



# **BILL NO. 51**

*Government Bill*

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*3rd Session, 61st General Assembly  
Nova Scotia  
60 Elizabeth II, 2011*

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## **An Act to Amend Chapter 371 of the Revised Statutes, 1989, the Public Highways Act**

CHAPTER 3  
ACTS OF 2011

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE  
MAY 19, 2011**

The Honourable Bill Estabrooks, M.B.  
*Minister of Transportation and Infrastructure Renewal*

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

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**An Act to Amend Chapter 371  
of the Revised Statutes, 1989,  
the Public Highways Act**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Community Control of Non-controlled-access Highway Advertising Amendment (2011) Act*.

**2 Chapter 371 of the Revised Statutes, 1989, the *Public Highways Act*, is amended by adding immediately after Section 49 the following Section:**

49A (1) In this Section,

(a) “by-law” means a by-law made pursuant to this Section;

(b) “highway” means a highway vested in Her Majesty in right of the Province.

(2) Subject to subsections (3), (4) and (6), the council of a municipality may make a by-law prohibiting or regulating the erecting, maintaining, pasting, painting or exposing of advertisements upon any part of a highway located within the municipality and designated in the by-law.

(3) The Minister may

(a) approve all or part of the by-law and from time to time approve other parts or the remainder of the by-law;

(b) attach any condition to the approval of the by-law;

(c) approve the by-law with amendments;

(d) revoke or from time to time vary the approval or any condition, either in whole or in part.

(4) A by-law, or an amendment to a by-law, is effective upon and subject to approval pursuant to subsection (3) and ceases to have effect upon the revocation of that approval or repeal of the by-law with the approval of the Minister.

(5) Where any part of a highway becomes subject to a by-law, no regulation made under Section 49 applies to it and any licences issued under any such regulation cease to have any force or effect.

(6) Subsection (2) does not apply to any part of a highway that has been designated as a controlled access highway by the Governor in Council pursuant to Section 21 and, where any part of a highway that is subject to a by-law is designated as a controlled access highway pursuant to that Section, the by-law ceases to apply to that part.

(7) For greater certainty,

(a) a municipality that makes a by-law is not an agent of Her Majesty in right of the Province;

(b) a person employed or engaged by a municipality is not an officer, servant or agent of Her Majesty in right of the Province; and

(c) Her Majesty in right of the Province is not liable for any act or omission of a municipality.

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