

Chapter 15

MISCELLANEOUS STATUTES AMENDMENT ACT

(Assented to June 3, 2025)

The Commissioner, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **(1) This section amends the *Business Corporations Act*.**
 - (2) The English version of paragraph 148(2)(c) is amended by replacing "*bona fide*" with "good faith".**
 - (3) Subsection 209(3) is repealed.**
 - (4) Subsection 232(1) is amended by replacing "*ex parte*" with "without notice".**
 - (5) The English versions of subsection 232(4) and paragraph 235(1)(a) are amended by replacing "*in camera*" with "in the absence of the public".**
2. **Subsection 55(7) of the *Chartered Professional Accountants Act* is amended by replacing "*ex parte* application" with "an application made without notice".**
3. **(1) This section amends the *Child Day Care Act*.**
 - (2) Subsection 7(3) is amended by replacing "*ex parte*" with "without notice".**
 - (3) Subsection 7(4) is amended by replacing "*ex parte*" with "without notice".**
 - (4) Subsection 8(2) is amended by replacing "*ex parte*" with "without notice".**
 - (5) Subsection 8(3) is amended by replacing "*ex parte*" with "without notice".**
4. **(1) This section amends the *Children's Law Act*.**
 - (2) Subsection 31(3) is amended by replacing "*ex parte* application" with "application made without notice".**
 - (3) Subsection 39(2) is amended by replacing "*ex parte*" with "without notice".**
5. **The English version of subsection 6(2) of the *Conflict of Interest Act* is amended by replacing "*bona fide*" with "good faith".**
6. **(1) This section amends the *Consumer Protection Act*.**

(2) Subsection 60(3) is repealed and replaced by:

Notice of application for leave

(3) Subject to subsection (3.1), the seller must give notice to the buyer of the application for leave required under subsection (2).

Application for leave without notice

(3.1) The Court may give leave to repossess on an application of the seller without notice if

- (a) the buyer cannot be found or is evading service;
- (b) there is reasonable cause to believe that the buyer might hide the goods or otherwise attempt to evade repossession of the goods if the buyer had notice of the application; or
- (c) the Court for any other reason sees fit to dispense with notice.

(3) Subsection 60(4) is amended by replacing "*ex parte*" with "without notice".

(4) Subsection 60(5) is amended by replacing "*ex parte*" wherever it appears with "without notice".

(5) Paragraph 61(3)(b) is amended by replacing "*ex parte* order" with "order made without notice".

(6) Paragraph 64(2)(b) is amended by replacing "*ex parte*" wherever it appears with "without notice".

(7) Subsection 67(2) is repealed and replaced by:

Notice of application for leave

(2) Subject to subsection (2.1), the mortgagee must give notice to the mortgagor of the application for leave required under subsection (1).

Application for leave without notice

(2.1) The Court may give leave to seize on an application of the mortgagee without notice if

- (a) the mortgagor cannot be found or is evading service;
- (b) there is reasonable cause to believe that the mortgagor might hide the goods or otherwise attempt to evade seizure of the goods if the mortgagor had notice of the application; or
- (c) the Court for any other reason sees fit to dispense with notice.

(8) Subsection 67(3) is amended by replacing "*ex parte*" with "without notice".

(9) Subsection 67(4) is amended by replacing "*ex parte*" with "without notice".

(10) Subsection 67(6) is amended by replacing "*ex parte*" with "without notice".

(11) Subsection 68(2) is amended by replacing "ex parte order" with "order made without notice".

(12) Paragraph 74(2)(f) is amended by deleting "bona fide".

(13) The English version of subsection 96(2) is amended by replacing "bona fide" with "good faith".

7. Subsection 12(2) and 13(1) of the *Coroners Act* are amended by replacing "ex parte application" with "application made without notice".

8. Section 63 of the *Corrections Act* is amended by replacing "section 78" with "section 5".

9. Section 2 of the *Credit Union Act* is repealed.

10. (1) This section amends the *Dental Profession Act*.

(2) Section 39 is amended by replacing "ex parte application" with "an application made without notice".

(3) Section 56 is amended by replacing "application ex parte" with "an application made without notice".

11. The English version of subsections 2(2) and 3(2) of the *Department of Justice Act* are amended by replacing "ex officio" wherever it appears with ", by virtue of the office".

12. The English version of subsection 3(2) of the *Electrical Protection Act* is amended by replacing "ex officio" with ", by virtue of their office,".

13. Subsection 21(1) of the *Environmental Protection Act* is amended by replacing "ex parte application" with "an application made without notice".

14. Paragraph 21(a) of the *Evidence Act* is repealed and replaced by:

- (a) while the person holds in their hand a text or object appropriate to the person's religious or spiritual beliefs;

15. Subsection 21(2) of the *Expropriation Act* is amended by replacing "ex parte" with "without notice".

16. (1) This section amends the *Family Abuse Intervention Act*.

(2) Subsection 7(1) is amended by replacing "ex parte" with "without notice".

(3) Subsection 12(2) is amended by replacing "*ex parte*" with "without notice".

(4) Subsection 43(1) is amended by replacing "*ex parte* application" with "application made without notice".

17. (1) This section amends the *Fire Safety Act*.

(2) Subsection 5(5) is repealed and replaced by:

Jurisdiction

(5) A local assistant has jurisdiction,

- (a) in the case of a local assistant referred to in subsection (1) or appointed under subsection (3), within the municipality; or
- (b) in the case of a local assistant appointed under subsection (4), within the area set out in the appointment.

(3) Subsection 11.2(2) is amended by replacing "*ex parte* application" with "application made without notice".

(4) The French version of the heading preceding section 11.3 is repealed and replaced by "DANGERS ET ORDRES".

(5) Section 17 is amended by replacing "*ex parte*" with "without notice".

(6) Subsection 22(2) is amended by replacing "*ex parte* application" with "application made without notice".

18. (1) This section amends the *Forest Management Act*.

(2) The definition of "officer" in section 1 is amended by replacing "*ex officio* a forest management officer under" with "a forest management officer referred to in".

(3) The English version of subsection 4(2) is amended by replacing "*ex officio* forest management officers" with "forest management officers by virtue of their office".

(4) Subsection 32(2) is amended by replacing "*ex parte* application" with "an application made without notice".

19. (1) This section amends the *Forest Protection Act*.

(2) The English version of the definition of "forest officer" in section 1 is amended by deleting "*ex officio*".

(3) The English version of subsection 17(2) is amended by replacing "*ex officio*" with ", by virtue of their office,".

(4) Section 18 is amended as follows:

Oath of office

18. A forest officer, other than a member of the Royal Canadian Mounted Police, ~~shall~~must, before acting as a forest officer, take and subscribe to the following oath or affirmation:

I,....., a forest officer under the *Forest Protection Act*, do solemnly (swear or affirm) that to the best of my judgment I will faithfully, honestly and impartially fulfil the office and perform the duties of a forest officer according to the true intent and meaning of the *Forest Protection Act* and regulations made under the Act. (So help me God.)
(Delete "So help me God" when the forest officer chooses to affirm).

20. **(1) This section amends the French version of the *Freshwater Fish Marketing Act*.**

(2) The definition of "inspecteur" in section 1 is amended by replacing "commissaire" with "ministre".

(3) Section 4 is amended by replacing "désigner" with "nommer".

21. **Subsection 2(2) of the *Gas Protection Act* is amended by deleting "*Charter Communities Act*".**

22. **The English version of subsection 10(2) of the *Guardianship and Trusteeship Act* is amended by replacing "*ex parte*" with "without notice".**

23. **(1) This section amends the *Herd and Fencing Act*.**

(2) Section 11 is repealed.

(3) Section 14 is repealed and replaced by:

General offence and punishment

14. Every person who contravenes a provision of this Act is guilty of an offence and liable on summary conviction to a fine of not less than \$10 and not exceeding \$100, to imprisonment for a term not exceeding one month, or to both a fine and imprisonment.

24. **The French version of paragraph 13(1)(d) of the *Intestate Succession Act* is repealed and replaced by:**

d) au moment de la mort de l'intestat, les conjoints étaient séparés et l'intestat avait établi une relation de conjoint avec une autre personne.

25. **Subsection 27(5) of the *Income Tax Act* is amended by replacing "*ex parte*" with ", without notice".**

26. **(1) This section amends the *Insurance Act*.**

(2) Subsection 58(1), section 113, subsection 151(7), subsection 162(1) and subsection 197(1) are amended by replacing "ex parte" wherever it appears with "without notice".

(3) The English version of subsection 231(3) is amended by replacing "bona fide" with "genuine".

27. (1) This section amends the *Judicature Act*.

(2) Subsection 8(1) is amended as follows:

Oath of office

8. (1) Every judge ~~shall~~ must, before entering on the duties of the office of judge, take the following oath or solemn affirmation of office:

I,, solemnly and sincerely promise and (swear or affirm) that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as of the Nunavut Court of Justice. (So help me God.) (Delete "So help me God" where the judge chooses to promise and affirm.)

(3) Subsection 17(2) is amended as follows:

Oath of office

(2) Every judge of the Court of Appeal ~~shall~~ must, before assuming the duties of office of a judge of the Court of Appeal, take and subscribe before a judge of the Court of Appeal, the Commissioner or a person appointed by the Commissioner for that purpose, the following oath or solemn affirmation of office:

I,, solemnly and sincerely promise and (swear or affirm) that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as one of the judges of the Court of Appeal. (So help me God.) (Delete "So help me God" where the judge of the Court of Appeal chooses to promise and affirm.)

(4) The English versions of subsections 61(2) and (3) are amended by replacing "ex officio" wherever it appears with ", by the virtue of the Clerk's office".

(5) Subsection 80(1) is amended as follows:

Oath

80. (1) Every officer appointed under this Act ~~shall~~ must, before entering on the duties of ~~his or her~~ their office, take and subscribe the following oath or affirmation:

I,, of, solemnly (swear or affirm) that I will according to the best of my skill, learning, ability and judgment, well and faithfully execute and fulfill the duties of

the office of without favour or affection, prejudice or partiality to any person. (So help me God.) (Delete "So help me God" where the officer chooses to affirm).

28. Subsection 13(1) of the *Justices of the Peace Act* is amended as follows:

Oaths

13. (1) Every justice of the peace ~~shall~~ must, before assuming the duties of office of justice of the peace, take and subscribe the following oaths or affirmations before a person authorized to administer affidavits in Nunavut:

Oath or Affirmation of Allegiance

I,, do (swear or affirm) that I will be faithful to and bear true allegiance to His Majesty King Charles the Third *(or the reigning Sovereign for the time being)*, his heirs and successors according to law. (So help me God.) (Delete "So help me God" where the justice of the peace chooses to affirm).

Oath or Affirmation of Office

I,, do (swear or affirm) that I will diligently, faithfully and to the best of my ability execute according to law the office of justice of the peace, and that I will do right to all people according to law, without fear or favour, affection or ill will. (So help me God.) (Delete "So help me God" where the justice of the peace chooses to affirm).

29. (1) This section amends the English version of the *Land Titles Act*.

(2) Sections 64 and 165 are amended by replacing "bona fide" with "good faith" wherever it appears.

(3) Paragraph 163(1)(d) is amended by replacing "transferee bona fide" with "good faith transferee".

(4) Subsection 164(2) is amended by replacing "bona fide" with "in good faith".

(5) Subsection 166(2) is amended by replacing "makes a return of *nulla bona*" with "returns the writ of execution indicating that it could not be executed in whole or in part for reason of insufficient assets".

30. (1) This section amends the *Legal Profession Act*.

(2) Subsection 21(2) of the *Legal Profession Act* is amended as follows:

Oath

(2) Subject to subsection (4), every person to whom a certificate is issued under subsection (1) ~~shall~~ must, before engaging in the practice of law in Nunavut, take and

subscribe in Nunavut before a judge of the Nunavut Court of Justice the following oath or affirmation ~~or an oath in the manner and form and with the ceremonies that the person declares to be binding on his or her conscience:~~

I,, do sincerely promise and (swear or affirm) that I will be faithful and bear true allegiance to His Majesty, King Charles the Third (*or the reigning Sovereign for the time being*); that I will, as a barrister and solicitor (*or other designation pursuant to the rules*), conduct all causes and matters faithfully and to the best of my ability; that I will not pervert the law to favour or prejudice any person but will in all things conduct myself truly and with integrity; and that I will uphold and maintain His Majesty's interests and those of my fellow citizens according to the laws in force in Nunavut. (So help me God.) (*Delete "So help me God" where the person chooses to promise and affirm*).

(3) Subsection 29(4) is amended by replacing "ex parte" with "made without notice".

(4) Subsection 39(1) is amended by replacing "ex parte" with "without notice".

(5) Subsection 39(2) is amended by replacing "ex parte" with "without notice".

31. (1) This section amends the French version of the *Legislation Act*.

(2) Subsection 62(1) is amended by replacing "la Codification des lois du Nunavut, dont l'abréviation peut être « C.L.Nun. »" with "les Lois codifiées du Nunavut, dont l'abréviation est « L.C.Nun. »".

(3) Subsection 62(2) and paragraph 68(1)(i) are amended by replacing "C.L.Nun." with "L.C.Nun.".

32. (1) This section amends the *Liquor Act*.

(2) The English version of the definition of "residence" in subsection 1(1) is amended

- (a) in paragraphs (a) and (c) by replacing "and bona fide occupied and used" with "occupied and used in good faith";**
- (b) in paragraph (b) by replacing "bona fide occupied" with "occupied in good faith"; and**
- (c) in paragraph (d) by replacing "bona fine used" with "used in good faith".**

(2) The English version of the following provisions is amended by replacing "bona fide" with "genuine":

- (a) section 12;**
- (b) paragraph 13(1)(h);**
- (c) paragraph 65(b);**
- (d) paragraph 79(a).**

(3) Subsections 14(3), 21(4) and 107(3) are amended by replacing "ex parte application" wherever it appears with "application made without notice".

(4) Subsection 74(1) is repealed and replaced by:

Gifts of liquor

74. (1) Subject to subsection (2), a person may make or receive a gift of liquor if
- (a) the gift is made in good faith;
 - (b) the person making the gift of liquor is in lawful possession of the liquor; and
 - (c) the person receiving the gift of liquor is not a person who is prohibited from possessing or consuming liquor.

Effect of gift

(1.1) A person receiving a gift of liquor in accordance with subsection (1) may possess, transport or consume the liquor as if they had purchased it in accordance with this Act and the regulations.

33. The English version of paragraph 15(5)(a) of the *Medical Care Act* is amended by replacing "bona fide" with "good faith".

34. (1) This section amends the *Medical Profession Act*, S.Nu. 2020,c.16.

(2) The French version of paragraph 15(3)(a) is amended by replacing "terminaison" with "fin".

(3) The French version of subsection 25(4) is amended by replacing "l'agent enquêteur" with "l'agent d'examen".

(4) The French version of paragraph 34(8)(a) is amended by replacing "moniteur" with "surveillant".

(5) Paragraph 37(7)(b) is amended by replacing "paragraph (c)" with "paragraph (d)".

(6) The French version of paragraphs 37(7)(c) and (d) are amended by replacing "voulant que" with "selon laquelle".

(7) The French version of paragraph 39(2)(b) is amended by replacing "l'annexe a)" with "l'alinéa a)".

(8) The French version of paragraph 47(1)(a) is amended by replacing "partent" with "patient".

35. Subsection 64(15) of the *Mental Health Act*, S.Nu. 2021,c.19 is amended by replacing "section 78" with "section 5".

36. Subsection 40(3) of the *Midwifery Profession Act* is amended by replacing "ex parte application" with "an application made without notice".

37. Subsection 75(12) of the *Nursing Professions Act* is amended by replacing "ex parte application" with "an application made without notice".

38. (1) This section amends the *Payroll Tax Act*.

(2) Subsection 21(3) is amended by replacing "ex parte" with "without notice".

(3) Subsection 23(1) is amended by replacing "ex parte" with "without notice".

(4) The English version of subsection 26(6) is amended by replacing "in camera" with "in the absence of the public".

(5) Subsection 26(14) is amended by replacing "ex parte" with "without notice".

(6) Subsection 34(5) is amended by replacing "ex parte" with "without notice".

39. The English version of paragraph 59(17)(f) of the *Personal Property Security Act* is amended by replacing "on ex parte application" with ", on an application made without notice,".

40. Subsection 96(3) of the *Property Assessment and Taxation Act* is amended by replacing "ex parte under subsection (2)" with "under subsection (2) in the absence of the assessed owner".

41. Subsection 6(1) of the *Public Service Act* is amended by replacing "reasonable and bona fide requirement" with "justified occupational requirement".

42. (1) This section amends the *Reciprocal Enforcement of Judgments Act*.

(2) Subsection 2(3) is amended by replacing "ex parte" with "without notice".

(3) Paragraph 5(a) and subsection 6(1) are amended by replacing "ex parte order" wherever it appears with "order made without notice".

43. (1) This section amends the *Reciprocal Enforcement of Judgments (Canada-U.K.) Act*.

(2) Subsection 5(1) is amended by replacing "ex parte" with "without notice".

- (3) Subsection 6(1) is amended by replacing "ex parte" with "without notice".**
- 44. The English version of subsection 82(3) of the *Risk Capital Investment Tax Credits Act* is amended by replacing "made ex parte and heard in camera" with "made without notice and heard in the absence of the public".**
- 45. Subsections 34(3), 37(3), 67(5) and 78(3) of the *Securities Act* are amended by replacing "ex parte" with "without notice".**
- 46. (1) This section amends the *Seizures Act*.**
- (2) Paragraph 13(1)(a) is repealed and replaced by:**
- (a) until a return of a writ of execution indicating that it could not be executed in whole or in part for reason of insufficient assets;
- (3) Subsection 22(2) is amended by deleting "of the Nunavut Court of Justice".**
- (4) The French version of subsection 28(2) is amended by deleting "de la Cour suprême".**
- (5) The English version of subsection 40(3) is amended by replacing "ex parte" with "without notice".**
- 47. Subsection 7(1) of the *Statistics Act* is amended by replacing "swear (or affirm)" with "(swear or affirm)".**
- 48. Paragraphs 4(1)(f) and (2)(a) of the *Summary Conviction Procedures Act* are amended by replacing "ex parte" with "without notice".**
- 49. (1) This section amends the *Tobacco Tax Act*.**
- (2) The English version of the definition of "officer" in section 1 is amended by replacing "an ex officio officer under" with "an officer referred to in".**
- (3) Subsection 7.1(1) is repealed and replaced by:**

Warrant

- 7.1. (1) If, on an application made without notice, a justice is satisfied by information on oath that there are reasonable grounds to believe that there is in any place or building any thing that is evidence with respect to the commission of a contravention of this Act or the regulations, the justice may issue a warrant authorizing one of the following officers to enter and search that place or building for the thing, subject to the conditions that may be specified in the warrant:
- (a) an officer who is appointed under subsection 21.2(1) and who is named in the warrant; or
- (b) an officer referred to in subsection 21.2(2).

(4) The English version of subsection 21.2(2) is amended by replacing "ex officio" with ", by virtue of their office,".

50. Subsections 291.2(3) and 291.3(1) and the English version of subsection 304(3) of the *Traffic Safety Act* are amended by replacing "ex parte application" with "an application made without notice".

51. (1) This section amends the *Transportation of Dangerous Goods Act*.

(2) Subsection 18(2) is amended by replacing "ex parte application" with "an application made without notice".

(3) Subsection 19(1) is amended by replacing "ex parte application" with "an application made without notice".

52. The English version of section 19 of the *Trustee Act* is amended by replacing "bona fide" with "good faith".

53. The English version of subsection 16(2) of the *Wages Recovery Act* is amended by replacing "ex parte application" with "application made without notice".

54. The English version of paragraph 7(2)(a) of the *Warehouse Keepers Lien Act* is amended by replacing "ex parte" with "without notice".

55. (1) The section amends the *Wildlife Act*.

(2) The French version of paragraph 241(1)(a) is amended by adding "de la Justice" after "ministre".

(3) Section 154 is amended by replacing "Nunavut Land Claims Agreement" with "Nunavut Agreement".