

## Chapter 12

### LEGAL TREATMENT OF APOLOGIES ACT

(Assented to June 10, 2010)

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

#### Definitions

**1.** In this Act:

"action" means a civil proceeding, an administrative proceeding or an arbitration or any other quasi-judicial proceeding; (*action*)

"apology" means an expression of sympathy or regret, a statement that a person is sorry or any other words or acts indicating contrition or commiseration, whether or not the words or acts admit or imply an admission of fault in connection with the matter to which the words or acts relate; (*excuses*)

"offence" means any criminal or statutory offence, and includes the contravention of a municipal bylaw. (*infraction*)

#### Effect of apology on civil liability

- 2.** (1) An apology made by or on behalf of a person in connection with any matter,
- (a) does not, in any action, constitute an express or implied admission of fault or liability by the person in connection with that matter,
  - (b) does not constitute a confirmation of a cause of action or an acknowledgement of a claim in relation to that matter for the purposes of the *Limitation of Actions Act*,
  - (c) does not, despite any wording to the contrary in any indemnity or contract of insurance and despite any other enactment or law, void, impair or otherwise affect any indemnity or insurance coverage for any person in connection with that matter, and
  - (d) shall not, in any action, be taken into account in any determination of fault or liability in connection with that matter.

#### Evidence of apology not admissible

(2) Despite any other enactment or law, evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in any action as evidence of the fault or liability of the person in connection with that matter.

No effect on prosecution or use of conviction

**3.** Nothing in this Act affects

- (a) the admissibility of any evidence in the prosecution of an offence;  
or
- (b) the use that may be made in any legal proceeding of a conviction for an offence.