

**Registered Barbers Act**  
**CHAPTER 390**  
**OF THE REVISED STATUTES, 1989 amended 2004, c. 4, s. 117**

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**An Act to Incorporate the Nova Scotia Registered Barbers Association**

**Short title**

1 This Act may be cited as the Registered Barbers Act. R.S., c. 390, s. 1.  
Interpretation

2 In this Act,

- (a) “Association” means the Nova Scotia Registered Barbers Association;
- (b) “barbershop” includes all premises or part thereof wherein is carried on the business of shaving, or cutting, clipping, singeing or shampooing the hair or scalp, but does not include establishments where the foregoing services are rendered incidentally to the business of waving or dressing the hair, which establishments are commonly known as beauty shops or beauty parlours;
- (c) “certificate of registration” means a certificate of registration as a barber which is issued and in force pursuant to this Act;
- (d) “Council” means the Council of the Association;
- (e) “member” means a registered member of the Association; (f) “Registrar” means the Registrar of the Association;
- (g) “Secretary” means the Secretary of the Association;
- (h) “Treasurer” means the Treasurer of the Association. R.S., c. 390, s. 2.

**Head office**

3 The head office of the Association shall be in the City of Halifax. R.S., c. 390, s. 3.

Association continued

4 The Nova Scotia Registered Barbers Association as at present constituted shall continue to be a body corporate. R.S., c. 390, s. 4.

### **Objects of Association**

5 The objects of the Association are to

### **OBJECTS**

- (a) promote and increase the skill and proficiency of the members of the Association in all matters relating to the trade and business of a barber;
  - (b) do all such matters and things as will advance and protect the interests of the members of the Association in the trade and business of barbers, and protect the interest of the public in all matters relating thereto;
  - (c) do all such matters and things as are calculated to give the public a greater appreciation of the usefulness and competency of the members of the Association in the carrying on of their trade and business as barbers.
- R.S., c. 390, s. 5.

### **POWERS**

Powers of Association

- 6 (1) The Association, in addition to all other powers vested in corporations, is hereby authorized and empowered to
- (a) hold and dispose of real estate for the purposes of the Association;
  - (b) enter into any contract with any other person, firm or corporation relating to the borrowing of money for the purposes of carrying out any of the objects of the Association and give security for any moneys so borrowed on any of the real or personal property of the Association by way of mortgage, pledge, charge or otherwise howsoever;
  - (c) establish and maintain a register and cause to be recorded therein the names and addresses of all persons who are members of the Association;
  - (d) authorize the Registrar or other official of the Association as may be designated by the Association to grant a certificate of competency or a diploma to each member of the Association;
  - (e) fix the fees payable by any person upon being admitted as a member of the Association, annual fees, examination fees, fees payable for a

certificate of registration and fees for registration as a registered apprentice;

(f) assess its members for any ordinary, special or extraordinary expenditures that may be deemed necessary or expedient to further any of the objects of the Association, and such assessment may be made in the manner provided by the by-laws of the Association;

(g) discipline, suspend or expel any of its members from membership in the manner provided by the by-laws of the Association;

(h) inspect barbershops as defined herein and to authorize the Council to appoint inspectors for that purpose;

(i) do all such other matters and things as may be necessary for or incidental or conducive to the exercise of any of the hereinbefore enumerated powers;

(j) make by-laws relating to the powers of the Association and prescribing the mode of installation and duties of the officers of the Association.

(2) No by-law shall have any force or effect unless and until approved by the Governor in Council and no by-law shall be submitted to the Governor in Council unless and until it has been adopted by the Association at an annual or special meeting of the members of the Association, by a two-thirds majority vote of the members present at such meeting, and no by-law shall be amended, varied or repealed at any such meeting unless written notice of the intention to deal with the same, and a copy of every such proposed amendment, variation or repeal shall have first been given by the Secretary to each member of the Association at least fourteen days before the holding of such meeting, said notice and copy to be mailed to the member, postage prepaid, addressed to the last address of each member as shown on the register. R.S., c. 390, s. 6; revision corrected.

### **Death benefit**

7 (1) There shall be paid to the estate of every deceased member out of the funds of the Association upon receipt by the Treasurer of proof of the death of such member satisfactory to the Treasurer, a death benefit in the amount of fifty dollars.

(2) Such payment shall be made upon the passage of a resolution of the Council authorizing the payment. R.S., c. 390, s. 7.

Eligibility for membership

## **MEMBERSHIP**

8 Any person who has complied with the by-laws of the Association, relating to the training, qualification, examination and admission of members, shall be eligible to become a member of the Association. R.S., c. 390, s. 8.

### **Restrictions on carrying on business as barber**

9 (1) Every person who, on the twenty-eighth day of March, 1942, was carrying on the trade of a barber in the Province may apply to the Association for membership in the Association, and upon it appearing from such application that such person possesses the qualifications, training and experience prescribed by the by-laws of the Association, shall upon payment of the fee prescribed therefor be entitled to be registered as a member of the Association in the manner prescribed by the by-laws.

(2) Any person who, on the twenty-eighth day of March, 1942, was carrying on the trade of a barber in the Province may, upon application to the Secretary of the Association, be granted a certificate of exemption from registration pursuant to this Act and the proper officer of the Association shall enter in a book to be kept for that purpose the name of every person applying for such certificate with the address at which that person resides and the address at which that person carries on business.

(3) The certificate of exemption shall be granted upon proof that the applicant

(a) was carrying on business as a barber in the Province on the twenty-eighth day of March, 1942; and

(b) is a British subject by birth or naturalization.

(4) Every person who, not being the holder of a certificate of registration or of exemption pursuant to this Act, carries on trade or business as a barber in a city or incorporated town having a population, according to the latest decennial census, exceeding five thousand, shall be liable to a penalty not exceeding one hundred dollars and in default of payment thereof to imprisonment for a period not exceeding two months.

(5) A certificate of exemption shall be granted to any person to whom subsection (4) applies upon application therefor by such person upon proof that the applicant

(a) was carrying on business as a barber in the Province on the twenty-ninth day of March, 1945; and  
(b) is a British subject by birth or naturalization. R.S., c. 390, s. 9.

### **Membership for member of reciprocating association**

10 Any person who becomes a resident of the Province and who is a duly registered member of an association of barbers of any province, or any other part of the British Commonwealth of Nations, or of the United States similarly constituted to this Association and which grants reciprocal privileges of membership therein, may, upon application to the Council, be admitted to membership in the Association on producing a certificate of membership in such other association. R.S., c. 390, s. 10.

### **Medical certificate required**

11 No person who is suffering from tuberculosis or any other contagious or infectious disease shall be registered as a member of the Association and every person, applying for membership therein, shall furnish such medical certificate of freedom therefrom as the by-laws of the Association may prescribe. R.S., c. 390, s. 11.

### **Offence respecting sanitation**

12 Any member who is guilty of any violation of any provision respecting sanitation in barbershops and premises or sanitary precautions to be observed by barbers pursuant to the Health Protection Act or of the regulations made thereunder, or of the by-laws of any municipal corporation shall be forthwith dealt with by the Association as by the by-laws in such cases provided. R.S., c. 390, s. 12; 2004, c. 4, s. 117.

### **Use of designation**

13 Every member of the Association shall be entitled to take and use the title "registered barber" and no person who is not a member of the Association shall take or use the title "registered barber" or any abbreviation thereof calculated to represent such non-member as being a registered barber, and any person who violates this Section shall be liable

to a penalty of not more than twenty dollars, and such penalty shall be recoverable pursuant to the Summary Proceedings Act. R.S., c. 390, s. 13.

## **Apprentice**

14 (1) Any person shall be entitled to receive a certificate of registration as a registered apprentice provided that the person

(a) is not less than seventeen years of age; and

(b) has passed an examination conducted by the Association to determine the person's fitness to practise as a registered apprentice.

(2) No person shall practise as an apprentice unless the person has been registered as such by and has received a certificate from the Association therefor.

(3) No registered apprentice may independently practise barbering, but may, as an apprentice, do any or all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber or a barber holding a certificate of exemption.

(4) No barber shall employ or have associated with him at one time more than one apprentice.

(5) Nothing in this Section shall prevent any person, being an instructor or student, from doing any or all of the acts constituting the practice of barbering in a trade school registered pursuant to the Trade Schools Regulation Act. R.S., c. 390, s. 14.

## **Certificate of registration**

15 (1) Any person shall be qualified to receive a certificate of registration as a registered barber provided that the person

(a) has practised as a registered apprentice under the immediate supervision of a registered barber, or of a barber holding a certificate of exemption, or has successfully completed the course of study in a trade school registered pursuant to the Trade Schools Regulation Act, in which barbering is taught;

(b) has passed an examination conducted by a board of examiners appointed as hereinafter provided to determine the person's fitness to practise barbering;

(c) has paid all fees prescribed therefor; and (d) has otherwise complied with this Act.

- (2) If such applicant fails to pass such examination the applicant may continue to practise as a registered apprentice as hereinbefore provided and may after three months again apply for another examination.
- (3) All certificates of registration expire on the thirty-first day of December in the year in which they are issued.
- (4) Every person who holds a certificate of registration shall annually, on or before the fifteenth day of December, apply to the Registrar for a renewal thereof for the next ensuing year, and such renewal shall be granted upon payment of the annual fees prescribed by the by-laws.
- (5) If any person holding a certificate of registration fails to pay the annual fees prescribed by the by-laws within three months of the date upon which such fees become payable, the Registrar, after issuing ten days notice by registered mail, addressed to the last known address of such person on the register, shall cause the name of such person to be struck off the register and such person shall thereupon cease to be deemed to be a member and his certificate of registration shall be deemed to have been revoked, provided that such person shall at any time within two years thereafter, upon paying such annual fees and any arrears thereof, be entitled to be reinstated as a member and to have a certificate of registration reissued to him.
- (6) If an application is made two years after the name of such person is struck off the register, then such person shall only be entitled to be reinstated as a member and to have his certificate of registration reissued to him upon complying with the terms prescribed by the Council.
- (7) A certificate purporting to be under the hand of the Registrar and bearing the seal of the Association shall be prima facie evidence in any court or elsewhere of the issuance of a certificate of registration or of the non-issuance thereof.
- (8) No person shall wilfully have or attempt to have himself granted a certificate of registration or to be registered as a member or enrolled as a registered apprentice by making or producing or causing to be made or produced any false or fraudulent representation or declaration. R.S., c. 390, s. 15.

## **Board of Examiners**

16 (1) There shall be a Board of Examiners consisting of such number of persons as may be determined by by-law, to examine such persons as

from time to time apply to be examined and registered as apprentices or barbers pursuant to this Act.

(2) At least one half of the Board of Examiners shall be appointed by the Minister of Advanced Education and Job Training and the remainder by the Council.

(3) Every examiner appointed by the Minister of Advanced Education and Job Training shall be appointed for three years and must have practised the trade of barbering for at least ten years prior to his appointment.

(4) The Board of Examiners shall meet at least twice in every year for the purpose of examining candidates for registration pursuant to this Act.

(5) Due notice of all such examinations shall be given by advertisement in one or more public newspapers in the City of Halifax.

(6) A majority of the members of the Board shall constitute a quorum thereof.

(7) The Board of Examiners shall have power to examine such candidates, and upon their report to the Council that any candidate has passed the prescribed examinations, the Registrar shall sign and issue the requisite certificate.

(8) Two classes of examinations shall be held by virtue of the provisions of this Act, namely, (a) examinations for registered apprentices; and (b) examinations for registered barbers. R.S., c. 390, s. 16.

## **Regulations**

17 (1) The Council has power to make regulations not inconsistent with this Act concerning the following matters:

(a) the holding and conduct of examinations of candidates for registration as apprentices and barbers pursuant to this Act;

(b) the prescribing of subjects upon which such candidates shall be examined, and any further qualifications of any such candidates;

(c) the prescribing of the matters in which registered apprentices shall be instructed, the manner of such instruction and the duties to be performed by such apprentices while engaged as such.

(2) No such regulation shall come into effect until approved by the Minister of Advanced Education and Job Training. R.S., c. 390, s. 17.

## **Honorary membership**



18 (1) The Council may, upon application in writing to the Secretary by any member of the Association who at the time of making such application is carrying on the trade of a barber in the Province, who has attained the age of sixty-five years or who has satisfied the Council that he is unable to carry on the trade of a barber regularly due to ill health, grant to such member an honorary membership in the Association and issue a certificate to that effect.

(2) Such member shall thereupon cease to be liable to pay dues and assessments to the Association but shall nevertheless continue to be entitled to carry on his trade as a barber.

(3) The Association, at any general meeting thereof, may, in recognition of the services to the Association of any person, elect such person as an honorary member of the Association and cause to be issued to such person a certificate to that effect, but such person shall not by reason of honorary membership have the right to carry on the trade of a barber in the Province nor hold any elective office in the Association nor be liable to pay any fees or assessments but shall be entitled to attend any meeting of the Association. R.S., c. 390, s. 18.

## **COUNCIL**

### **Council of Association**

19 There shall be a Council of the Association of seven members, who shall be British subjects, and who shall have resided and carried on, or been employed in, the trade or business of a barber in the Province for at least five years. R.S., c. 390, s. 19.

### **Quorum and meetings**

20 (1) Any four members of the Council shall form a quorum.

(2) The President may call a meeting of the Council at such time and place as the President may determine and shall call a meeting of the Council when requested in writing by a majority of the members of the Council so to do. R.S., c. 390, s. 20.

### **Election of members and term of office**

21 The members of the Council shall be elected at the annual meeting of the Association, by sealed ballot, in the manner provided by the by-laws of the Association and shall hold office until their successors are duly elected. R.S., c. 390, s. 21.

## **Vacancy**

22 If any vacancy occurs in the Council it may be filled by the unanimous vote of the remaining members of the Council. R.S., c. 390, s. 22.

## **OFFICERS**

### **Officers of Association**

23 The officers of the Association shall consist of a President, Vice-president, Registrar, Secretary, Treasurer and Sergeant-at-arms. R.S., c. 390, s. 23.

Election and term of office and re-election

24 (1) The President, Vice-president, Registrar, Secretary and Treasurer, shall be elected by the Association at the annual meeting and shall hold office for the period of one year and shall be eligible for re-election for further periods of one year each.

(2) The President and Vice-president shall be elected from among the persons elected as members of the Council and the Registrar, Secretary and Treasurer may be elected from among the members of the Association.

(3) The Secretary and Treasurer shall, before taking office, furnish a bond with such sureties as may be approved by the Council conditioned upon the faithful performance of their duties and the premium for such bond shall be paid out of the funds of the Association. R.S., c. 390, s. 24.

## **MEETINGS**

### **Annual meeting**

25 The annual general meeting of the Association shall be held on the second Wednesday of September in each year at such time and place as the Council may determine. R.S., c. 390, s. 25.

### **Special meeting by resolution of Council**

26 A special general meeting of the Association shall be held at any time and place upon a resolution passed to that effect by a majority of the members of the Council. R.S., c. 390, s. 26.

### **Special meeting by request of members**

27 A special general meeting of the Association shall be held within thirty days after any request so to do, made in writing to the Council, signed by not less than twenty per cent of the members of the Association is lodged with the Secretary. R.S., c. 390, s. 27.

### **Notice of meeting and quorum**

28 (1) Written notice of the annual general meeting and of any special general meeting of the Association shall be given by the Secretary at least fourteen days before the meeting is held to each member of the Association by mailing the same to each member, postage prepaid, at the member's last address as shown on the register.

(2) Twenty members shall form a quorum at any meeting of the Association. R.S., c. 390, s. 28. REGISTRAR

### **Certificate of membership and register**

29 (1) The Registrar shall issue to each member of the Association a certificate of membership, which shall be signed by the President or Vice-president and by the Registrar and shall bear the seal of the Association.

(2) The Registrar shall enter in the register, provided by the Council, the names and addresses of all members.

(3) The Registrar shall keep the register in accordance with this Act and the by-laws of the Association.

(4) Any member whose name has been removed from the register shall thereafter not be entitled to any of the rights or privileges conferred by this Act unless and until the member has been re-admitted as a member of the Association and the member's name again entered upon the register. R.S., c. 390, s. 29.

## **Summary Proceedings Act**

30 The provisions of the Summary Proceedings Act shall apply where any person violates any of the provisions of this Act. R.S., c. 390, s. 30.