NOVA SCOTIA

Checklist for plain language NS regulations:

Use this checklist when drafting or amending Nova Scotia regulations to make the language simpler and in accordance with the plain language standards in the Department of Justice's Style and Procedures Manual (http://www.novascotia.ca/just/regulations/styleman/index.htm).

The Office of the Registrar of Regulations is ultimately responsible for ensuring that Nova Scotia's regulations are in a consistent style and use language that is as simple, clear and precise as possible. Further changes may still be required to your draft by the Office of the Registrar of Regulations, but completing this checklist can help speed the draft more quickly through the office's review and approval process.

Note: Not all of the items in the checklist will apply and will depend on whether you are creating regulations from scratch or replacing an older set (or sets) of regulations.

This checklist is updated periodically to ensure that it continues to meet the needs of those who use it. Please contact us to let us know if you have anything else you would like to see addressed, or if any part of it is unclear.

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Checklist for Plain Language NS Regulations

1. Structure:		Check
A	ensure using standard numbering system and regulations structure: • **1** Section-**(1)** subsection-(a) clause-(i) subclause-(A) paragraph-(I) subparagraph (only Section and subsection numbers are bold)	
	• block format using **indents** (do not use tabs or spaces to line text up)	
	• left-align text	
	• use English Canada (CE) language setting	
B	add short title (as Section 1, citation) or alter short title so that it is in plain language and matches the subject matter and terminology used in the regulations and the parent statute	
C	add headings so that there is one for each Section, or alter headings so that they: accurately reflect subject matter of Section; are unique; help readers find things/navigate document	
D	add centred headings, if necessary, to group like provisions and help readers find things/navigate document	
E	divide provisions that contain more than one sentence	
F	divide provisions that have more than one subject, or too many modifying or conditional phrases	
G	convert fee lists, schedules or complex information to tables whenever possible	
H	incorporate information from schedules into main body of regulations whenever possible	
I	remove transitional or temporary provisions (e.g. repealing former regulations)	
J	divide larger regulations into smaller ones by subject matter, or add Parts	
K	combine shorter regulations on similar subject matters	
L	divide regulations made by more than 1 authority, by authority	
M	separate designation of a thing or area from regulations regulating activity in area – e.g. protected water areas, parks, beaches etc.	
N	change lists to preferred list format: use "any of the following", "all of the following" opening phrase to determine how the list is to be read and delete the conjunction (and/or) between last 2 items	
O	avoid using "tails" of text or "clause sandwiches" that place unnumbered text after a numbered or lettered list tails of text; incorporate text in opening text of provision or move to a separate provision	
P	consider converting some lists from clauses or subclauses to unlettered/un-numbered lists or into tables	

2. Definitions:

		Check
A	remove clause lettering from definitions	
B	add definition of "Act"	
C	ensure definitions are in alphabetical order	
D	ensure definitions are worded so that they can be substituted in place of defined term (same part of speech)	
E	ensure defined terms are unique: specific/descriptive and intuitive, e.g. 'special compensation committee' rather than 'committee' (makes it less likely that have to go back to definition to remember what it meant)	
F	remove references to alternate forms of a defined term, such as "and [alternate form of word] has a corresponding meaning" (19(j) of *Interpretation Act* provides that definition applies to other parts of speech and tenses of word)	
G	put a definition that is used for only one Section in that Section (as a definition subsection)	

3. Formatting:

		Check
A	remove quotation marks from references to schedules and forms, e.g. Schedule A, not Schedule "A"	
B	italicize document titles and standardize references	
C	put cross-references in standard short form, e.g. subsection 5(2) *(not "subsection (2) of Section 5")*	
D	replace written-out numbers with numerals, and remove duplicated numbers– e.g. "twenty (20)" = "20"	
E	only capitalize proper nouns (including in definitions) and headings, as indicated	
F	for non-centred headings, ensure only first word is capitalized	
G	abbreviate measurements used with numbers (2 cm, 5 km, 3 kg, 12 L, etc.)	
H	change imperial measurements to metric, or provide metric equivalents in parentheses if industry still mostly using imperial	
I	express dollar amounts consistently ($100 or $100.00) throughout regulations	
J	update all year references on forms to "20__"	
K	use curled quotation marks not straight, except when using as symbol for inches	

4. Other:		Check
A	correct any typographical, punctuation and grammatical errors (including any noted in square brackets in current consolidation)	
B	remove effective date references if date already past	
C	remove "as amended" and "as amended from time to time" from references to Acts and regulations	
D	remove "from time to time" from provisions granting power to be exercised or requiring duty to be performed (clause 19(e) of the *Interpretation Act*)	
E	change federal department references to legal names (not applied names, e.g. "federal Department of Health", not "Health Canada"), see Registry of Applied titles: http://www.tbs-sct.gc.ca/fip-pcim/reg-eng.asp	
F	standardize references to documents incorporated by reference (see References_to_standards_in_NS_Regulations-(ORR_2014).pdf)	
G	remove "of these regulations" from internal cross-references (e.g. "as required by Section 5 of these regulations")	
H	change "Regulation", when used in cross-reference to a provision, to "Section" or other standard provision name	
I	ensure language is gender-neutral (singular "they" is standard)	
J	change to active voice wherever possible ("An applicant **must submit** an application.", not "An application **must be submitted** by an applicant.")	
K	change to natural word order wherever possible (subject-verb-object)	
L	change to singular voice wherever possible, rather than plural	
M	change nominalizations to verb forms* e.g. "with the exception of" => "except for"	
N	remove archaic or Latin terms *	
O	change phrases to words whenever possible*	
P	change words identified as to be avoided *	
(See tables in Style Manual, pp.72-74))*		
Q	change "that" to "the" in second reference to a thing or person, e.g. "The Director may send a notice to an applicant to the last known address of ~~that~~ the applicant."	
R	use "lesser" and "greater" for volume, amount or duration	
S	use "fewer" and "more" for numbers	
T	use "earlier" and "later" for time	
U	avoid double negatives, e.g. replace "may not" double negative with "may only" phrase, as in "The Minister may ~~not~~ **only** approve an applicant who ~~doesn't~~ meet…"	

5. Replacements

Replace this	With that	Check
"said", "same", "such"	"the" or repeat noun	
"which"	"that" (most of the time, with very few exceptions)	
"for which", "in which", "about which" and other formal prepositional phrases	most often can be replaced by placing the preposition at the end of the clause, as you would if you spoke the sentence, for example: "these are the books I was talking about" instead of "these are the books about which I was talking"	
"where", "in cases where", "in the event that" or "in the event of"	"if" (or "if there is")	
"not more than"	"no more than"	
"no fewer than", "not less than"	"at least"	
"as the case may be"	{delete}	
"as applicable"	explain why, when and to whom it applies, or delete	
"provided that", "provided however", "provided always", "as long as"*	"if"— to introduce a condition precedent to the rule "but"— to introduce a qualification or limitation to the rule "except that" or "unless"— to introduce an exception to the rule	
("as long as" is used for references to periods of time only, e.g. "a person is insured for as long as they remain employed")*		
"deems"	"considers" (for decisions)	
"shall be deemed to be"	"is deemed to be" (for creating legal fiction)	
"shall"	• "must" to express an imperative/mandatory action ("an applicant must submit the required forms") • "is" (or other present tense form of "to be") in establishing a rule that 'always speaks' (e.g. "the fee for an application is $20.00") • "will" for provisions that express a future event (e.g. "satisfied that the conditions will be met when")	

"will" or "will be"	• "is" or other present tense form of "to be" ("the distance over which a meat product is transported") or • to establish a rule that always speaks, delete "will" and correct the tense of the verb used in the sentence ("to a standard that will qualify" becomes "to a standard that qualifies")	
"in these regulations, the expressions" (or other similar reference)	"in these regulations" (delete "the expressions" etc.)	
"may require"	"requires", as in "any additional documents the committee ~~may~~ require~~s~~	