2 – Notice of Intention to Appear in Court**

**If you wish to Plead Not Guilty and have a trial, or Plead Guilty and make a submission as to penalty, or Plead Guilty where no amount is specified in the Summons, you must contact the Court and file a Notice of Intention to appear in Court. To do this contact the Court indicated on the front of this Summons or any Provincial Court in person before the DUE DATE shown on the front of this Summons.**

**If you are pleading not guilty, you may, when you make your plea, apply to be tried in English, in French or in both English and French. If you do not apply, you will be tried in English.**

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**Somation à l'accusé (formulaire en français)**

**2<sup>e</sup> option: Avis d'intention de comparaître en justice**

Si vous désirez plaider non coupable et subir un procès, plaider coupable et présenter une soumission relative à la sanction ou plaider coupable alors qu'aucun montant d'amende n'est précisé dans la sommation, vous devez communiquer avec le tribunal et déposer un avis d'intention de comparaître en justice. Veuillez communiquer en personne avec le tribunal indiqué au recto de la sommation ou tout autre tribunal provincial avant la date d'échéance indiquée également au recto. Si vous plaidez non coupable, vous pouvez, au moment de plaider, demander que votre procès se déroule en anglais, en français ou à la fois en anglais et en français. Si vous ne faites pas de demande, votre procès se déroulera en anglais.

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## Form A-1 – Notice of Intention to Appear in Court

Please indicate

[...]

3. \_\_\_\_\_ I wish to have my hearing in English / French / Bilingual.

OR

\_\_\_\_\_ I request a language interpreter for my hearing.

### Tobacco Access Regulations – Tobacco Access Act, N.S. Reg. 9/96 [en anglais seulement]

3D. (2) Signs listing types of tobacco for sale

3D. (2) A sign listing the types of tobacco for sale shall meet all of the following criteria:

[...]

(f) the text on a sign may use only the following words, or an abbreviation or an equivalent in another language, to describe the types of tobacco for sale:

- (i) full price cigarettes,
- (ii) mid price cigarettes,
- (iii) budget price cigarettes,
- (iv) smokeless tobacco,
- (v) cigars,
- (vi) loose tobacco by pouch or tub;

(g) the text on a sign must not contain any words, phrases or figures additional to those set out in Sign 4 of Schedule A or instructed to be inserted on the sign in Sign 4 of Schedule A, other than an abbreviation of them or an equivalent in another language.

**Veterinary Medical Regulations – Veterinary Medical Act, N.S. Reg. 37/2006**  
**[en anglais seulement]**

5. Entry on Register as member

5. An applicant is qualified to become a member of the Association and to have their name entered on the Register under subsection 10(2) of the Act, if the applicant submits a completed registration application to the Registrar on the form approved by the Registrar together with all of the following:

[...]

(b) such information as the Registrar requires to establish that the applicant

[...]

(v) if their first language is other than English, has passed the Test of English as a Foreign Language or another test that Council determines, with a score determined by Council.

