



BILL NO. 158

Government Bill

*1st Session, 60th General Assembly
Nova Scotia
56 Elizabeth II, 2007*

An Act Respecting Certain Financial Measures

CHAPTER 9
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 13, 2007**

The Honourable Michael G. Baker, Q.C.
Minister of Finance

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting Certain Financial Measures

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Financial Measures (2007) Act*.

PART I

ASSESSMENT ACT

2 Clause 2(tc) of Chapter 23 of the Revised Statutes, 1989, the *Assessment Act*, as enacted by Chapter 9 of the Acts of 2005, is amended by striking out “consecutive” in the third line.

3 Subsection 14A(6) of Chapter 23, as enacted by Chapter 9 of the Acts of 2005, is amended by striking out “consecutive” in the ninth line.

PART II

COMPANIES ACT

4 (1) Subsection 5(2) of Chapter 81 of the Revised Statutes, 1989, the *Companies Act*, as enacted by Chapter 5 of the Acts of 2002 and amended by Chapter 3 of the Acts of 2004, is further amended by striking out “four” in the second line and substituting “one”.

(2) Subsection 5(3) of Chapter 81, as enacted by Chapter 5 of the Acts of 2002 and amended by Chapter 3 of the Acts of 2004, is further amended by striking out “four” in the second line and substituting “one”.

PART III

CORPORATIONS REGISTRATION ACT

5 Subsection 5(4) of Chapter 101 of the Revised Statutes, 1989, the *Corporations Registration Act*, is repealed and the following subsections substituted:

(4) No fee shall be paid to the Registrar for the certificate of registration for an unlimited company incorporated under the *Companies Act*.

(5) Every unlimited company holding a certificate of incorporation under the *Companies Act* shall hold a certificate of registration under this Act.

6 (1) Section 12 of Chapter 101, as amended by Chapter 5 of the Acts of 2002 and Chapter 3 of the Acts of 2004, is further amended by adding immediately after subsection (1) the following subsection:

(1A) Every unlimited company holding a certificate of registration under the *Companies Act* shall, annually in the month during which the anniversary of the incorporation of the unlimited company occurs, pay to the Registrar the annual registration tax set out in this Section.

(2) Subsection 12(2) of Chapter 101, as amended by Chapter 3 of the Acts of 2004, is further amended by striking out “thirty dollars” in the third line and substituting “thirty-two dollars and four cents”.

(3) Subsection 12(2A) of Chapter 101, as enacted by Chapter 3 of the Acts of 2004, is amended by striking out “ninety-five dollars” in the second line and substituting “one hundred and one dollars and forty-six cents”.

(4) Subsection 12(2B) of Chapter 101, as enacted by Chapter 3 of the Acts of 2004, is amended by striking out “two hundred and twenty dollars” in the second and third lines and substituting “two hundred and thirty-four dollars and ninety-six cents”.

(5) Subsection 12(2C) of Chapter 101, as enacted by Chapter 3 of the Acts of 2004, is amended by striking out “two hundred and seventy dollars” in the second and third lines and substituting “two hundred and eighty-eight dollars and thirty-six cents”.

(6) Subsection 12(3A) of Chapter 101, as enacted by Chapter 5 of the Acts of 2002 and amended by Chapter 3 of the Acts of 2004, is further amended by striking out “two thousand” in the third line and substituting “two thousand seven hundred and fifty”.

(7) Subsection 12(7) of Chapter 101, as amended by Chapter 3 of the Acts of 2004, is further amended by striking out “seventy dollars” in the second last and last lines and substituting “eighty-eight dollars and thirty-six cents”.

(8) Subsection 12(8) of Chapter 101, as amended by Chapter 3 of the Acts of 2004, is further amended by striking out “thirty dollars” in the fourth line and substituting “fifty-nine dollars and twenty-four cents”.

PART IV

EQUITY TAX CREDIT ACT

7 Clause 20(b) of Chapter 3 of the Acts of 1993, the *Equity Tax Credit Act*, is repealed and the following clause substituted:

(b) a community economic-development corporation shall file annually and for five years after the issue of tax certificates to individuals under this Act;

PART V

FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY ACT

8 Section 11 of Chapter 5 of the Acts of 1993, the *Freedom of Information and Protection of Privacy Act*, as amended by Chapter 5 of the Acts of 2002, is further amended by adding immediately after subsection (2) the following subsection:

(3) An applicant is not required pursuant to subsection (2) to pay a fee for the first two hours spent locating and retrieving a record.

9 Subsections 32(4) to (6) of Chapter 5 are repealed.

PART VI

HOME OWNERSHIP SAVINGS PLAN (NOVA SCOTIA) ACT

10 Chapter 6 of the Acts of 1989, the *Home Ownership Savings Plan (Nova Scotia) Act*, is repealed.

PART VII

HOMES FOR SPECIAL CARE ACT

11 Chapter 203 of the Revised Statutes, 1989, the *Homes for Special Care Act*, is amended by adding immediately after Section 18, the following Section:

18A Subject to the *Provincial Finance Act*, the Minister may guarantee payment of a mortgage made by a person who, with the approval of the Minister, is constructing or refinancing a nursing home, residential care facility, home for the aged or home for the disabled.

12 Subsection 19(1) of Chapter 203 is amended by adding immediately after clause (h), the following clause:

(ha) respecting the guarantee by the Minister of mortgages for the purpose of Section 18A;

PART VIII

INCOME TAX ACT

13 Subsections 10(5) to (8) of Chapter 217 of the Revised Statutes, 1989, the *Income Tax Act*, are repealed and the following subsections substituted:

(5) For the purpose of computing the tax payable under this Part by an individual for a taxation year, there may be deducted by an eligible individual in respect of each qualified dependant an amount determined by the formula

A x B

where

A is the appropriate percentage for the taxation year; and

B is the product obtained when \$100 is multiplied by the number of months in the taxation year, after June 2006, that the individual is the eligible individual in respect of the qualified dependant on the first day of the month.

(6) In subsection (5),

(a) “eligible individual” means a person who, on the last day of the taxation year was resident in the Province and who, at that time,

(i) does not have a cohabiting spouse or common-law partner as defined in section 122.6 of the Federal Act,

(ii) has a cohabiting spouse or common-law partner, as defined in section 122.6 of the Federal Act, whose income for the taxation year is greater than the individual’s income for the taxation year,

(iii) has a cohabiting spouse or common-law partner, as defined in section 122.6 of the Federal Act, whose income for the taxation year is equal to the individual’s income for the taxation year and the cohabiting spouse or common-law partner renounces his or her entitlement to deduct an amount determined by the formula under subsection (5);

(b) “qualified dependant” means a person who, on the first day of the month,

(i) has not attained the age of six years,

(ii) resides with the eligible individual,

(iii) is not a person in respect of whom a special allowance under the *Children’s Special Allowances Act* (Canada) is payable for the month, and

(iv) is not a person in respect of whom an amount has been deducted for a taxation year under subsection 10(1) because of paragraph (b) of the description of B in that subsection.

(7) Only one eligible individual may claim the amount determined by the formula in subsection (5) in respect of the same qualified dependant for any given month.

14 (1) Clause 17A(1)(e) of Chapter 217, as enacted by Chapter 2 of the Acts of 2006, is amended by striking out “in which a qualified individual graduates from an eligible program” in the second and third lines.

(2) Section 17A of Chapter 217, as enacted by Chapter 2 of the Acts of 2006, is further amended by adding immediately after subsection (6) the following subsections:

(6A) No amount may be deducted pursuant to this Section on a separate return of income filed pursuant to subsection 70(2) or 150(4), paragraph 104(23)(d) or paragraph 128(2)(e) of the Federal Act.

(6B) For the purpose of computing an individual's deduction under this Section for a taxation year that ends in a calendar year in which the individual becomes bankrupt, the total of the amounts deductible for all taxation years of the individual in the calendar year under this Section cannot exceed the amount that would have been deductible under this Section with respect to the calendar year if the individual had not become bankrupt.

15 Section 21 of Chapter 217 is repealed and the following Section substituted:

21 For the purpose of computing the tax payable under this Part for a taxation year by an individual who was resident in the Province on the last day of the taxation year, there may be deducted an amount equal to

(a) 38.5% of any amount required by subparagraph 82(1)(b)(i) of the Federal Act to be included in computing the individual's income for the year; and

(b) 28.52% of any amount required by subparagraph 82(1)(b)(ii) of the Federal Act to be included in computing the individual's income for the year.

16 Sections 23 to 29 of Chapter 217 are repealed and the following Sections substituted:

23 (1) Notwithstanding Sections 10 to 19, but subject to subsection (2), where an individual is resident in Canada throughout part of a taxation year and throughout another part of the taxation year is non-resident, for the purpose of computing the individual's tax payable under this Act for the taxation year

(a) the amount deductible for the taxation year under each of Sections 10 to 19 with respect to the part of the taxation year that is not included in the period or periods in the taxation year throughout which the individual is resident in Canada is to be computed as though that part were the whole taxation year; and

(b) the individual is allowed

(i) under subsections 10(3) and (5), Sections 11, 12, 12A, 14, 15, 17, 18, 36 and 38A only the deductions that can reasonably be considered wholly applicable to the period or periods in the taxation year throughout which the individual is resident in Canada, computed as though that period or those periods were the whole taxation year, and

(ii) under subsections 10(1) and (2) and Sections 13 and 19, only such part of the deductions that can reasonably be considered applicable to the period or periods in the taxation year throughout which the individual is resident in Canada, computed as though that period or those periods were the whole taxation year.

(2) The amount deductible for the taxation year by the individual under each provision referred to in subsection (1) cannot exceed the amount that would have been deductible under that provision if the individual had been resident in Canada throughout the taxation year.

24 In computing an individual's tax payable under this Part, the following provisions shall be applied in the following order: subsections 10(1), 10(5) and 10(2), Section 18, subsection 10(3), Sections 13, 12A, 17, 14 and 15, subsections 19(2) and 19(1) and Sections 12, 11, 21, 35, 50, 38, 36, 37 and 38A.

25 Where a separate return of income with respect to an individual is filed under subsection 70(2), 104(23) or 150(4) of the Federal Act for a particular period and another return of income under this Act with respect to the individual is filed for a period ending in the calendar year in which the particular period ends, for the purpose of computing the tax payable under this Act by the individual in those returns, the total of all deductions claimed in all those returns under any of subsection 10(3), Sections 11 to 18 and subsection 19(2) of this Act cannot exceed the total that could be deducted under each those provisions for the taxation year with respect to the individual if no separate returns were filed under subsections 70(2), 104(23) and 150(4) of the Federal Act.

26 Subsections 10(1) to (3), Sections 12, 15 and 19 and Section 13 of this Act with respect to the application of subsections 118.3(2) and (3) of the Federal Act, do not apply for the purpose of computing the tax payable under this Act for a taxation year by an individual who at no time in the taxation year is resident in Canada unless all or substantially all of the individual's income for the year is included in computing the individual's taxable income earned in Canada for the year.

27 Notwithstanding Sections 10 to 19 and 36, for the purpose of computing an individual's tax payable under this Part for a taxation year that ends in a calendar year in which the individual becomes bankrupt, the individual shall be allowed only

(a) such of the deductions as the individual is entitled to under subsections 10(3) and (5) and Sections 11, 12, 12A, 14, 15, 16, 17, 18 and 36 as can reasonably be considered wholly applicable to the taxation year; and

(b) such part of the deductions as the individual is entitled to under Section 10, other than subsection 10(3) and (5), and Sections 13 and 19 as can reasonably be considered applicable to the taxation year,

except that the total of the amounts so deductible for all taxation years of the individual in the calendar year under any of those provisions shall not exceed the amount that would have been deductible under that provision in respect of the calendar year if the individual had not become bankrupt.

28 Section 122 of the Federal Act applies for the purposes of this Act, except that the reference to "29%", or to the amount that it is amended to read, in subsection 122(1) of the Federal Act shall be read, for the purposes of this Act, as a reference to the "highest percentage".

29 Subsection 128(2) of the Federal Act applies for the purpose of this Act except that, in addition to any other necessary modifications required for this Act, that subsection is to be read as if, in addition to the deductions referred to in clauses (A) to (C) of paragraph 128(2)(e)(iii), that provision included a reference to the deductions under subsection 10(5) and Section 12A of this Act.

17 The description of A in Section 32A of Chapter 217 is repealed and the following substituted:

A is the total of all amounts each of which is deductible under subsections 10(3) and (5) and Section 12A, 21 or 22 by the individual for the taxation year;

18 (1) Clause 35(1)(b) of Chapter 217 is repealed and the following clause substituted:

(b) “eligible individual”, for a taxation year, means an individual, other than a trust, who is resident in the Province on December 31st of the taxation year and includes an individual who died in the taxation year and was a resident of the Province on the day of death;

(2) Subsection 35(4) of Chapter 217 is repealed and the following subsection substituted:

(4) Subject to subsection (5), where an eligible individual for a taxation year files with the individual’s return of income, other than a return filed under paragraph 128(2)(e) of the Federal Act, under this Act for the year a prescribed form, containing prescribed information, the amount, if any, by which the total of

(a) \$300;

(b) \$300 for a person who is the qualified relation of the individual for the year;

(c) \$300, if the individual has no qualified relation for the year and is entitled to deduct an amount for the year under subsection 118(1) of the Federal Act by reason of paragraph (b) thereof in respect of a qualified dependant of the individual for the year; and

(d) the product obtained when \$165 is multiplied by the number of qualified dependants of the individual for the year, other than a qualified dependant in respect of whom an amount is included by reason of clause (c) in computing an amount deemed to be paid pursuant to this subsection for the year,

exceeds

(e) 5% of the amount, if any, by which

(i) the individual’s adjusted income for the year,

exceeds

(ii) \$15,000,

may be deducted from tax otherwise payable under Sections 7 to 34 for a taxation year.

19 The heading immediately preceding Section 36 and Section 36 of Chapter 217 are repealed and the following heading and Section substituted:

Subdivision j - Nova Scotia Post-Secondary Graduate Tax Credit

36 (1) In this Section,

- (a) “approved institution” means
- (i) an institution of learning designated from time to time pursuant to subsection 3(1) of the *Canada Student Financial Assistance Act*,
 - (ii) a specified educational institution within the meaning of the *Canada Student Loans Act*, or
 - (iii) such other institution of learning as may be prescribed by regulations;
- (b) “eligible taxation year” means the year an individual graduates from an approved institution and the two taxation years immediately following;
- (c) “program of studies” means a program of studies as defined by the *Canada Financial Assistance Regulations*;
- (d) “proof of graduation” means
- (i) a certified copy of the individual’s certificate of completion or diploma from the approved institution certified by a person authorized by the approved institution to make certifications,
 - (ii) a letter from the approved institution signed by a person authorized to confirm such information by the approved institution confirming the successful completion, or graduation, from a program of studies at the institution by the individual, or
 - (iii) such other documentation satisfactory to the Minister of Finance.
- (2) Subject to subsection (3), an individual may deduct from tax otherwise payable pursuant to this Act in an eligible taxation year
- (a) an amount not exceeding the aggregate amount of \$1,000 if the individual graduates from an approved institution in the year 2007; or
 - (b) an amount not exceeding the aggregate amount of \$2,000 if the individual graduates from an approved institution after the year 2007.
- (3) An individual may claim a deduction pursuant to this Section if the individual
- (a) other than an individual that is a trust, was resident in the Province on December 31st of the taxation year, and includes an individual who died in the taxation year and was a resident of the Province on the day of death;
 - (b) provides proof of graduation from an approved institution for a taxation year after 2006; and
 - (c) files proof of graduation for the eligible taxation year with the individual’s annual return for the taxation years in respect of which the deduction is claimed.
- (4) An individual is not entitled to claim the deduction referred to in this Section if the individual completed a program of studies at an approved institu-

tion since 2006 and has previously received the deduction under this Section or Section 17A.

(5) No amount may be deducted pursuant to this Section on a separate return of income filed pursuant to subsection 70(2) or 150(4), paragraph 104(23)(d) or paragraph 128(2)(e) of the Federal Act.

(6) For the purpose of computing an individual's deduction under this Section for a taxation year that ends in a calendar year in which the individual becomes bankrupt, the total of the amounts deductible for all taxation years of the individual in the calendar year under this Section cannot exceed the amount that would have been deductible under this Section with respect to the calendar year if the individual had not become bankrupt.

(7) The Governor in Council may make regulations

(a) respecting criteria or requirements for a program of studies at a post-secondary level at an approved institution;

(b) designating approved institutions;

(c) respecting such other requirements for documentation as proof of graduation;

(d) defining, expanding or restricting the meaning of any word or expression used but not defined in this Section;

(e) respecting any other matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Section.

(8) A regulation made pursuant to this Section may be made retroactive to a day not earlier than January 1, 2007.

20 (1) Clauses 38(2)(a) and (b) of Chapter 217 are repealed and the following clauses substituted:

(a) the labour-sponsored venture-capital tax credit; and

(b) either

(i) five hundred and twenty-five dollars for an investment made before January 1, 2005,

(ii) one thousand dollars for an investment made after December 31, 2004, and before a date prescribed by the Governor in Council, or

(iii) two thousand dollars for an investment made after the prescribed date.

(2) Section 38 of Chapter 217 is further amended by adding immediately after subsection (5) the following subsections:

(6) The Governor in Council may make regulations prescribing dates for the purpose of this Section.

(7) The exercise by the Governor in Council of the authority contained in subsection (6) is regulations within the meaning of the *Regulations Act*.

21 Chapter 217 is further amended by adding immediately after Section 38 the following heading and Section:

Subdivision ka - Volunteer Firefighter Tax Credit

- 38A (1) In this Section,
- (a) “fire chief” means the senior official within, and in charge of, a volunteer fire department;
 - (b) “fire services” means services by an individual, employee or contractor related to the prevention or suppression of fires;
 - (c) “volunteer fire department” means a volunteer fire department as defined in the regulations;
 - (d) “volunteer fire fighter” means a member of a volunteer fire department who meets the criteria set out in the regulations.
- (2) Subject to subsection (3), an individual may deduct from tax otherwise payable under this Act the amount of
- (a) \$250 for the 2007 taxation year;
 - (b) \$375 for the 2008 taxation year; and
 - (c) \$500 for the 2009 and subsequent taxation years.
- (3) An individual may claim a deduction pursuant to this Section if the individual
- (a) other than an individual that is a trust, was resident in the Province on December 31st of the taxation year, and includes an individual who died in the taxation year and was a resident of the Province on the day of death;
 - (b) was a volunteer fire fighter for a minimum of six months during the period January 1st to December 31st in the taxation year in which the individual claims the deduction;
 - (c) has not received salary, wages or compensation or anything in lieu of salary, wages or compensation, other than reasonable reimbursement or allowance for expenses, from the volunteer fire department in respect of fire services provided to the volunteer fire department or their participation as a member of the volunteer fire department during the taxation year in which the individual claims the deduction;
 - (d) files with the individual’s annual return for the taxation year in which the deduction is claimed documentation in a form satisfactory to the Minister; and
 - (e) is identified on a report filed by the fire chief of the volunteer fire department filed in accordance with this Section.
- (4) Every fire chief of a volunteer fire department shall file a report with the Minister on or before January 31st of each year containing the information required by the regulations.

(5) Subject to subsection (6), the Minister shall pay to an individual the amount, if any, by which the deduction to which the individual is entitled under this Section for a taxation year exceeds the individual's tax payable under this Act for the taxation year calculated without reference to this Section.

(6) Where an individual is liable or about to become liable to make a payment to Her Majesty in right of Canada or Her Majesty in right of the Province or another province of Canada, the Minister may apply all or part of the amount referred to in subsection (5) to pay that liability.

(7) No amount may be deducted pursuant to this Section on a separate return of income filed pursuant to subsection 70(2) or 150(4), paragraph 104(23)(d) or paragraph 128(2)(e) of the Federal Act.

(8) The Governor in Council may make regulations

- (a) prescribing forms;
- (b) respecting the information to be contained in the report to be filed by fire chiefs;
- (c) defining any word or expression used but not defined in this Section;
- (d) respecting any matter or thing that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Section.

(9) A regulation made pursuant to this Section may be made retroactive in its operation to a date not earlier than January 1, 2007.

(10) The exercise by the Governor in Council of the authority contained in subsection (8) is regulations within the meaning of the *Regulations Act*.

22 (1) Subsection 42(2) of Chapter 217 is repealed and the following subsection substituted:

(2) In this Section, Minister means the Minister of Finance for the Province.

(2) Subsection 42(3) of Chapter 217, as enacted by Chapter 4 of the Acts of 2000, is amended by adding "for the Province" immediately after "Finance" in the second line.

23 (1) Subsection 47(1) of Chapter 217, as enacted by Chapter 4 of the Acts of 2000, is amended by striking out "by the Minister of Finance" in the third line.

(2) Subsection 47(2) of Chapter 217, as amended by Chapter 2 of the Acts of 2006, is further amended by

- (a) striking out "to residents of the Province" in the last lines of paragraphs (a)(ii)(B) and (C) and (iii)(B);**
- (b) striking out subclause (a)(iv) and substituting the following subclause:**

(iv) for film production activity where less than 50% of principal photography is undertaken after June 30, 2006, in an eligible geographic area of the Province as prescribed by regulation,

(A) 40% of the eligible salaries paid times the proportion of time the days for principal proportion are spent inside an eligible geographic area are out of the total days for principal photography for the production, paid after June 30, 2006, and before 2016, and

(B) 35% of the eligible salaries paid times the proportion of time the days for principal photography are spent outside an eligible geographic area are out of the total days for principal photography for the production, paid after June 30, 2006, and before 2016;

and

(c) **striking out “or” in the fourth line of clause (b) and substituting “and”.**

(3) Clause 47(2A)(b) of Chapter 217 is repealed and the following clause substituted:

(b) the date of commencement of principal photography is preceded by the commencement of the principal photography for two other eligible films with principal photography commencing on or after January 1, 2005, and within twenty-four months prior to the date of the principal photography for the film;

(4) Subsection 47(3) of Chapter 217, as enacted by Chapter 4 of the Acts of 2000, is amended by striking out “subsection (2)” in the second line and substituting “subsections (2) and (2A)”.

24 Chapter 217 is further amended by adding immediately after Section 47 the following heading and Section:

Subdivision ha - Digital Media Tax Credit

47A (1) In this Section,

(a) “eligible corporation” means a corporation, as defined by the regulations, that satisfies the conditions prescribed by the regulations;

(b) “eligible expenditure” means the amount determined under the rules prescribed by the regulations;

(c) “eligible product” means, in respect of a product developed by an eligible corporation, a product

(i) that satisfies the conditions prescribed by the regulations, and

(ii) for which public financial support would not be contrary to public policy in the opinion of the Minister of Finance of the Province or, where another person is designated under subsection (3), in the opinion of that person;

(d) “eligible product developed by an eligible corporation” means a product developed and completed in accordance with the conditions specified in the regulations;

(e) “qualifying expenditure” means the amount determined under the rules prescribed by the regulations;

(f) “total expenditure” means the amount determined under the rules prescribed by the regulations.

(2) A corporation that is an eligible corporation in the taxation year and complies with the requirements of this Section may deduct from tax otherwise payable in the taxation year by the corporation an amount equal to the lesser of

(a) the sum of

(i) 35% of the qualifying expenditure incurred for the eligible product developed by the eligible corporation otherwise than in an eligible geographic area of the Province as prescribed by regulation, and

(ii) 40% of the qualifying expenditure for an eligible product developed by the eligible corporation in an eligible geographic area of the Province as prescribed by regulation;

or

(b) the sum of

(i) 17.5% of the total expenditures incurred for an eligible product developed by an eligible corporation in the case of subclause 47A(2)(i), and

(ii) 20% in the case of subclause 47A(2)(ii).

(3) In order to be eligible to deduct or claim an amount in respect of a deduction under this Section for a taxation year, an eligible corporation shall apply in the manner prescribed by regulation to

(a) the Minister of Finance of the Province, or a person designated by the Minister of Finance of the Province, for certification of its eligible products for the purpose of this Section; and

(b) the Minister of Finance of the Province, or a person designated by the Minister of Finance of the Province, for certification of the amount of the qualifying expenditure and the amount of the eligible corporation’s tax credit under this Section applicable to the eligible product.

(4) Where the Minister of Finance of the Province, or a person designated by the Minister of Finance of the Province, allows a deduction pursuant to this Section to an eligible corporation for a taxation year, a certificate shall be issued to the eligible corporation for the taxation year, certifying in respect of each eligible product the estimated amount of the corporation’s tax credit under this Section applicable to the product.

(5) In order to deduct or claim an amount under this Section for a taxation year, an eligible corporation shall deliver to the Minister with its return for the taxation year the certificate for the taxation year that is issued under subsection (4).

(6) This Section applies with respect to expenditures by an eligible corporation incurred after December 31, 2007, or such earlier date as the Governor in Council may order by regulation, and before January 1, 2013, that are included as eligible expenditures or total expenditures for an eligible product.

(7) The amount by which the tax credit referred to in subsection (2) exceeds the corporation's tax payable for the taxation year calculated without reference to this Section may be applied by the Minister to

(a) any tax, interest or penalty owing by the corporation for that or any prior taxation year pursuant to this Act, the income statute of any agreeing province or the Federal Act;

(b) any contribution, penalty or interest by the corporation for that or any prior taxation year as a result of payments required from the corporation pursuant to the *Canada Pension Plan Act* (Canada);

(c) any premium, interest or penalty owing by the corporation for that or any prior taxation year pursuant to the *Employment Insurance Act* (Canada),

and the part of the amount not so applied shall be paid to the corporation.

(8) A corporation that has claimed and is eligible for a tax credit under this Section for a taxation year is deemed to have paid, at the time referred to in paragraph 157(1)(b) of the Federal Act, as that paragraph relates to that taxation year, the amount of that credit on account of its tax payable under this Act.

(9) The Governor in Council may make regulations

(a) governing any matter that may be prescribed pursuant to this Section;

(b) requiring a corporation to supply information or documents respecting any matter required in assessing eligibility and compliance with this Section;

(c) prescribing the criteria for determining when an expenditure has been incurred in an eligible geographic area;

(d) prescribing eligible geographic areas of the Province;

(e) designating the date for expenditures for the purpose of subsection (6);

(f) defining any word or expression used but not defined in this Section;

(g) to carry out effectively the intent and purpose of this Section.

(10) A regulation made pursuant to this Section may be made retroactive to a date not earlier than January 1, 2007.

25 Subsection 71(1) of Chapter 217, as enacted by Chapter 6 of the Acts of 2005 and amended by Chapter 2 of the Acts of 2006, is further amended by

(a) striking out “years” in the second lines of subclauses (a)(ii) to (ix) and substituting in each case “year”; and

(b) striking out “years” in the second lines of subclauses (b)(vii) to (ix) and substituting in each case “year”.

26 Section 77 of Chapter 217, as enacted by Chapter 4 of the Acts of 2000 and amended by Chapter 5 of the Acts of 2002, Chapter 4 of the Acts of 2003, Chapter 6 of the Acts of 2005 and Chapter 2 of the Acts of 2006, is further amended by striking out “June 30” in the last line and substituting “July 1”.

27 (1) Clauses 78A(1)(a) and (b) of Chapter 217 are repealed and the following clauses substituted:

(a) “eligible property” means property of Class 43.1 and Class 43.2 of Schedule II of the Federal Regulations,

(i) acquired or added after June 30, 2006, and,

(ii) located in the Province;

(b) “energy tax credit” of a corporation at the end of the taxation year for expenditures made in a taxation year ending on or after July 1, 2006, means the amount, if any, by which the aggregate of

(i) an amount equal to 25% of the annual capital cost of acquisitions or additions to eligible property on or after July 1, 2006, computed without reference to subsection 13(7.1) of the Federal Act,

(ii) an amount equal to 25% of the capital cost of acquisitions or additions to eligible property in any of the seven taxation years immediately preceding that year, computed without reference to subsection 13(7.1) of the Federal Act,

(iii) an amount equal to the aggregate of all amounts each of which is an amount required by subsection (4) or (5) to be included in computing its energy tax credit at the end of the year, and

(iv) the aggregate of all amounts each of which is an amount required by subsection (4) or (5) to be included in computing its energy tax credit at the end of any of the seven taxation years,

exceeds the aggregate of all amounts each of which is that portion of the amount deducted under subsection (2) from the tax otherwise payable under this Part by the corporation for a preceding taxation year that is in respect of an expenditure made in the year or in the seven taxation years immediately preceding the year.

(2) Subsections 78A(2) to (4) of Chapter 217 are repealed and the following subsections substituted:

(2) A corporation may deduct from tax otherwise payable under this Part for a taxation year an amount not exceeding the lesser of

(a) its energy tax credit at the end of the taxation year; and

(b) 50% of the amount of tax payable under this Part.

(3) Where the amount of the energy tax credit of a corporation at the end of the taxation year exceeds 50% of the amount of the tax payable under this Part for the taxation year, a corporation may carry forward and deduct any unused balance of the energy tax credit from tax otherwise payable by the corporation under this Part in any one or more of the corporation's seven subsequent taxation years if, in any taxation year the energy tax credit is carried forward, the total energy tax credit deducted from tax otherwise payable under this Part does not exceed the amount in clause (2)(b) that is applicable for the taxation year.

(4) Where, in a particular taxation year of a corporation that is a beneficiary under a trust, an amount would, if the trust were a corporation, be determined in respect of the trust under clause (1)(b) for its taxation year ending in that particular taxation year, the portion of that amount that may, having regard to all circumstances, including the terms and conditions of the trust, reasonably be considered to be the corporation's share thereof is the amount required to be added in computing the energy tax credit of the corporation at the end of that particular taxation year.

(5) Where, in a particular taxation year of a corporation that is a member of a partnership, an amount would, if the partnership were a corporation, be determined in respect of the partnership under clause (1)(b) for its taxation year ending in that particular taxation year, the portion of that amount that may reasonably be considered to be the corporation's share thereof is the amount required to be added in computing the energy tax credit of the corporation at the end of that particular taxation year.

(6) Where, after June 30, 2006, there has been an amalgamation within the meaning of subsection 87(1) of the Federal Act and one or more of the predecessor corporations had an energy tax credit for any taxation year any portion of which was not deducted by the predecessor corporation in computing its tax otherwise payable under this Act for any taxation year, for the purpose of computing the new corporation's energy tax credit at the end of any taxation year, the new corporation is deemed to be the same corporation as, and a continuation of, each such predecessor corporation.

(7) Where, after June 30, 2006, there has been a winding-up to which subsection 88(1) of the Federal Act applies and the subsidiary had an energy tax credit for any taxation year any portion of which was not deducted by the subsidiary in computing its tax otherwise payable under this Act for any taxation year, and with reference to paragraph 88(1)(e.3) of the Federal Act, for the purpose of computing the parent's energy tax credit at the end of any particular taxation year ending after the subsidiary was wound up, the parent is deemed to be the same corporation as, and a continuation of, the subsidiary.

(8) A corporation may renounce the energy tax credit on or before the date by which the corporation is required to file its return of income for the year under section 150 of the Federal Act and, where the corporation so renounces entitlement to that credit, the corporation is deemed for all purposes never to have received, to have been entitled to receive or to have had a reasonable expectation of receiving that credit.

PART IX

LIQUOR CONTROL ACT

28 Chapter 260 of the Revised Statutes, 1989, the *Liquor Control Act*, is amended by adding immediately after Section 50 the following Section:

50A Any fees paid before or after the coming into force of this Section under the authority of this Act or the regulations for applications for a license or the issuance, transfer or renewal of a license are deemed to be license fees for the purpose of raising a revenue for the Province as authorized by subsection 92(9) of the *Constitution Act, 1867*.

PART X

MEMBERS AND PUBLIC EMPLOYEES DISCLOSURE ACT

29 Subclause 21A(1)(a)(ii) of Chapter 4 of the Acts of 1991, the *Members and Public Employees Disclosure Act*, as enacted by Chapter 1 of the Acts of 2007, is amended by striking out “received at least fifteen per cent of the votes cast” in the third and fourth lines and substituting “was registered pursuant to Section 177A of the *Elections Act* on January 1, 2007”.

PART XI

MOTOR VEHICLE ACT

30 Subsection 68(1) of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, is amended by striking out “one hundred dollars” in the fourth line and substituting “one hundred and six dollars and eighty cents”.

PART XII

MUNICIPAL GOVERNMENT ACT

31 Section 471 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, as amended by Chapter 9 of the Acts of 2003, is further amended by adding immediately after subsection (2) the following subsection:

(3) An applicant is not required pursuant to subsection (2) to pay a fee for the first two hours spent locating and retrieving a record.

32 Subsections 487(4) to (6) of Chapter 18 are repealed.

PART XIII

PAYMENT INTO COURT ACT

33 Section 4 of Chapter 338 of the Revised Statutes, 1989, the *Payment into Court Act*, as amended by Chapter 3 of the Acts of 2004, is further amended by striking out “thirty-three” in the sixth line and substituting “sixty-nine”.

PART XIV

PERSONAL PROPERTY SECURITY ACT

34 Subsection 44A(1) of Chapter 13 of the Acts of 1995-96, the *Personal Property Security Act*, as enacted by Chapter 3 of the Acts of 2004, is amended by

- (a) striking out “\$21.30” in the fifth line of clause (a) and substituting “\$22.75”;
- (b) striking out “\$7.45” in the seventh line of clause (a) and substituting “\$7.96”;
- (c) striking out “\$500.00” in the fourth line of clause (b) and substituting “\$534.00”;
- (d) striking out “\$7.45” in the fifth line of clause (c) and substituting “\$7.96”;
- (e) striking out “\$500.00” in the fourth line of clause (d) and substituting “\$534.00”;
- (f) striking out “\$10.00” in clause (e) and substituting “\$10.68”; and
- (g) striking out “\$500.00” in the second line of clause (f) and substituting “\$534.00”.

PART XV

PROBATE ACT

35 Subsection 87(2) of Chapter 31 of the Acts of 2000, the *Probate Act*, as amended by Chapter 5 of the Acts of 2001, Chapter 5 of the Acts of 2002 and Chapter 3 of the Acts of 2004, is further amended by

- (a) striking out “70” in clause (a) and substituting “74.76”;
 - (b) striking out “176” in the second line of clause (b) and substituting “187.97”;
 - (c) striking out “293” in the second line of clause (c) and substituting “312.92”;
 - (d) striking out “820” in the second line of clause (d) and substituting “875.76”;
 - (e) striking out “820” in the first line of clause (e) and substituting “875.76”;
- and

- (f) striking out “\$13.85” in the second line of clause (e) and substituting “14.79”.

PART XVI

PUBLIC SERVICE SUPERANNUATION ACT

36 Subsection 9(1) of Chapter 377 of the Revised Statutes, 1989, the *Public Service Superannuation Act*, as amended by Chapter 3 of the Acts of 2004, is further amended by

- (a) striking out “six” in the first line of clause (a) and substituting “seven”;
 (b) striking out clause (b) and substituting the following clause:

(b) nine and six-tenths per cent of the amount of the employee’s salary in excess of the Year’s Maximum Pensionable Earnings within the meaning of the Canada Pension Plan;

and

- (c) striking out “eight” in the first line of clause (c) and substituting “nine and six-tenths”.

PART XVII

REVENUE ACT

37 Subsection 34(1) of Chapter 17 of the Acts of 1994-95, the *Revenue Act*, as amended by Chapter 21 of the Acts of 1996, Chapter 3 of the Acts of 1997, Chapter 13 of the Acts of 1998, Chapter 5 of the Acts of 1999 (2nd Session), Chapter 3 of the Acts of 2001, Chapter 48 of the Acts of 2001, Chapter 5 of the Acts of 2002, Chapter 4 of the Acts of 2003 and Chapter 3 of the Acts of 2004, is further amended by

- (a) striking out “fifteen” in the first line of clause (a) and substituting “sixteen”;
 (b) striking out “fourteen” in the first line of clause (b) and substituting “fifteen”;
 (c) striking out “fifteen” in the first line of clause (c) and substituting “sixteen”; and
 (d) striking out “six” in the first line of clause (e) and substituting “seven”.

PART XVIII

SALES TAX ACT

38 (1) Subsection 13(1) of Chapter 31 of the Acts of 1996, the *Sales Tax Act*, as amended by Chapter 2 of the Acts of 2006, is further amended by

- (a) adding immediately after clause (d) the following clause:

(da) providing for a payment to a non-resident person or a registrant, of an amount equal to the tax, in whole or in part, paid or payable pursuant to Part IX of the *Excise Tax Act* (Canada) in respect of a supply of a tour package or foreign convention;

and

(b) adding “or (da)” immediately after “(d)” in the last line of clause (fa).

(2) Section 13 of Chapter 31, as amended by Chapter 2 of the Acts of 2006, is further amended by adding immediately after subsection (3) the following subsections:

(3A) The Minister may prescribe the form, content and manner of making an application for a payment under clause (1)(da).

(3B) A regulation made pursuant to clause (1)(da) may be made retroactive to April 1, 2007.

39 Section 13A of Chapter 31 is repealed and the following Section substituted:

13A Part IV of the *Revenue Act* applies *mutatis mutandis* to purchasers who receive any payment under regulations made pursuant to clause 13(1)(d) and to suppliers who provide such payments on behalf of Her Majesty in right of the Province.

PART XIX

SECURITIES ACT

40 Chapter 418 of the Revised Statutes, 1989, the *Securities Act*, is amended by adding immediately after Section 150C the following Section:

150D Any fees paid under the authority of this Act, the regulations or the rules for applications to the Commission or accompanying materials filed with the Commission before or after the coming into force of this Section are deemed to be licence fees for the purpose of raising a revenue for the Province as authorized by subsection 92(9) of the *Constitution Act, 1867*.

PART XX

TRUST AND LOAN COMPANIES ACT

41 Section 16A of Chapter 7 of the Acts of 1991, the *Trust and Loan Companies Act*, is repealed and the following Section substituted:

16A The annual taxes and taxes for letters patent of incorporation and supplementary letters patent and the taxes in respect of the functions performed by the Superintendent under this Act or the regulations are as follows:

- (a) the tax for
 - (i) filing and processing an application for letters patent or supplementary letters patent \$568.71,

- (ii) letters patent of incorporation for a trust or loan company\$5,687.10,
- (iii) supplementary letters patent
 - (A) to change a company's name.\$568.71
 - (B) to continue a provincial loan company as a trust company \$2,274.84
 - (C) to continue a provincial trust company as a loan company \$2,274.84
 - (D) to change the municipal unit in which the principal place of business of the company is to be located.\$568.71
 - (E) to amalgamate two or more companies and to continue them as one company \$4,549.68
 - (F) to modify or alter the share structure of the company \$1,137.42;
- (b) the tax for processing an application for
 - (i) initial licensing of a company\$1,137.42,
 - (ii) changing a loan company to a trust company or changing a trust company to a loan company\$1,137.42,
 - (iii) changing terms, conditions and restrictions of registration \$1,137.42;
- (c) the annual tax for companies to be paid as of the 30th day of June in each year
 - (i) where the assets of the company do not exceed \$50,000,000\$3,412.26,
 - (ii) where the assets of the company are over \$50,000,000 but do not exceed \$100,000,000\$4,549.68,
 - (iii) where the assets of the company are over \$100,000,000 but do not exceed \$500,000,000\$5,687.10,
 - (iv) where the assets of the company are over \$500,000,000 but do not exceed \$1,000,000,000\$6,824.52,
 - (v) where the assets of the company are over \$1,000,000,000 but do not exceed \$5,000,000,000\$9,099.36,
 - (vi) where the assets of the company are over \$5,000,000,000\$11,374.20,

- (vii) in addition to the amount prescribed in subclause (vi), for every \$1,000,000,000 in assets in excess of \$5,000,000,000 \$1,137.42;
- (d) the tax for revival of licence after dissolution \$1,137.42;
- (e) the tax for processing an application for an increase in borrowing multiple \$1,137.42;
- (f) the tax for a copy of a decision of the Superintendent or Appeal Board, per page (minimum fee \$10.00) \$2.28;
- (g) the tax for a certificate issued by the Superintendent with respect to the licence of a company \$22.75;
- (h) the tax for copies of extracts from documents filed with the Superintendent, per page (minimum fee \$10.00) \$2.28;
- (i) the tax for a certificate issued by the Superintendent other than the certificate referred to in clause (g). \$22.75;
- (j) the tax for examining and passing on applications or documents not specifically referred to in the regulations. \$1,137.42;
- (k) the tax for an application to obtain consent of the Superintendent to the transfer of shares \$284.36;
- (l) the tax for an application to obtain consent of the Superintendent to the transfer of shares where such transfer results in the change of control of the company. \$2,274.84;
- (m) the tax for examining the loan or trust register or the public file of a company, per register or file \$11.37.

PART XXI

WIND TURBINE FACILITIES MUNICIPAL TAXATION ACT

42 Subsection 2(2) of Chapter 22 of the Acts of 2006, the *Wind Turbine Facilities Municipal Taxation Act*, is amended by striking out “September” in the second line and substituting “March”.

43 Section 10 of Chapter 22 is repealed and the following Section substituted:

10 Notwithstanding the *Assessment Act*, the *Municipal Grants Act* or any other enactment, the capitalized value of taxes paid pursuant to this Act shall be used in the calculation of uniform assessment pursuant to Section 14 of the *Municipal Grants Act*.

PART XXII

EFFECTIVE DATES

44 (1) This Act, except Sections 4 to 7, 13 to 19, 21, 23, 25 to 27, 29, 30, 33 to 37, 39 and 41 to 43, come into force on such day as the Governor in Council orders and declares by proclamation.

(2) Section 17, subsection 18(2) and Section 23 have effect on and after January 1, 2005, upon the Governor in Council so ordering and declaring by proclamation.

(3) Sections 14 and 15 and subsection 18(1) have effect on and after January 1, 2006, upon the Governor in Council so ordering and declaring by proclamation.

(4) Sections 7, 13 and 25 to 27 have effect on and after July 1, 2006, upon the Governor in Council so ordering and declaring by proclamation.

(5) Section 39 has effect on and after December 1, 2006, upon the Governor in Council so ordering and declaring by proclamation.

(6) Sections 16, 19, 21 and 29 have effect on and after January 1, 2007, upon the Governor in Council so ordering and declaring by proclamation.

(7) Sections 42 and 43 have effect on and after January 12, 2007, upon the Governor in Council so ordering and declaring by proclamation.

(8) Section 37 has effect on and after March 24, 2007, upon the Governor in Council so ordering and declaring by proclamation.

(9) Sections 4 to 6, 33 to 36 and 41 have effect on and after April 1, 2007, upon the Governor in Council so ordering and declaring by proclamation.

(10) Section 30 has effect on and after June 1, 2007, upon the Governor in Council so ordering and declaring by proclamation.
