

**CONSOLIDATION OF JUSTICES OF THE PEACE ACT**  
S.N.W.T. 1998,c.34,s.2

*(Current to: January 17, 2018)*

**AS AMENDED BY NUNAVUT STATUTES:**

S.Nu. 2000,c.3,s.5  
s.5 NIF  
S.Nu. 2003,c.4,s.17,18  
s.17,18 in force March 28, 2003  
S.Nu. 2008,c.19,s.6  
s.6 in force September 18, 2008  
S.Nu. 2013,c.17  
NIF, except :  
s.5(1.1),(1.2),(2),6,6.1,7,8,9,12 in force September 6, 2013: SI-004-2013  
s.4.1 in force January 22, 2014: SI-001-2014  
s.2,3,4,10,11 in force June 30, 2016: SI-001-2016  
S.Nu. 2013,c.20,s.21  
s.21 in force May 16, 2013  
S.Nu. 2017,c.21,s.5  
s.5 in force April 1, 2019

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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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## JUSTICES OF THE PEACE ACT

### Definitions

1. In this Act,

"Committee" means the Justices of the Peace Appointment and Remuneration Committee established by subsection 2.1(1); (*comité*)

"Deputy Minister" means the Deputy Minister of the Department of Justice; (*sous-ministre*)

"justice of the peace" means a person appointed as a justice of the peace under section 2; (*juge de paix*)

"remuneration" means all forms of compensation including salaries, pensions, allowances, and benefits; (*traitement*)

"Review Council" means the Justices of the Peace Review Council established by section 4; (*Conseil de surveillance*)

"senior judge" means the senior judge of the Nunavut Court of Justice. (*juge principal*)  
S.Nu. 2013,c.17,s.2

**Note:** On a day to be fixed by order of the Commissioner, section 1 is amended by adding the following definition in alphabetical order:

"Chief Justice" means the Chief Justice of the Nunavut Court of Justice; (*juge en chef*)

See S.Nu. 2000,c.3,s.5(2).

**Note:** On a day to be fixed by order of the Commissioner, the definition of "senior judge" in section 1 is repealed.

See S.Nu. 2000,c.3,s.5(3).

### Appointment of justices of the peace

2. (1) Subject to subsections (2) to (4), the Commissioner in Executive Council may appoint justices of the peace for Nunavut.

### Qualifications

- (2) No person shall be appointed as a justice of the peace unless he or she
- (a) has attained the age of 19 years;
  - (b) has been a resident of Nunavut for at least 12 months; and
  - (c) has been recommended by the Committee pursuant to subsection 2.2(1).

#### Members of R.C.M.P.

(3) No person who is a member of the Royal Canadian Mounted Police is eligible for appointment as a justice of the peace.

#### Practising law

(4) No justice of the peace shall practise law as a barrister and solicitor in Nunavut. S.Nu. 2013,c.17,s.3(1),(2),(2.1),(3).

#### Justices of the Peace Appointment and Remuneration Committee

**2.1.** (1) The Justices of the Peace Appointment and Remuneration Committee is established.

#### Composition of Committee

(2) The Committee is composed of:

- (a) a member recommended by the senior judge;
- (b) a judge of the Nunavut Court of Justice;
- (c) a justice of the peace; and
- (d) two representatives of the public who are not employees of the Government of Nunavut.

#### Appointment of Committee members

(3) Members of the Committee described in paragraphs (2)(b) to (d) shall be appointed by the Commissioner in Executive Council on the recommendation of the senior justice of the peace.

#### Appointment of member recommended by the senior judge

(4) The member of the Committee described in paragraph (2)(a) shall be appointed by the Commissioner in Executive Council on the recommendation of the senior judge.

#### Residency

(4.1) No person shall be appointed as a member of the Committee unless he or she has been a resident of Nunavut for at least 12 months.

#### Terms of office

(5) Members of the Committee shall hold office for a term of three years.

#### Chairperson and vice-chairperson

(6) The Committee shall elect a chairperson and a vice-chairperson from among its members.

#### Vice-chairperson

(7) If the chairperson is absent, unable to act, or that office is vacant, the vice-chairperson may act as the chair and may perform all the duties and functions of the chairperson.

### Quorum

(8) A quorum of the Committee consists of the members described in paragraphs (2)(a) to (c) and at least one representative of the public.

### Telephone or videoconference

(9) The Committee may meet by way of teleconference, videoconference, or other electronic means.

### Confidentiality

(10) Records and proceedings of the Committee are confidential.

### Liability

(11) No action or other proceedings for damages shall be brought against the Committee or its members or any person acting under the authority of the Committee for any act done in good faith in the execution or intended execution of the duty of the Committee, member or other person. S.Nu. 2013,c.17,s.4.

### Review and recommendations

**2.2.** (1) The Committee shall review the applications of candidates for appointment as justices of the peace and recommend candidates who, in the opinion of the Committee, are qualified.

### Criteria for recommendation

(2) In determining whether a person is qualified for appointment as a justice of the peace, the Committee's consideration shall include the person's:

- (a) knowledge of Inuit societal values;
- (b) knowledge of the Inuit language; and
- (c) knowledge of the community in which the candidate would serve if appointed.

S.Nu. 2013,c.17,s.4.

### Tenure

**3.** A justice of the peace appointed after the coming into force of this Act shall remain in office until the justice of the peace

- (a) no longer resides in Nunavut;
- (b) reaches the age of 75 years;
- (c) is removed from office in accordance with section 6; or
- (d) resigns by giving the Minister notice in writing.

### Senior justice of the peace

**3.1.** (1) The Commissioner, on the recommendation of the senior judge, may designate a justice of the peace as the senior justice of the peace for a term of five years.

### Powers and duties

(2) The senior justice of the peace has such powers and duties as may be assigned by the senior judge or prescribed. S.Nu. 2013,c.17,s.4.1.

## Review Council

4. (1) The Justices of the Peace Review Council is established.

### Composition

(2) The Review Council is composed of

- (a) the senior judge;
- (b) a judge of the Nunavut Court of Justice, appointed by the Commissioner in Executive Council;
- (c) a justice of the peace, appointed by the Commissioner in Executive Council; and
- (d) two representatives of the public, appointed by the Commissioner in Executive Council.

### Chairperson

(3) The senior judge is the chairperson of the Review Council.

### Telephone conference

(4) The Review Council may meet by way of teleconference, videoconference, or other electronic means.

### Liability

(5) No action or other proceedings for damages shall be brought against the Review Council or its members or any person acting under the authority of the Review Council for any act done in good faith in the execution or intended execution of the duty of the Review Council, member or other person. S.Nu. 2013,c.20,s.21(2).

**Note:** On a day to be fixed by order of the Commissioner, paragraph 4(2)(a) and subsection 4(3) are amended by striking out "senior judge" and substituting "Chief Justice".

*See* S.Nu. 2000,c.3,s.5(4)(a),(b).

### Designate

5. The senior judge may designate another judge of the Nunavut Court of Justice to perform the duties and exercise the powers of the senior judge under this Act.

**Note:** On a day to be fixed by order of the Commissioner, section 5 is amended by striking out "senior judge" each place it appears and substituting "Chief Justice".

*See* S.Nu. 2000,c.3,s.5(4)(c).

### Grounds for removal

6. The appointment of a justice of the peace may be revoked only if

- (a) a complaint or matter respecting the justice of the peace has been referred by the senior judge to the Review Council under



- paragraph 7(2)(e) or appealed to the Review Council under subsection 8(1);
- (b) the Review Council has inquired into the complaint or matter in accordance with section 9; and
  - (c) the Review Council has recommended that the Commissioner in Executive Council revoke the appointment of the justice of the peace.

**Note:** On a day to be fixed by order of the Commissioner, paragraph 6(a) is amended by striking out "senior judge" and substituting "Chief Justice".

*See S.Nu. 2000,c.3,s.5(4)(d).*

**Note:** On April 1, 2019, the following is added after section 6:

Seeking election to municipal council

**6.1.** (1) A justice of the peace who wishes to be a candidate for election to a municipal council shall apply in writing to the senior judge for a leave of absence from his or her duties as a justice of the peace.

Leave of absence

(2) If a leave of absence is applied for under subsection (1), the senior judge shall grant the justice of the peace a leave of absence without pay for a period

- (a) beginning on the day the justice of the peace signs his or her declaration of candidacy; and
- (b) ending on the earlier of the day on which the results of the election are declared or the day he or she has ceased to be a candidate.

Ceasing to hold office

(3) A justice of the peace who is elected as a member of a municipal council ceases to hold office as a justice of the peace.

*See S.Nu. 2017,c.21,s.5.*

Complaints to senior judge

**7.** (1) A person may make a complaint respecting a justice of the peace to the senior judge.

Notification of complaint

(1.2) Where the senior judge receives a complaint respecting a justice of the peace or becomes aware of a matter respecting a justice of the peace that requires consideration, he or she shall advise the justice of the peace of the substance of the complaint or matter and require the justice of the peace to respond to the complaint or matter within a reasonable time, so that the senior judge may determine whether any further action need be taken.

## Powers of senior judge

(2) Where the senior judge receives a complaint respecting a justice of the peace or becomes aware of a matter respecting a justice of the peace that requires consideration, he or she may

- (a) **repealed, S.Nu. 2013,c.17,s.5(1.2);**
- (b) dismiss the complaint if, in the opinion of the senior judge, the complaint is frivolous or an abuse of process;
- (c) **repealed, S.Nu. 2013,c.17,s.5(2);**
- (d) suspend the justice of the peace, with or without conditions, for up to two weeks; or
- (e) refer the complaint or matter to the Review Council.

## Notice of decision

(3) Where the senior judge makes a decision under paragraphs (2)(b) to (e), the senior judge shall give written notice of the decision to the justice of the peace involved and, in the case of a complaint, to the person who made the complaint.

S.Nu. 2013,c.17,s.5(1.1),(1.2),(2).

**Note:** On a day to be fixed by order of the Commissioner, subsections 7(1), (2) and (3) are amended by striking out "senior judge" each place it appears and substituting "Chief Justice".

*See* S.Nu. 2000,c.3,s.5(4)(e),(f),(g).

**Note:** On a day to be fixed by order of the Commissioner, the following is added after subsection 7(1):

## Disagreement with decision

(1.1) Disagreement with a decision made by a justice of the peace is not grounds for a complaint under subsection (1).

*See* S.Nu. 2013,c.17,s.5(1).

## Notice of appeal

**8.** (1) Within two weeks of receiving notice of a decision under subsection 7(3), the justice of the peace or the person who made the complaint may appeal the decision to the Review Council by giving the Review Council written notice of intention to appeal.

## Contents of notice

(1.1) A notice of intention to appeal must contain:

- (a) details of the complaint;
- (b) copies of the notice of the decision being appealed; and
- (c) a statement explaining the grounds on which an appeal is sought.

### Dismissal

(1.2) Where the Review Council, based on the notice of intention to appeal, determines that the appeal is unfounded, unnecessary, frivolous, an abuse of process or beyond its jurisdiction, the Review Council shall dismiss the appeal.

### Appeal

(2) Where the decision of the senior judge is appealed and the matter has not been dismissed pursuant to subsection (1.2), the Review Council shall inquire into the complaint or matter to which the decision relates, as if it were a complaint or matter referred to the Review Council by the senior judge under paragraph 7(2)(e).

### Senior judge may not consider appeal

(2.1) The senior judge may not consider an appeal of a decision made by the senior judge under paragraphs 7(2)(a), (b) or (d) as a member of the Review Council.

### Suspension

(3) Where the suspension of a justice of the peace by the senior judge is appealed, the suspension continues in effect until the Review Council hears and decides on the appeal. S.Nu. 2013,c.17,s.6,6.1.

**Note:** On a day to be fixed by order of the Commissioner, subsections 8(2) and (3) are amended by striking out "senior judge" each place it appears and substituting "Chief Justice".

*See S.Nu. 2000,c.3,s.5(4)(h),(i).*

### Inquiry by Review Council

**9.** (1) Where a complaint or matter has been referred by the senior judge to the Review Council, the Review Council shall inquire into the complaint or matter by holding a hearing.

### Hearing

(2) The Review Council shall

- (a) give notice of the hearing to the justice of the peace involved and, in the case of a complaint, to the person who made the complaint;
- (b) inquire into the complaint or matter by examining and cross-examining witnesses or reviewing relevant documents at the hearing; and
- (c) allow the justice of the peace and, in the case of a complaint, the person who made the complaint to be heard and to submit written or oral evidence.

*Public Inquiries Act*

(3) The Review Council has all the powers of a Board of Inquiry under the *Public Inquiries Act* and the *Public Inquiries Act* applies to an inquiry into a complaint or matter by the Review Council as if it were an inquiry under that Act.

**Note:** On a day to be fixed by order of the Commissioner, subsection 9(1) is amended by striking out "senior judge" and substituting "Chief Justice".

See S.Nu. 2000,c.3,s.5(4)(j).

## Limitation

**10.** Where a complaint or matter respecting the justice of the peace appointed to the Review Council is referred to the Review Council,

- (a) the justice of the peace shall not take part in the inquiry into the complaint or matter by the Review Council; and
- (b) the Commissioner in Executive Council shall appoint another justice of the peace to the Review Council for the inquiry of the complaint or matter.

## Report

**11.** (1) After a hearing, the Review Council shall make a report to the Commissioner in Executive Council, the justice of the peace involved, the senior judge and, in the case of a complaint, the person who made the complaint.

## Decision

(2) The Review Council may

- (a) dismiss the complaint or other matter;
- (b) reprimand the justice of the peace;
- (b.1) suspend the justice of the peace, with or without conditions, for up to a year;
- (b.2) recommend that the justice of the peace attend training, instruction or counseling; or
- (b.3) otherwise discipline the justice of the peace; or
- (c) recommend that the Commissioner in Executive Council revoke the appointment of the justice of the peace on the grounds that the justice of the peace
  - (i) is incapacitated or disabled from the due execution of the office of justice of the peace because of infirmity,
  - (ii) has acted in a way that is incompatible with the duties of the office of justice of the peace, or
  - (iii) has failed to perform the duties prescribed for the level of jurisdiction to which the justice of the peace is appointed.

## Appeal

(3) No appeal lies from a decision of the Review Council. S.Nu. 2013,c.17,s.7,8.

**Note:** On a day to be fixed by order of the Commissioner, subsection 11(1) and paragraph 11(2)(b) are amended by striking out "senior judge" each place it appears and substituting "Chief Justice".

See S.Nu. 2000,c.3,s.5(4)(k),(l).

## Functions of Commissioner in Executive Council

**12.** (1) Where the Commissioner in Executive Council receives a report from the Review Council, the Commissioner in Executive Council

- (a) **repealed, S.Nu. 2013,c.17,s.9(1);**
- (b) **repealed, S.Nu. 2013,c.17,s.9(1);**
- (c) **repealed, S.Nu. 2013,c.17,s.9(1);**
- (d) may, if the Commissioner in Executive Council considers it to be in the public interest, make public all or part of the report; and
- (e) shall revoke the appointment of the justice of the peace, where this is recommended by the report.

(2) **Repealed, S.Nu. 2013,c.17,s.9(2).** S.Nu. 2013,c.17,s.9.

**Note:** On a day to be fixed by order of the Commissioner, subsection 12(2) is amended by striking out "senior judge" each place it appears and substituting "Chief Justice".

See S.Nu. 2000,c.3,s.5(4)(m).

## Oaths

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

### Oath of Allegiance

I, ....., do swear that I will be faithful to and bear true allegiance to Her Majesty Queen Elizabeth the Second (*or the reigning Sovereign for the time being*), her heirs and successors according to law. So help me God.

### Oath of Office

I, ....., do swear 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.

#### Transmission of oaths

(2) The oath of allegiance and oath of office shall be sent to the Deputy Minister by the justice of the peace without delay after taking the oaths.

#### Powers and duties of justice of the peace

**14.** (1) Subject to this section, every justice of the peace may exercise the powers granted and shall perform the duties imposed on a justice of the peace by or under any law or Act in force in Nunavut.

#### Assignment by senior judge

(2) The senior judge may assign specific powers and duties to a justice of the peace.

#### Restriction

(3) Where an assignment is made under subsection (2), the justice of the peace shall exercise and perform only the powers and duties assigned.

**Note:** On a day to be fixed by order of the Commissioner, subsection 14(2) is amended by striking out "senior judge" each place it appears and substituting "Chief Justice".

See S.Nu. 2000,c.3,s.5(4)(n).

#### Youth court or youth justice court judge

**15.** (1) The Commissioner in Executive Council may, on the recommendation of the senior judge, appoint a justice of the peace as a youth court or youth justice court judge for the purposes of the *Young Offenders Act* and the *Youth Criminal Justice Act (Canada)*.

#### Jurisdiction

(2) An appointment under subsection (1) may apply to the whole of Nunavut or to a portion of Nunavut specified in the appointment.

#### Youth Court, youth justice court

(3) The justices of the peace sitting as youth court or youth justice court judges are deemed to be a Youth Court for the purposes of the *Young Offenders Act* and a youth justice court for the purposes of the *Youth Criminal Justice Act (Canada)*.

#### Powers as a youth court or youth justice court judge

(4) A justice of the peace appointed as a youth court or youth justice court judge may, subject to subsection (5), and the terms of his or her appointment, preside at a trial of a young person for an offence committed under a law of Nunavut or of Canada.

#### Powers limited by regulations

(5) A justice of the peace sitting as a youth court or youth justice court judge may preside only at a trial of such offences as are prescribed by regulations.

S.Nu. 2003,c.4,s.17.

**Note:** On a day to be fixed by order of the Commissioner, subsection 15(1) is amended by striking out "senior judge" and substituting "Chief Justice".

See S.Nu. 2000,c.3,s.5(4)(o).

#### Remuneration

**16.** (1) The Commissioner in Executive Council may establish the remuneration that may be paid to a justice of the peace for the exercise and performance of his or her powers and duties, including

- (a) any powers or duties exercised or performed for the purposes of the *Young Offenders Act* and the *Youth Criminal Justice Act* (Canada); and
- (b) any training undertaken by the justice of the peace at the request of the senior judge or the Review Council.

#### Exemption

(2) Notwithstanding the *Public Service Act*, the remuneration mentioned in subsection (1) may be paid to a justice of the peace who is employed in the public service in addition to his or her salary.

#### Travelling and other expenses

(3) The Deputy Minister may, where special circumstances require it, authorize payment of travelling and other expenses incurred by a justice of the peace in the performance of his or her duties.

#### Committee recommendation must be considered

(4) When establishing remuneration under subsection (1), the Commissioner in Executive Council shall consider the recommendations of the Committee made under section 16.1. S.Nu. 2003,c.4,s.18; S.Nu. 2013,c.17,s.10.

**Note:** On a day to be fixed by order of the Commissioner, paragraph 16(1)(b) is amended by striking out "senior judge" and substituting "Chief Justice".

See S.Nu. 2000,c.3,s.5(4)(p).

#### Recommendations

**16.1.** The Committee shall make a recommendation respecting the remuneration of justices of the peace no more than one year after this section comes into force and every five years after that recommendation. S.Nu. 2013,c.17,s.11.

#### Records

**17.** (1) The senior judge may direct justices of the peace to keep the records that the senior judge considers necessary and to forward these records to the senior judge.

#### Compliance

(2) Every justice of the peace shall comply with a direction given under subsection (1).

*Application of Archives Act*

(3) A record forwarded in accordance with this section shall be deemed to be a record of the Nunavut Court of Justice for the purposes of the *Archives Act*.

**Note:** On a day to be fixed by order of the Commissioner, subsection 17(1) is amended by striking out "senior judge" each place it appears and substituting "Chief Justice".

*See S.Nu. 2000,c.3,s.5(4)(q).*

## Regulations

**18.** The Commissioner in Executive Council may make regulations

- (a) establishing the remuneration to be paid to justices of the peace;
  - (a.1) respecting the process by which a person may be selected to be appointed as a justice of the peace;
  - (a.2) respecting additional criteria for a person to be appointed as a justice of the peace;
  - (a.3) prescribing honoraria and expenses for members of the Committee; and
  - (b) for carrying out the purposes and provisions of this Act.
- S.Nu. 2013,c.17,s.12.