

N.S. Regulations 240/2026

FILED

Date October 6, 2026

RACHEL L. JONES
REGISTRAR OF REGULATIONS

**In the matter of Sections 81 and 330 of Chapter 20 of the Acts of 2025,
the *Traffic Safety Act***

-and-

**In the matter of new regulations respecting reviews, appeals and show cause hearings
made by the Minister of Public Works**

Order

I, Fred Tilley, Minister of Public Works for the Province of Nova Scotia, pursuant to Sections 81 and 330 of Chapter 20 of the Acts of 2025, the *Traffic Safety Act*, hereby make new regulations respecting reviews, appeals and show cause hearings in the form set forth in the attached Schedule "A".

This order is effective on and after the date that Chapter 20 of the Acts of 2025, the *Traffic Safety Act*, comes into force.

Dated and made September 8, 2026, at Halifax Regional Municipality, Province of Nova Scotia.



Honourable Fred Tilley
Minister of Public Works

Schedule “A”

Regulations Respecting Reviews, Appeals and Show Cause Hearings made by the Minister of Public Works under Sections 81 and 330 of Chapter 20 of the Acts of 2025, the *Traffic Safety Act*

Interpretation

1 Citation

These regulations may be cited as the *Reviews, Appeals and Show Cause Hearings Regulations*.

2 Definitions

In these regulations,

“Act” means the *Traffic Safety Act*;

“appeal” means an appeal of an order to the Appeal Board under Section 285 or 286 of the Act;

“appellant” means a person who is requesting an appeal;

“Chair” means the Chair of the Appeal Board designated by the Minister under Section 54 of the Act;

“Medical Advisory Committee” means the Medical Advisory Committee continued under Section 48 of the Act;

“panel” means the members of the Appeal Board who are assigned by the Department under Section 11 to hear an appeal;

“respondent” means the individual identified as the driver in a report prepared by a peace officer under Section 73 of the Act;

“review” means a review by the Registrar under Section 283 or 284 of the Act;

“show cause hearing” means a hearing held by the Registrar after receiving a report under Section 73 of the Act that, at the time of an alleged offence under section 320.14 or 320.15 of the *Criminal Code* (Canada) or such other provisions as may be prescribed by the regulations while operating or in care or control of a motor

vehicle as defined in the *Criminal Code* (Canada), a child was present in the vehicle;

“Vice-chair” means a member of the Appeal Board designated by the Chair under subsection 11(4) to act as chair of a panel of the Appeal Board in the absence of the Chair.

Review by Registrar

3 Request for review by Registrar

- (1) A person’s request for a review must include or be accompanied by all of the following:
 - (a) any prescribed fee;
 - (b) a written submission setting out the reason for requesting the review;
 - (c) sworn or solemnly affirmed written statements of any witnesses to the issues to be determined in the review, if the person wishes the statements to be considered in the review;
 - (d) a copy of any legal authorities referred to in the written submission required by clause (b), with the passages to which the person refers highlighted;
 - (e) a copy of any expert’s report referred to in the written submission required by clause (b), and a statement of the expert’s qualifications;
 - (f) the person’s full name and current mailing address;
 - (g) the person’s telephone number and any fax number for the person;
 - (h) contact information for any legal counsel or agent for the person.
- (2) A request for a review and any related submissions must be in writing and delivered to the Registrar’s office at the address indicated on the Department’s website by any of the following means:
 - (a) personal delivery;
 - (b) mail;
 - (c) courier;
 - (d) e-mail;
 - (e) fax.

- (3) A request for a review that is received outside of regular business hours is deemed to be delivered on the next day that the Registrar's office is open for business.

4 Extension of time for filing request for review

The Registrar may extend any time frame prescribed by the Act or these regulations for filing a request for a review if the Registrar is satisfied that there are reasonable extenuating circumstances that prevented the person from filing within the required time frame.

5 Review conducted by considering written submissions

- (1) Except as provided in subsection (2), a review must be conducted based solely on consideration of the written materials submitted under Section 3.
- (2) The Registrar may determine that any review, or part of a review, be conducted by an oral hearing if the Registrar believes any of the following:
 - (a) that an oral hearing will be more efficient;
 - (b) that there may be issues of credibility.
- (3) An oral hearing may be held in person, by telephone or by other electronic means, as determined by the Registrar.

6 Review process

- (1) Unless additional time is necessary because of any action taken by the Registrar under subsection (6), a review must be completed by the Registrar no later than 30 days after receiving the completed request for the review.
- (2) The Registrar's failure to complete a review within the time period required by subsection (1) does not affect the Registrar's jurisdiction to do any of the following with respect to the review:
 - (a) conduct it;
 - (b) complete it;
 - (c) make a decision regarding it.
- (3) A review may be conducted by the same individual who made a decision being reviewed or by a different individual.
- (4) In conducting a review, the Registrar must consider all of the following:
 - (a) any decision that is being reviewed;

- (b) any information that was considered by the Registrar in making a decision that is being reviewed, but only if that information has been provided to the person who requested the review, subject to any right of the Registrar to redact information for safety or privacy reasons;
 - (c) the written submission of the person requesting the review, as required by clause 3(1)(b);
 - (d) any written statements of witnesses provided by the person requesting the review under clause 3(1)(c);
 - (e) for a review that is conducted by oral hearing, any relevant information provided orally at the hearing.
- (5) In addition to the considerations in subsection (4), in conducting a review of a driving privilege suspension due to a medical condition, the Registrar must consider any report of any of the following that has been prepared for the purposes of the decision being reviewed or for the review:
 - (a) the Medical Advisory Committee;
 - (b) a medical practitioner who is a member of the Medical Advisory Committee.
- (6) In conducting a review, the Registrar may do any of the following:
 - (a) request additional information from the person requesting the review;
 - (b) request information from any person who may have information about the issues being considered in the review, but only if the person requesting the review is notified and given an opportunity to respond to that information;
 - (c) adjourn the review to allow additional information to be submitted;
 - (d) give any directions that the Registrar considers necessary for the efficient conduct of the review;
 - (e) at an oral hearing, give any directions that the Registrar considers necessary to maintain order at the hearing and, if a person disobeys or fails to comply with a direction, call on the assistance of a peace officer to enforce the direction;
 - (f) impose restrictions on a person's continued participation in a review or attendance at an oral hearing;
 - (g) exclude a person from further participation in a review or attendance at an oral hearing until the Registrar directs otherwise.

- (7) A peace officer called on under clause (6)(e) may take any action necessary to enforce the Registrar's direction and may use any force that is reasonably required for that purpose.

7 Review decision

- (1) In addition to the actions permitted by subsection 283(3) of the Act, on completing a review, the Registrar may make any decision that may be made under any provision in the Act or the regulations that
- (a) authorizes the decision being reviewed; or
 - (b) provides for the review or a review decision.
- (2) The written notice of a review decision required by subsection 283(4) of the Act to be provided to the person who requested the review must be sent no later than 7 days after the date the decision is made by the Registrar to 1 of the following:
- (a) the person who requested the review, by ordinary mail to their current mailing address as indicated on the request for review,
 - (b) the legal representative or agent of the person who requested the review, if indicated on the request for review.
- (3) A written notice of a review decision sent under subsection (2) must include all of the following :
- (a) the reasons for the review decision;
 - (b) information about any consequences to the applicant resulting from the review decision;
 - (c) a statement that the review decision is not subject to an appeal or a review, in accordance with subsection 283(5) of the Act.
- (4) In addition to the requirements in subsection (3), a written notice of a review decision respecting a regulated vehicle activity licence must include 1 or more of the following:
- (a) for a decision to sustain the cancellation of the licence, a statement that the person may not apply for the same kind of licence for the applicable period of time determined in accordance with the Act and regulations;
 - (b) for a decision to sustain the refusal or suspension of the licence and to make the person ineligible to apply for the same kind of licence for a period of time, a statement that the person may not apply for the same kind of licence for that period of time.

Appeal to Appeal Board

8 Filing appeal

- (1) To file an appeal under the Act, a person must submit a notice of appeal in writing on a form provided by the Department and completed as required by the Department that includes or is accompanied by all of the following:
 - (a) the prescribed fee;
 - (b) if an oral hearing is requested by the appellant, any prescribed fee for an oral hearing;
 - (c) the appellant's full name and current mailing address;
 - (d) the appellant's telephone number and any fax number for the appellant;
 - (e) contact information for any legal counsel or agent for the appellant;
 - (f) the reason the appellant is making the appeal;
 - (g) any sworn statements or other written information that the appellant wishes the Appeal Board to consider.
- (2) A notice of appeal must be delivered to the Department at the address indicated on the Department's website by 1 of the following means:
 - (a) personal delivery;
 - (b) mail;
 - (c) courier;
 - (d) submission of an electronic notification in the form and manner approved by the Registrar.
- (3) A notice of appeal that is received outside of regular business hours is deemed to be delivered on the next day that the Department's offices are open for business.

9 Oral hearings

- (1) Unless an appellant requests an oral hearing at the time of filing their notice of appeal and pays any prescribed fee for an oral hearing required by clause 8(1)(b), the Appeal Board is not required to conduct an oral hearing.
- (2) An oral hearing may be held in person, by telephone or by using other electronic means as determined by the Chair or the Vice-chair designated to conduct the hearing.

- (3) An oral hearing held in person before the Appeal Board must take place in Halifax, at a location, date and time determined by the Department in accordance with subsection (2) and Section 10.
- (4) An appellant who requests an oral hearing and fails to appear without a reasonable excuse, as determined by the Appeal Board, or without prior notice to the Appeal Board, is deemed to have waived the right to a hearing of their appeal.

10 Timing of Appeal Board hearing

- (1) Subject to subsection (2), after receiving a notice of appeal that fulfills the requirements of Section 8, the Appeal Board must hear an appeal within 1 of the following time periods:
 - (a) for an appeal of an order of suspension of a driving privilege under Section 285 of the Act, no later than 30 days after the date the notice of appeal is received by the Department;
 - (b) for an appeal of an order of impoundment under Section 286 of the Act, no later than 10 days after the date the notice of appeal is received by the Department.
- (2) The Appeal Board's failure to hear an appeal within the time period required by subsection (1) does not affect its jurisdiction to consider or hear the appeal or to make a decision with respect to it.

11 Panel of Appeal Board for appeal hearing

- (1) On receiving a notice of appeal, the Department must assign 1 or 3 Appeal Board members to constitute a panel to hear the appeal.
- (2) One member of a panel constitutes a quorum of the Appeal Board.
- (3) Different panels of the Appeal Board may sit separately at the same time to hear appeals.
- (4) If the Chair is not a member of a panel, the Chair must designate a member of the panel as the Vice-chair to conduct a hearing of an appeal.
- (5) The Chair or Vice-chair designated to conduct a hearing of an appeal must do all of the following:
 - (a) for an oral hearing, preside at the hearing;
 - (b) prepare the written decision of the Appeal Board.

12 Registrar's role on appeal

- (1) Subject to subsection (2), on receiving a notice of appeal by the Department, the Registrar must provide any information and documents in the Registrar's records that relate to the order that is the subject of the appeal to all of the following:
 - (a) the appellant, at the address indicated by the appellant in the notice of appeal;
 - (b) the Chair or the Vice-chair designated to conduct the hearing of the appeal.
- (2) The Registrar may redact the identity of any person or any information likely to identify the person from the information and documents provided under subsection (1), if the Registrar considers it necessary or advisable to protect the safety or well-being of the person.
- (3) At the Registrar's sole discretion, the Registrar may participate in the hearing of an appeal, including attending and participating fully in an oral hearing and making written submissions, but is not required to participate in any manner other than providing the information and documents required by subsection (1).
- (4) The Registrar retains the right to seek judicial review of an Appeal Board appeal decision even if the Registrar did not participate in the hearing of the appeal.

13 Evidence considered by panel

A panel must consider all of the following in the hearing of an appeal:

- (a) any relevant sworn or solemnly affirmed written statements and any other relevant written submissions or documentation provided by the parties;
- (b) for an oral hearing, any relevant sworn or solemnly affirmed evidence adduced at the hearing in addition to the material described in clause (a).

14 Evidence considered in appeal of suspension under Section 285 of Act

In addition to the material described in Section 13, in an appeal under Section 285 of the Act of an order of suspension made under Section 72 of the Act, the Appeal Board must consider all of the following:

- (a) the report of the peace officer who issued the order of suspension;
- (b) a copy of any certificate of an analyst, qualified medical practitioner or qualified technician described in subsection 320.32(1) of the *Criminal Code* (Canada) that is not required to be accompanied by any of the following:
 - (i) proof of the identity and official character of the person appearing to have signed the certificate,
 - (ii) proof that the copy is a true copy.

Determination of exceptional hardship on appeal of order of impoundment under clause 286(1)(d) of Act

- (1) To determine whether exceptional hardship will result from an order of impoundment under clause 286(1)(d) of the Act, the Appeal Board must
 - (a) be satisfied that the appellant has demonstrated that they have considered and inquired into every reasonable option that could eliminate or adequately mitigate any threat or loss alleged by the appellant during the impound period, including all of the following:
 - (i) using another vehicle or conveyance,
 - (ii) making arrangements to do without a vehicle or other conveyance; and
 - (b) if the Appeal Board is satisfied under clause (a) that no alternative to the impounded vehicle or other conveyance is available to the appellant, consider whether the impoundment will result in a threat to any of the following:
 - (i) the health or safety of any person ordinarily transported by the vehicle or other conveyance,
 - (ii) public health and safety,
 - (iii) the environment or property of a community in whose service the vehicle is ordinarily used.
- (2) Unless permitted under subsection (3), in determining whether exceptional hardship will result from an order of impoundment under clause 286(1)(d) of the Act, the Appeal Board must not take into consideration whether the impoundment will have any of the following consequences for any person:
 - (a) inconvenience;
 - (b) financial or economic loss;
 - (c) loss of employment or employment opportunity;
 - (d) loss of education or training or of an educational or training opportunity.
- (3) The Appeal Board may consider the consequences set out in clauses (2)(b), (c) and (d) for any person if the Appeal Board is satisfied that all of the following circumstances apply:
 - (a) no alternative to the impounded vehicle or conveyance is available, as determined under clause (1)(a);
 - (b) the loss will be immediate, significant and lasting;

- (c) the impact of the loss will be on an individual ordinarily transported by the vehicle or other conveyance;
- (d) if the impoundment is as a result of an individual driving while their driver's licence was suspended, the impact of the loss
 - (i) will be on an individual other than the suspended driver, and
 - (ii) will not be a result of the suspended driver experiencing 1 of the types of loss set out in clause (2)(b), (c) or (d).

16 Appeal Board decisions

- (1) The decision of a majority of a panel is the decision of the Appeal Board.
- (2) Subject to subsection (3), a decision of the Appeal Board must be sent to all of the following no later than 7 days after the date of the hearing:
 - (a) the Registrar;
 - (b) the appellant, to the address indicated by the appellant in the notice of appeal.
- (3) The Appeal Board's failure to provide a decision within the time period required by subsection (2) does not affect its jurisdiction to make a decision with respect to the appeal.
- (4) A decision of the Appeal Board must meet all of the following requirements:
 - (a) it must be in writing and signed by the Chair or the Vice-chair designated to conduct the hearing of the appeal;
 - (b) it must state the reasons for the decision.

Show Cause Hearings

17 Notice of show cause hearing

After receiving a peace officer's report under Section 73 of the Act that a child was present in the motor vehicle at the time they issued an order under clause 72(1)(a) of the Act for an alleged offence, the Registrar must provide a copy of the report to the respondent together with a written notice that advises all of the following:

- (a) the Registrar will conduct a show cause hearing to determine whether the Registrar is satisfied a child was present in the vehicle at the time of the alleged offence;

- (b) the respondent has a right to participate in the show cause hearing by providing a written submission within 30 days of receiving the notice;
- (c) if the respondent fails to provide a written submission within the deadline in clause (b) the Registrar will make a determination based upon the report provided by the peace officer;
- (d) the decision made by the Registrar cannot be reviewed or appealed;
- (e) if the respondent is convicted, pleads guilty or is found guilty of the alleged offence and the Registrar is satisfied that a child was present in the motor vehicle at the time of the offence, the person is subject to an increased period of suspension of their driver licence or privilege of obtaining a driver's licence and to mandatory participation in an ignition interlock program established under the Act for an offence that involves alcohol, as required by Section 325 of the Act;

18 Participation in show cause hearing

- (1) Except as permitted under subsection (2), a show cause hearing must be done based solely on consideration of the written materials submitted.
- (2) The Registrar may conduct an oral show cause hearing for the same reasons and in the same manner as an oral hearing for a review under Section 5.
- (3) A respondent may participate in a show cause hearing by providing a written submission to the Registrar within 30 days of receiving a notice under Section 17 that includes or is accompanied by all of the following:
 - (a) any prescribed fee;
 - (b) a written submission that sets out their response to the peace officer's report to show cause why the Registrar should not determine that a child was present in the vehicle at the time of the alleged offence;
 - (c) sworn or solemnly affirmed written statements of any witnesses to the issues to be determined in the hearing, if the person wishes the statements to be considered in the hearing;
 - (d) a copy of any legal authorities referred to in the written submission required by clause(b) with the passages to which the respondent refers highlighted;
 - (e) a copy of any expert's report referred to in the written submissions required by clause (b) and a statement of the expert's qualifications;
 - (f) the respondent's full name and current mailing address;
 - (g) the respondent's telephone number and any fax number for the respondent;
 - (h) information for any legal counsel or agent for the respondent.

- (4) A submission under subsection (3) must be delivered to the Registrar's office at the address indicated on the Department's website by 1 of the following means:
- (a) personal delivery;
 - (b) mail;
 - (c) courier;
 - (d) e-mail;
 - (e) fax.
- (5) A submission under subsection (3) that is received outside of regular business hours is deemed to be delivered on the next day that the Registrar's office is open for business.
- (6) A respondent whose submission under subsection (3) is not received within 30 days of delivery of the notice under Section 17 is deemed to have waived their right to participation and the Registrar may conduct the show cause hearing without the respondent's participation.

19 Conduct of show cause hearing

- (1) In conducting a show cause hearing, the Registrar must consider all of the following:
- (a) the report from the peace officer under Section 73 of the Act;
 - (b) the written submission required from the respondent, if any;
 - (c) for a show cause hearing that is conducted by oral hearing, any relevant information provided orally at the hearing.
- (2) In conducting a show cause hearing, the Registrar may do any or all of the following:
- (a) request additional information from the respondent in the form and within the time period determined by the Registrar, including sworn or solemnly affirmed statements;
 - (b) determine that the show cause hearing, or any part of the hearing, be conducted as an oral hearing for the same reasons and in the same manner as an oral hearing for a review under Section 5;
 - (c) adjourn the show cause hearing to allow additional information to be submitted;
 - (d) allow additional time for information to be submitted;

- (e) request information from the peace officer who prepared the report referred to in clause (1)(a) or any other person who may have information about the issues being considered in the show cause hearing, but only if the respondent is notified and given an opportunity to respond to that information;
 - (f) give any directions that the Registrar considers necessary to efficiently conduct the show cause hearing;
 - (g) at an oral hearing, give any directions that the Registrar considers necessary to maintain order at the hearing and, if a person disobeys or fails to comply with a direction, call on the assistance of a peace officer to enforce the direction
 - (h) impose restrictions on a person's continued participation in a show cause hearing or attendance at an oral hearing;
 - (i) exclude a person from further participation in a show cause hearing or attendance at an oral hearing until the Registrar directs otherwise.
- (3) A peace officer called on under clause (2)(g) may take any action that is necessary to enforce the Registrar's direction and may use any force that is reasonably required for that purpose.
- (4) In conducting a show cause hearing, the sole question for determination by the Registrar is whether the Registrar is satisfied that a child was in the motor vehicle at the time of the alleged offence.

20 Show cause hearing decision

- (1) On completing a show cause hearing, if the Registrar is satisfied a child was present in the motor vehicle at the time of the alleged offence, the Registrar must make a note of that finding on the respondent's record.
- (2) The Registrar must issue a written notice of their decision following the show cause hearing and send it to 1 of the following:
 - (a) the respondent, by ordinary mail to their current mailing address as indicated in their written submission;
 - (b) the legal representative or agent of the respondent, if indicated in their written submission;
 - (c) if no written submission was received, to the respondent's last address on file with the Department.
- (3) The written notice sent under subsection (2) must include all of the following:
 - (a) the reasons for the decision;

- (b) information about any consequences to the respondent resulting from the decision;
 - (c) a statement that the decision is not subject to an appeal or a review, in accordance with subsection (3).
- (4) The Registrar's decision following completion of a show cause hearing is final and is not subject to any review or appeal.