

CONSOLIDATION OF INTERPRETATION ACT

R.S.N.W.T. 1988,c.I-8

In force July 15, 1991

(Current to: May 23, 2013)

The following provision has been deleted for the purposes of this consolidation:
s.48 (Commencement)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.38(Supp.)

R.S.N.W.T. 1988,c.125(Supp.)

S.N.W.T. 1995,c.11

S.N.W.T. 1997,c.8

S.N.W.T. 1998,c.15

S.N.W.T. 1998,c.31

In force March 31, 1999

S.N.W.T. 1999,c.1

In force March 31, 1999

AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:

S.N.W.T. 1998,c.34

In force April 1, 1999

S.N.W.T. 1998,c.36

In force April 1, 1999

S.N.W.T. 1999,c.9

In force April 1, 1999

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 1999,c.7

In force November 3, 1999

S.Nu. 2000,c.11,s.6

s.6 in force October 30, 2000

S.Nu. 2001,c.4

In force at 1:59 am on April 1, 2001

S.Nu. 2002,c.5,s.71

s.71 in force April 1, 2002

S.Nu. 2003,c.4,s.14

s.14 in force March 28, 2003

S.Nu. 2004,c.7,s.22

s.22 in force December 1, 2004

S.Nu. 2005,c.3,s.5

s.5 in force March 22, 2005

S.Nu. 2006,c.10,s.3

s.3 in force June 15, 2006

S.Nu. 2008,c.19,s.3

s.3 in force September 18, 2008

S.Nu. 2010,c.11,s.3

s.3 in force June 10, 2010

(See following page for more Nunavut amending statutes)

AS AMENDED BY NUNAVUT STATUTES: (continued)

S.Nu. 2011,c.25,s.12

s.12 in force October 31, 2011

S.Nu. 2012,c.17,s.14

s.14 in force June 8, 2012

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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INTERPRETATION ACT

INTERPRETATION

Lapsed enactments

1. For the purpose of this Act, an enactment that has expired or lapsed or otherwise ceased to have effect shall be deemed to have been repealed.

APPLICATION

Application to all enactments

2. (1) Every provision of this Act extends and applies to every enactment, whether enacted before or after the commencement of this Act, unless a contrary intention appears in this Act or in the enactment.

Application to this Act

(2) The provisions of this Act apply to the interpretation of this Act.

Other rules of construction

(3) Nothing in this Act excludes the application to an enactment of a rule of construction applicable to that enactment and not inconsistent with this Act.

GOVERNMENT OF NUNAVUT

Government bound by Act

3. This Act binds the Government of Nunavut. S.Nu. 2006,c.10,s.3(2).

COMMENCEMENT AND OPERATION

Date of commencement of Act

4. (1) The date of the commencement of an Act or of any portion of an Act for which no other date of commencement is provided in the Act is the date of assent to the Act.

Date of commencement of coming into force provision

(2) A provision to bring an Act or any portion of an Act into force on a day later than the date of assent to the Act comes into force on the date of assent to the Act.

Date of commencement of certain regulations

(3) Every regulation of a class that is exempted from the application of the *Statutory Instruments Act* or to which that Act does not apply and which is not expressed to come into force on a particular day comes into force on the day the regulation is enacted.

Effective time of commencement of enactment

5. (1) An enactment takes effect on the commencement of the day on which it comes into force.

Effective time of enactment ceasing to have effect

(2) Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, it shall be construed as ceasing to have effect on the expiration of that particular day.

Exercise of powers before commencement

6. A power in an enactment to make a regulation or to do any other thing may be exercised at any time before the enactment comes into force, but a regulation so made or a thing so done has no effect until the enactment comes into force except insofar as may be necessary to make the enactment effective on its coming into force.

Proclamation

7. (1) Where the Commissioner is authorized to do an act by proclamation, the proclamation is a proclamation issued under an order of the Commissioner.

Judicial notice of order

(2) Judicial notice shall be taken of any order bringing an Act or any portion of an Act into force without being specially pleaded.

Commencement of provisions of Act

(3) The authority to make an order fixing a day on which an Act comes into force may be exercised in respect of any provision of the Act, and orders may be made at different times as to different provisions.

Binding Crown

8. No enactment is binding on Her Majesty or affects Her Majesty or Her Majesty's rights and prerogatives in any manner, except only as mentioned or referred to in the enactment.

Aboriginal and treaty rights

8.1. No enactment abrogates or derogates from the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada that are recognized and affirmed by section 35 of the *Constitution Act, 1982*. S.Nu. 2006,c.10,s.3(3).

CONSTRUCTION

Enactments always speaking

9. (1) Every enactment shall be construed as always speaking.

Present tense

(2) A provision in an enactment expressed in the present tense shall be applied to the circumstances as they arise.

Remedial nature of enactments

10. Every enactment shall be construed as being remedial and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

Preamble

11. The preamble of an enactment shall be construed as part of the enactment intended to assist in explaining its purport and object.

Reference aids

12. In an enactment,

- (a) marginal notes,
- (b) **repealed, S.Nu. 2012,c.17,s.14(2),**
- (c) references after the end of a preamble, section, schedule or form to former enactments, and
- (d) tables of contents,

form no part of the enactment but shall be construed as being inserted for convenience of reference only. S.Nu. 2012,c.17,s.14(2).

Public Acts

13. Every Act is a public Act unless by express provision it is declared to be a private Act.

Effect of private Acts

14. No provision in a private Act affects the rights of any person, except only as mentioned or referred to in the private Act.

Definitions and interpretation provisions

15. Definitions and interpretation provisions in an enactment apply to the whole enactment including the section containing the definitions or interpretation provisions.

Application of expressions in enactments to regulations

16. Expressions used in a regulation have the same meaning as in the enactment conferring the power to make the regulation.

Corporate rights and powers

17. Words in an enactment establishing a corporation shall be construed

- (a) to vest in the corporation the capacity and power
 - (i) to sue in its corporate name,
 - (ii) to contract and be contracted with by its corporate name,
 - (iii) to have a common seal and to alter or change it at pleasure,
 - (iv) to have perpetual succession,
 - (v) to acquire and hold personal property or movables for the purposes for which the corporation is established and to alienate them at pleasure, and
 - (vi) to regulate its own procedure and business;

- (b) to make the corporation liable to be sued in its corporate name;
- (c) to vest in a majority of the members of the corporation the power to bind the others by their acts; and
- (d) to exempt from personal liability for its debts, obligations or acts individual members of the corporation who do not contravene the provisions of the enactment establishing the corporation.

Majority

18. Where in an enactment an act or thing is required or authorized to be done by more than two persons, a majority of them may do it.

Powers of judges and court officers

19. (1) Where by an enactment judicial or quasi-judicial powers are given to a judge or officer of a court

- (a) the judge or officer shall be deemed to exercise those powers in his or her official capacity and as representing that court; and
- (b) the judge or officer may for the purpose of performing the duties imposed on him or her by the enactment, subject to the provisions of the enactment, exercise the powers he or she possesses as a judge or officer of that court.

Appeals

(2) Without restricting the generality of subsection (1), where under an enactment an appeal is given from any person, board, commission or other body to a court or judge, an appeal lies from the decision of the court or judge as in the case of any other action, matter or proceeding in that court or in the court of which the judge is a member unless a contrary intention is expressly stated in the enactment.

Appointments of public officers

20. (1) Every public officer appointed before or after the commencement of this Act by or under the authority of an enactment or otherwise, holds office during pleasure only, unless it is otherwise expressed in the enactment or in his or her commission or appointment.

Commencement of appointments

(2) Subject to subsection (2.1), the appointment of a person to an office

- (a) may be expressed to be effective on or after the day on which the person commenced the performance of the duties of the office; and
- (b) takes effect on the commencement of the day specified in the appointment.

Restriction on appointment

(2.1) Where an appointment of a person to an office specifies a day on which the appointment takes effect, the specified day must not be more than 60 days before the day on which the appointment is made.

Termination

(3) The termination of the appointment of a person to an office on a specified day takes effect

- (a) on the expiration of that day, where the day is specified in the appointment; or
- (b) on the commencement of that day, where the day is specified in a revocation of the appointment.

Restriction on revocation

(4) Where a revocation of the appointment of a person to an office specifies a day on which the revocation takes effect, the specified day must not be more than 60 days before the day on which the revocation is made. S.N.W.T. 1997,c.8,s.16(2).

Continuation of appointments in Nunavut

20.1. (1) An appointment of a public officer made before April 1, 1999 under an enactment of the Northwest Territories continues in Nunavut, as if it had been made under the duplicate enactment of Nunavut, where

- (a) the appointment does not specify a termination day or specifies a termination day after March 31, 1999;
- (b) the appointment indicates that the public officer resides in a community in Nunavut; and
- (c) the public officer resides in Nunavut on April 1, 1999.

Provisions and terms applicable to appointment

(2) An appointment continued under subsection (1) is subject to the provisions of the duplicate enactment of Nunavut and the terms set out in the appointment, including any such provision or term relating to the expiry or termination of the appointment.

Exceptions

- (3) Subsection (1) does not apply to an appointment of a public officer
- (a) made under the *Legislative Assembly and Executive Council Act* or on the recommendation of the Legislative Assembly; or
 - (b) as a member or director of a public body duplicated by section 76.06 of the *Nunavut Act*.
S.N.W.T. 1999,c.9,Sch.G,s.1.

Included powers

21. Words in an enactment authorizing the appointment of a public officer include the power of

- (a) fixing the term of office of the public officer;
- (b) terminating the appointment of the public officer or removing or suspending the public officer;
- (c) reappointing or reinstating the public officer;
- (d) fixing the remuneration of the public officer and varying or terminating it;

- (e) appointing another in the stead or to act in the stead of the public officer whether or not the office is vacant; and
- (f) appointing a person as the deputy of the public officer to perform and exercise some or all of the duties and powers of the public officer in the manner and under the circumstances specified in the instrument appointing him or her.

22. (1) Repealed, S.Nu. 2000,c.11,s.6.

(2) Repealed, S.Nu. 2000,c.11,s.6.

(3) Repealed, S.Nu. 2000,c.11,s.6.

Direction of Deputy Minister

(4) A Deputy Minister may, from time to time, provide direction to a public officer who

- (a) is in the public service, and
- (b) is appointed as a public officer to carry out an administrative function under an enactment that is administered by the department of the Deputy Minister,

respecting the exercise of the powers and the performance of the duties of the public officer under the enactment, and the public officer shall exercise his or her powers and perform his or her duties in accordance with any such direction. S.Nu. 2000,c.11,s.6.

Power to act for Ministers

23. (1) A power or duty given by an enactment to a particular Minister may be exercised or performed by any member of the Executive Council acting as or for the Minister.

Commissioner and Minister

(2) Where a power is conferred or a duty imposed on a Minister, the power may be exercised or the duty performed by the Commissioner.

Person may act for Minister

(2.1) Where an enactment directs or empowers a Minister to do any act or thing, that act or thing may be done on the Minister's behalf by a person

- (a) appointed to serve in a capacity appropriate to the doing of the act or thing in the department over which the Minister presides; or
- (b) authorized in writing, by name or by office, to do that act or thing by the Minister.

Person may act for Commissioner

(2.2) Where an enactment directs or empowers the Commissioner to do any act or thing, that act or thing may be done on the Commissioner's behalf by

- (a) the Minister who presides over the department to which the administration of the enactment is assigned; or

- (b) a person
 - (i) appointed to serve in a capacity appropriate to the doing of the act or thing in the department over which the Minister presides, or
 - (ii) authorized in writing, by name or by office, to do that act or thing by the Minister who presides over the department to which the administration of the enactment is assigned.

Power to act for public officers

(3) Words in an enactment directing or empowering a public officer other than a Minister to do any act or thing, or otherwise applying to a public officer by the name of office of the public officer, include

- (a) the holder of the office of deputy to that public officer, subject to the instrument appointing the deputy; and
- (b) a person appointed to act in the stead of the holder of the office, whether or not the office is vacant.

S.Nu. 2010,c.11,s.3(3)

Time period – clear or minimum number of days

24. (1) A period of time described as a number of clear days or a minimum number of days between two events excludes the days on which the first and second events occur.

Time period – not clear or minimum number of days

(2) A period of time between two events that does not fall within the description set out in subsection (1)

- (a) excludes the day on which the first event occurs; and
- (b) includes the day on which the second event occurs.

Time period beginning or ending on specified day

(3) A period of time described as beginning or ending at, on or with a specified day includes that day.

Time period continuing until specified day

(4) A period of time described as continuing to or until a specified day includes that day.

Time period beginning after or before specified day

(5) A period of time described as being or beginning after or from, or ending before a specified day excludes that day.

Weeks, months or years

(6) In the calculation of a period of time described as involving weeks, months or years, the principles set out in this section apply correspondingly to those terms.

Time period of months after specified day

(7) A period of time described as consisting of a number of months after or from a specified day

- (a) excludes the month in which the specified day falls; and
- (b) includes the day in the last month having the same calendar number as the specified day, but if the last month has no day with the same calendar number, then the last day of that month is included.

Time period of months before specified day

(8) A period of time described as consisting of a number of months before a specified day

- (a) excludes the month in which the specified day falls; and
- (b) includes the day in the first month having the same calendar number as the specified day, but if the first month has no day with the same calendar number, then the last day of that month is included.

Time period involving calendar number in month

(9) When the time limit for doing an act would otherwise expire or fall on a day for which there is no calendar number in a month, the time limit ends on the last day of that month.

Time limit extended for holidays

(10) When the time limit for doing an act expires or falls on a holiday, the time limit is extended to the next day that is not a holiday.

Time limit extended for office closure

(11) When the time limit for registering or filing a document or doing any other act in a business office expires or falls on a day on which the office is not open for any reason during its regular business hours, the time limit is extended to the next day on which the office is open.

Age

(12) A person attains an age expressed in years immediately at the beginning of the relevant anniversary of the person's date of birth. S.Nu. 2010,c.11,s.3(4).

Time

25. Unless otherwise provided in the regulations, a reference to time is a reference to standard time, as follows:

- (a) in that part of Nunavut that is east of the 85th meridian of west longitude, and in Southampton Island and the islands adjacent to Southampton Island, standard time is Eastern Standard Time;
- (b) in that part of Nunavut that is between the 85th meridian of west longitude and the 102nd meridian of west longitude, except

- Southampton Island and the islands adjacent to Southampton Island and all areas lying within the Kitikmeot Region, standard time is Central Standard Time;
- (c) in that part of Nunavut that is west of the 102nd meridian of west longitude, and all areas lying within the Kitikmeot Region, standard time is Mountain Standard Time.
S.Nu. 1999,c.7,s.2; S.Nu. 2001,c.4,s.1.

Territorial jurisdiction

26. (1) Anything required or authorized by an enactment to be done by or before a judge, justice of the peace or public officer shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done.

Ancillary powers

(2) The power given in an enactment to a person to do or enforce the doing of any act or thing includes the powers that are necessary for the purpose.

Exercise of power from time to time

(3) A power conferred or a duty imposed by an enactment may be exercised or performed from time to time as occasion requires.

Amendment and repeal of regulations

(4) A power conferred by an enactment to make regulations includes the power exercisable in the same manner, and subject to the same consent and conditions, if any, to repeal or amend the regulations and make others.

Power to prescribe fees

(5) A power conferred by an enactment to make regulations prescribing fees includes the power to make regulations setting out the manner of calculating or otherwise determining fees. S.Nu. 2006,c.10,s.3(4).

Authority to prescribe forms includes electronic forms

26.1. (1) Authority in an Act to prescribe, approve or provide a form includes authority to prescribe, approve or provide an electronic form and to prescribe requirements for its electronic signature.

Authority to prescribe manner of submitting form includes electronic means

(2) Authority in an Act to prescribe or approve the manner of submitting a form includes authority to prescribe or approve electronic means of submitting the form.
S.Nu. 2004,c.7,s.22.

Communication of information

26.2. If a provision in an Act requires a person to communicate information otherwise than by means of a form, the Minister responsible for the Act has authority, under the relevant Act, to prescribe electronic means that may be used to communicate the information and to prescribe requirements for the electronic signature of the information. S.Nu. 2004,c.7,s.22.

Use of forms and words

27. (1) Where a form is set out in an Act or is prescribed, deviations from the form not affecting the substance or calculated to mislead do not invalidate the form used.

Where corporations included

(2) In an enactment, words importing male or female persons include corporations.

Singular and plural

(3) In an enactment, words in the singular include the plural and words in the plural include the singular.

Words defined

(4) In an enactment, the definition of a word or expression applies correspondingly to other parts of speech and grammatical forms of the word or expression.

Metric units and symbols

(5) In an enactment, metric units of measurement and their symbols have the meaning given to them in Schedule I of the *Weights and Measures Act* (Canada).

Provinces and the Yukon Territory

(6) In an enactment duplicated for Nunavut by section 29 of the *Nunavut Act*, a reference to both the provinces and the Yukon Territory, whatever the specific form of the reference, shall be construed to include the Northwest Territories. S.N.W.T. 1999,c.1,Sch.F,s.1; S.N.W.T. 1999,c.9,Sch.G,s.2.

General definitions

28. (1) In an enactment,

"Act" or "statute" means a law made by the Legislature under the *Nunavut Act* (Canada), including an ordinance of the Northwest Territories that is deemed to be a law of the Legislature by section 29 or 76.05 of the *Nunavut Act* (Canada); (*loi*)

"adult" means a person who has attained the age of 19 years; (*adulte*)

"age of majority" means 19 years of age; (*majorité*)

"Auditor General" means the Auditor General of Canada appointed under the *Auditor General Act* (Canada); (*vérificateur général*)

"bank" means a bank to which the *Bank Act* (Canada) applies; (*banque*)

"commencement" when used with reference to an enactment, means the time at which the enactment comes into force; (*entrée en vigueur*)

"Commissioner" means the Commissioner of Nunavut; (*commissaire*)

"Commissioner in Executive Council" means the Commissioner acting by and with the advice and consent of the Executive Council; (*commissaire en Conseil exécutif*)

"Consolidated Revenue Fund" means the Nunavut Consolidated Revenue Fund established by section 39 of the *Nunavut Act* (Canada); (*Trésor*)

"Court of Appeal" means the Court of Appeal of Nunavut established by subsection 31(1) of the *Nunavut Act*; (*Cour d'appel*)

"*Criminal Code*" means the *Criminal Code* (Canada); (*Code criminel*)

"Deputy Minister" means the non-elected head of a department of the Government of Nunavut and where the position is vacant or the Deputy Minister absent or unable to act, includes the person designated by the Minister to act as Deputy Minister; (*sous-ministre*)

"enact" includes issue, make, establish or prescribe; (*édicter*)

"enactment" means an Act or a regulation or any portion of an Act or a regulation; (*texte*)

"Executive Council" means the Executive Council of Nunavut; (*Conseil exécutif*)

"Financial Management Board" means the Financial Management Board established by subsection 3(1) of the *Financial Administration Act*; (*Conseil de gestion financière*)

"Government of Canada" means Her Majesty in right of Canada; (*gouvernement fédéral* or *gouvernement du Canada*)

"Governor", "Governor of Canada" or "Governor General" means the Governor General of Canada and includes the Administrator of Canada; (*gouverneur* or *gouverneur du Canada* or *gouverneur général*)

"Governor in Council" or "Governor General in Council" means the Governor General acting by and with the advice of, or by and with the advice and consent of, or in conjunction with, the Queen's Privy Council for Canada; (*gouverneur en conseil* or *gouverneur général en conseil*)

"Her Majesty", "His Majesty", "the Queen", "the King", "the Crown" or "the Sovereign" means the Sovereign of the United Kingdom, Canada and Her other Realms and Territories, Head of the Commonwealth and Defender of the Faith; (*Sa Majesté, la Reine, le Roi, la Couronne, le souverain or la souveraine*)

"holiday" includes Sunday, New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the first Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and any day appointed as a general holiday by an Act in force in Nunavut or by proclamation of the Governor General or the Commissioner, and whenever a holiday falls on a Saturday or Sunday, the word "holiday" includes the following Monday; (*jour férié*)

"judge" means a judge of the Nunavut Court of Justice and includes a deputy judge, a supernumerary judge and an *ex officio* judge of that court; (*juge*)

"justice" means a justice of the peace and includes two or more justices when two or more justices act or have jurisdiction; (*juge de paix*)

"Legislative Assembly" means the Legislative Assembly of Nunavut established by section 13 of the *Nunavut Act* (Canada); (*Assemblée législative*)

"Legislature" means the Commissioner acting by and with the advice and consent of the Legislative Assembly; (*Législature*)

"medical practitioner" means a person who is entitled to practice medicine in Nunavut under the *Medical Profession Act*; (*médecin*)

"Minister" means a member of the Executive Council appointed as a Minister under the *Legislative Assembly and Executive Council Act* who is responsible for the enactment or its subject-matter or the department to which its context refers; (*ministre*)

"minor" means a person who has not attained the age of 19 years; (*mineur*)

"month" means a calendar month; (*mois*)

"municipal by-law" means a by-law made by a municipal council under the *Cities, Towns and Villages Act* or *Hamlets Act*; (*règlement municipal*)

"municipal council" means the council of a municipal corporation; (*conseil municipal*)

"municipality" means a municipal corporation or the geographic area of jurisdiction of a municipal corporation; (*municipalité*)

"now" and "next" shall be construed as referring to the time of commencement of the enactment containing the word; (*maintenant ou prochain*)

"Nunavut Court of Justice" means the Nunavut Court of Justice established by subsection 31(1) of the *Nunavut Act*; (*Cour de justice du Nunavut*)

"Nunavut Land Claims Agreement" means the land claims agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada that was ratified by the Inuit and ratified, given effect and declared valid by the *Nunavut Land Claims Agreement Act* (Canada), which came into force on July 9, 1993, and includes any amendments to that agreement; (*Accord sur les revendications territoriales du Nunavut*)

"oath" or "affidavit" includes a solemn affirmation or declaration, whenever the context applies to any person by whom and in which case a solemn affirmation or declaration may be made instead of an oath, and in the same cases the word "swear" includes the words "affirm" and "declare"; (*serment or affidavit*)

"Official Languages" means Official Languages as defined in the *Official Languages Act*; (*langues officielles*)

"on summary conviction", where this expression appears in an enactment or a municipal by-law, means under and by virtue of those provisions of the *Summary Conviction Procedures Act*; (*procédure sommaire*)

"peace officer" means a peace officer as defined in the *Criminal Code*; (*agent de la paix*)

"person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person; (*personne*)

"prescribed" means prescribed by regulation; (*English version only*)

"proclamation" means a proclamation under the Seal; (*proclamation*)

"province" means a province of Canada; (*province*)

"public officer" includes any person in the public service who is authorized by or under an enactment to do or enforce the doing of an act or thing or to exercise a power or on whom a duty is imposed by or under an enactment; (*fonctionnaire*)

"public service" means the public service of Nunavut; (*fonction publique*)

"regulation" means a regulation, order, rule, rule of court, form, tariff of costs or fees, proclamation, by-law or resolution enacted in the execution of a power conferred by or under the authority of an enactment but does not include

- (a) an order of a court made in the course of an action, or
- (b) an order made by a public officer or administrative tribunal in a dispute between two or more persons; (*règlement*)

"repeal" includes revoke, cancel or rescind; (*abroger*)

"Rules of the Nunavut Court of Justice" means the Rules of the Nunavut Court of Justice as defined in the *Judicature Act*; (*Règles de la Cour de justice du Nunavut*)

"Seal" means the Seal of Nunavut featuring the Armorial Bearings granted for Nunavut by the Governor General on March 31, 1999; (*sceau*)

"settlement" means a settlement or a settlement corporation as defined in the *Settlements Act* and an unincorporated community; (*localité*)

"spouse" means a person who

- (a) is married to another person, or
- (b) has lived together in a conjugal relationship outside marriage with another person, if
 - (i) they have so lived for a period of at least two years, or
 - (ii) the relationship is one of some permanence and they are together the natural or adoptive parents of a child;
(*conjoint*)

"statutory declaration" or "solemn affirmation" means a declaration or affirmation authorized by law to be made instead of an oath being taken; (*déclaration solennelle* or *affirmation solennelle*)

"sureties" means sufficient sureties, and "security" means sufficient security, and where those words are used, one person is sufficient for that purpose, unless otherwise expressly required; (*cautionnement* or *caution*)

"surviving spouse" means a person who, immediately before the death of another person,

- (a) was married to the deceased, or
- (b) had lived together in a conjugal relationship outside marriage with the deceased, if
 - (i) they had so lived for a period of at least two years, or
 - (ii) the relationship was one of some permanence and they were together the natural or adoptive parents of a child;
(*conjoint survivant*)

"Territories" means Nunavut; (*Territoires* or *territoires*)

"territory", when used in reference to a part of Canada other than Nunavut, means the Northwest Territories and the Yukon Territory; (*territoire*)

"United Kingdom" means the United Kingdom of Great Britain and Northern Ireland; (*Royaume-Uni*)

"United States" means the United States of America; (*États-Unis*)

"will" includes codicil; (*testament*)

"writing", "written" or any term of similar import includes words printed, typewritten, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in visible form; (*écrit*)

"year" means a calendar year; (*année*)

"young person" means a young person as defined in the *Young Offenders Act*; (*adolescent*)

"Youth Court or youth justice court" means the Nunavut Court of Justice or the justices of the peace appointed under the *Justices of the Peace Act* as youth court or youth justice court judges and designated as a Youth Court for purposes of the *Young Offenders Act* and a youth justice court for purposes of the *Youth Criminal Justice Act* (Canada); (*tribunal pour adolescents*)

"youth court or youth justice court judge" means a youth court judge as defined in the *Young Offenders Act* or a youth justice court judge as defined in the *Youth Criminal Justice Act* (Canada). (*juge du tribunal pour adolescents*)

Marriage void or voidable

(1.1) Where two persons go through a form of marriage with each other in good faith and then live together in a conjugal relationship,

- (a) where the marriage is void, they shall be deemed to be married during the time they so lived together; or
- (b) where the marriage is decreed a nullity, they shall be deemed to be married until the judgment of nullity is granted.

Imperative and permissive construction

(2) The expression "shall" is to be construed as imperative and the expression "may" as permissive.

Definitions respecting municipalities and settlements

(3) The definition provisions of the *Cities, Towns and Villages Act*, *Hamlets Act* and *Settlements Act*, except for the definitions of "municipality" and "settlement", apply to all enactments relating to cities, towns, villages, hamlets and settlements respectively. R.S.N.W.T. 1988,c.38(Supp.),s.3; R.S.N.W.T. 1988,c.125(Supp.),s.1; S.N.W.T. 1998,c.15,s.3; S.N.W.T. 1998,c.31,Sch.I,s.1; S.N.W.T. 1998,c.34,Sch.C,s.14(2); S.N.W.T. 1998,c.36,Sch.H,s.1; S.Nu. 2003,c.4,s.14; S.Nu. 2006,c.10,s.3(2),(5),(6); S.Nu. 2010,c.11,s.3(5); S.Nu. 2011,c.25,s.12(2),(3); S.Nu. 2012,c.17,s.14(3).

Common names

29. In an enactment, the name commonly applied to a country, place, body, corporation, society, officer, functionary, person, party or thing, means the country, place, body, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied, although the name is not the formal or extended designation of it.

REFERENCES

Citation of statutes

30. (1) In an enactment or document, an Act of Nunavut, Canada, a province or other territory may be cited by reference to

- (a) its title or its short title either with or without reference to the chapter; or
- (b) the number of the chapter of the Revised Statutes or of the Statutes for the year in which the Act was passed.

"S.Nu."

(1.1) The abbreviation "S.Nu." may be used in the citation of an Act that is included in an annual volume of the statutes.

"R.S.N.W.T. 1988"

(2) The abbreviation "R.S.N.W.T. 1988" may be used in the citation of an Act that was enacted by the Legislative Assembly of the Northwest Territories, included in the 1988 statute revision and, on April 1, 1999,

- (a) duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada); or
- (b) amended for Nunavut pursuant to section 76.05 of the *Nunavut Act* (Canada).

"S.N.W.T."

(3) The abbreviation "S.N.W.T." may be used in the citation of an Act that was enacted by the Legislative Assembly of the Northwest Territories after December 31, 1987 and, on April 1, 1999,

- (a) duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada);
- (b) amended for Nunavut pursuant to 76.05 of the *Nunavut Act* (Canada); or
- (c) enacted for Nunavut pursuant to section 76.05 of the *Nunavut Act* (Canada).

S.Nu. 2006,c.10,s.3(2); S.Nu. 2012,c.17,s.14(4),(5),(6).

Citation of regulations

30.1. (1) In an enactment or document, a regulation of Nunavut may be cited by reference to

- (a) its title;
- (b) its registration number, following the abbreviation "Nu.Reg." or "N.W.T.Reg."; or
- (c) the number of the chapter of the Revised Regulations.

"Nu.Reg."

(1.1) The abbreviation "Nu.Reg." may be used in the citation of a regulation that is registered.

"R.R.N.W.T. 1990"

(2) The abbreviation "R.R.N.W.T. 1990" may be used in the citation of a regulation that was made in the Northwest Territories, included in the 1990 regulation revision and, on April 1, 1999, duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada).

"N.W.T.Reg."

(3) The abbreviation "N.W.T.Reg." may be used in the citation of a regulation that was made and registered in the Northwest Territories after December 31, 1989 and, on April 1, 1999, duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada). S.Nu. 2012,c.17,s.14(7).

Citation where enactment amended

31. In an enactment, a citation of or reference to an enactment of Nunavut, Canada, a province or other territory is a citation of or reference to the enactment as amended whether before or after the commencement of the enactment in which the citation or reference occurs. S.Nu. 2006,c.10,s.3(2).

References in enactments to numbers or letters

32. (1) A reference in an enactment to a series of numbers or letters by the first and last numbers or letters of the series includes the number or letter first mentioned and the number or letter last mentioned.

References in enactments to component parts

(2) A reference in an enactment to a Part, division, section, schedule or form is a reference to the Part, division, section, schedule or form of the enactment in which the reference occurs.

References in enactments to provisions

(3) A reference in an enactment to a subsection, paragraph, subparagraph, clause or subclause is a reference to the subsection, paragraph, subparagraph, clause or subclause of the section, subsection, paragraph, subparagraph or clause in which the reference occurs.

References in enactments to regulations

(4) A reference in an enactment to regulations is a reference to regulations made under the enactment in which the reference occurs.

References in enactments to other enactments

(5) A reference in an enactment to another enactment identified by number, letter or line is a reference to the number, letter or line as it appears in the other enactment as printed by authority of law.

REPEAL AND AMENDMENT

Power of repeal and amendment

33. (1) Every Act shall be construed as to reserve to the Legislature the power of repealing or amending it, and of revoking, restricting or modifying a power, privilege or advantage vested in or granted to a person by it.

Amendment at same session

(2) An Act may be amended or repealed by an Act enacted in the same session.

Amending enactments

34. An amending enactment shall be construed as part of the enactment that it amends.

Effect of repeal

35. The repeal of an enactment in whole or in part does not

- (a) revive an enactment or thing not in force or existing immediately before the time when the repeal takes effect;
- (b) affect the previous operation of the enactment repealed or anything done or suffered under the enactment;
- (c) affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the enactment repealed;
- (d) affect any offence committed under or a contravention of the enactment repealed, or any penalty, forfeiture or punishment incurred in respect of or under the enactment repealed; or
- (e) affect any investigation, proceeding or remedy in respect of any right, privilege, obligation or liability referred to in paragraph (c) or in respect of any penalty, forfeiture or punishment referred to in paragraph (d), and the repealed enactment continues to apply for the purposes of such investigation, proceeding or remedy as if it had not been repealed.

Definitions

36. (1) In this section,

"former enactment" means an enactment that is repealed; (*texte antérieur*)

"new enactment" means an enactment that is substituted for an enactment that is repealed.
(*nouveau texte*)

Repeal and replacement

(2) Where an enactment is repealed in whole or in part and another enactment is substituted for the former enactment,

- (a) every person acting under the former enactment shall continue to act as if appointed or elected under the new enactment until another is appointed or elected in that person's stead;
- (b) every proceeding commenced under the former enactment shall be continued under and in conformity with the new enactment so far as it may be done consistently with the new enactment;
- (c) the procedure established by the new enactment shall be followed as far as it can be adapted to the new enactment
 - (i) in the recovery or enforcement of penalties and forfeitures incurred under the former enactment,
 - (ii) in the enforcement of rights existing or accruing under the former enactment, and
 - (iii) in a proceeding in relation to matters that have happened before the repeal;
- (d) when any penalty, forfeiture or punishment is reduced or mitigated by the new enactment, the penalty, forfeiture or punishment if imposed or adjudged after the repeal shall be reduced or mitigated accordingly;
- (e) all regulations made under the former enactment remain in force and shall be deemed to have been made under the new enactment in so far as they are not inconsistent with the new enactment, until they are repealed or others made in their stead;
- (f) any reference in an unrepealed enactment to the former enactment shall, as regards a subsequent transaction, matter or thing, be construed as a reference to the provisions of the new enactment relating to the same subject-matter as the former enactment, but where there are no provisions in the new enactment relating to the same subject-matter, the former enactment shall be construed as being unrepealed in so far as is necessary to maintain or give effect to the unrepealed enactment; and

- (g) every bond and security given by a person appointed by or under the former enactment remains in force, and all offices, books, papers and things made or used under the former enactment shall continue to be used as before the repeal as far as consistent with the substituted provisions.

Enactments of other jurisdictions

(3) Where an enactment of Canada, a province or other territory is repealed and other provisions are substituted by way of amendment, revision or consolidation, a reference in an enactment of Nunavut to the repealed enactment shall, as regards a subsequent transaction, matter or thing be construed to be a reference to the provisions of the substituted enactment relating to the same subject-matter as the repealed enactment. S.Nu. 2006,c.10,s.3(2).

Implications from repeal, substitution or amendment

37. (1) The repeal of an enactment in whole or in part, the substitution of another enactment for it or the amendment of an enactment does not imply a declaration as to the previous state of the law or that the enactment was in force.

Prior law

(2) The amendment of an enactment does not imply a declaration that the prior law was different.

Judicial construction

(3) The re-enactment, revision, consolidation or amendment of an enactment does not imply that the construction that has, by judicial decision or otherwise, been placed on the language used in the enactment or on similar language is adopted.

MISCELLANEOUS

Deposit in Consolidated Revenue Fund

38. Any tax, duty, fee, penalty, fine, other sum of money or the proceeds of a forfeiture under an enactment shall, if no other provision is made respecting it, belong to the Government of Nunavut and be deposited in the Consolidated Revenue Fund. S.Nu. 2006,c.10,s.3(2).

Recovery of penalties and forfeitures

39. Where a penalty or a forfeiture is imposed for the contravention of an enactment and

- (a) the provisions of the *Criminal Code* relating to summary convictions are not applicable to the case, and
- (b) no other mode is established by or under the enactment for the recovery of the penalty or forfeiture or if the mode is so established, is not applicable to the case,

the penalty or forfeiture is recoverable with costs by civil action or proceeding at the suit of the Government of Nunavut or of a private party suing for the Government of Nunavut and himself or herself and, if no other provision is made for the appropriation of the penalty or forfeiture, 1/2 of it belongs to the Government of Nunavut for the public uses of Nunavut and 1/2 of it belongs to the private plaintiff, if any, and if there is no private plaintiff, the whole belongs to the Government of Nunavut. S.Nu. 2006,c.10,s.3(2).

- 40. Repealed, S.Nu. 2002,c.5,s.71.
- 41. Repealed, S.Nu. 2002,c.5,s.71.
- 42. Repealed, S.Nu. 2002,c.5,s.71.
- 43. Repealed, S.Nu. 2002,c.5,s.71.
- 44. Repealed, S.Nu. 2002,c.5,s.71.
- 45. Repealed, S.N.W.T. 1995,c.11,s.27.

REGULATIONS

Regulations varying time

- 46. The Commissioner, on the recommendation of the Minister, may make regulations varying the application of section 25. S.Nu. 1999,c.7,s.3.

REPEAL

Repeal

- 47. (1) Subject to subsection (2), the *Interpretation Act*, R.S.N.W.T. 1974, c.I-3 is repealed.

Exemption

(2) Paragraph 18(1)(g), subsection 21(19) and section 21.2 of the *Interpretation Act*, R.S.N.W.T. 1974, c.I-3 are not repealed in respect of Acts that are not repealed on the coming into force of the *Revised Statutes of the Northwest Territories, 1988*, and are not included as revised Acts in the *Revised Statutes of the Northwest Territories, 1988*.