



BILL NO. 27

Government Bill

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

An Act Respecting Certain Financial Measures

CHAPTER 8
ACTS OF 2011

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

The Honourable Graham Steele
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 (2011) Act*.

PART I

COMPANIES ACT

2 (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, Chapter 9 of the Acts of 2007 and Chapter 5 of the Acts of 2009, is further amended by striking out "one thousand and thirty dollars" in the second line and substituting "one thousand and fifty dollars and sixty cents".

(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, Chapter 9 of the Acts of 2007 and Chapter 5 of the Acts of 2009, is further amended by striking out "one thousand and thirty dollars" in the second line and substituting "one thousand and fifty dollars and sixty cents".

(3) Subsection 5(4) of Chapter 81, as enacted by Chapter 34 of the Acts of 2007 and amended by Chapter 5 of the Acts of 2009, is amended by striking out "one thousand and thirty dollars" in the first and second lines and substituting "one thousand and fifty dollars and sixty cents".

(4) Subsection 5(5) of Chapter 81, as enacted by Chapter 34 of the Acts of 2007 and amended by Chapter 5 of the Acts of 2009, is amended by striking out "one thousand and thirty dollars" in the first line and substituting "one thousand and fifty dollars and sixty cents".

PART II

CORPORATIONS REGISTRATION ACT

3 (1) Subsection 12(2) of Chapter 101 of the Revised Statutes, 1989, the *Corporations Registration Act*, as amended by Chapter 3 of the Acts of 2004, Chapter 9 of the Acts of 2007, Chapter 2 of the Acts of 2008 and Chapter 5 of the Acts of 2009, is further amended by striking out "thirty-three dollars and sixty-three cents" in the third line and substituting "thirty-four dollars and thirty cents".

(2) Subsection 12(2A) of Chapter 101, as enacted by Chapter 3 of the Acts of 2004 and as amended by Chapter 9 of the Acts of 2007, Chapter 2 of the Acts of 2008 and Chapter 5 of the Acts of 2009, is further amended by striking out "one hundred and six dollars and forty-nine cents" in the second line and substituting "one hundred and eight dollars and sixty-two cents".

(3) Subsection 12(2B) of Chapter 101, as enacted by Chapter 3 of the Acts of 2004 and as amended by Chapter 9 of the Acts of 2007, Chapter 2 of the Acts of 2008 and Chapter 5 of the Acts of 2009, is further amended by striking out "two hundred and forty-six dollars and sixty cents" in the second and third lines and substituting "two hundred and fifty-one dollars and fifty-three cents".

(4) Subsection 12(2C) of Chapter 101, as enacted by Chapter 3 of the Acts of 2004 and as amended by Chapter 9 of the Acts of 2007, Chapter 2 of the Acts of 2008 and Chapter 5 of the Acts of 2009, is further amended by striking out "three hundred and two dollars and sixty-six cents" in the second and third lines and substituting "three hundred and eight dollars and seventy-one cents".

(5) 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, Chapter 9 of the Acts of 2007, Chapter 2 of the Acts of 2008 and Chapter 5 of the Acts of 2009, is further amended by striking out "one thousand and thirty dollars" in the third and fourth lines and substituting "one thousand and fifty dollars and sixty cents".

(6) Subsection 12(7) of Chapter 101, as amended by Chapter 3 of the Acts of 2004, Chapter 9 of the Acts of 2007, Chapter 2 of the Acts of 2008 and Chapter 5 of the Acts of 2009, is further amended by striking out "three hundred and two dollars and sixty-six cents" in the second last and last lines and substituting "three hundred and eight dollars and seventy-one cents".

(7) Subsection 12(8) of Chapter 101, as amended by Chapter 3 of the Acts of 2004, Chapter 9 of the Acts of 2007, Chapter 2 of the Acts of 2008 and Chapter 5 of the Acts of 2009, is further amended by striking out "four hundred and eighty-two dollars and one cent" in the fourth line and substituting "four hundred and ninety-one dollars and sixty-five cents".

PART III

CORRECTIONS ACT

4 Clauses 26(4)(e) to (g) of Chapter 103 of the Revised Statutes 1989, the *Corrections Act*, are repealed and the following clause substituted:

(e) for the fiscal year commencing April 1, 2012, and subsequent fiscal years, the same contribution as for the fiscal year commencing April 1, 2010.

PART IV

EDUCATION ACT

5 Subsection 73(3) of Chapter 1 of the Acts of 1995-96, the *Education Act*, as enacted by Chapter 2 of the Acts of 2008, is amended by striking out "2014" in the fifth line and substituting "2011".

PART V

HOUSING ACT

6 Chapter 211 of the Revised Statutes, 1989, the *Housing Act*, is amended by adding immediately after Section 6A the following Sections:

6B Notwithstanding Section 6A or any agreement, the Minister and the municipalities are deemed to have entered into agreements under which the municipalities shall pay fifty per cent of the municipal contribution required by the public housing project agreements between the Province, the municipalities and Canada Mortgage and Housing Corporation, and its predecessor Central Mortgage and Housing Corporation, to public housing losses incurred for the 2010-11 fiscal year.

6C Effective April 1, 2012,

(a) notwithstanding any enactment or agreement, municipalities shall pay one hundred per cent of the municipal contribution to public housing losses, incurred for 2011-12 and subsequent fiscal years, as required by the public housing project agreements between the Province, the municipalities and Canada Mortgage and Housing Corporation, and its predecessor Central Mortgage and Housing Corporation; and

(b) Sections 6A and 6B have no force or effect.

PART VI

INCOME TAX ACT

7 Clause 21(b) of Chapter 217 of the Revised Statutes, 1989, the *Income Tax Act*, is repealed and the following clause substituted:

(b) 8.85% of the total of the amount required under paragraph 82(1)(a.1) and subparagraph 82(1)(b)(ii) of the Federal Act to be included in computing the individual's income for the year.

8 Clause 35(1)(d) of Chapter 217, as enacted by Chapter 6 of the Acts of 2005, is amended by adding “, and includes a cohabiting spouse or common-law partner who died during the taxation year and who was resident in the Province on his or her day of death” immediately after “Act” in the last line.

9 (1) Subsection 40(2) of Chapter 217, as enacted by Chapter 4 of the Acts of 2000, is amended by striking out the description for “A” and substituting the following description:

A is the rate of tax set out in subsection (7) that applies to the proportion that the number of days in the taxation year that are in the period is of the number of days in the taxation year;

(2) Section 40 of Chapter 217, as enacted by Chapter 4 of the Acts of 2000 and amended by Chapter 6 of the Acts of 2005, is further amended by adding immediately after subsection (6) the following subsection:

- (7) For the purpose of subsection (2), the rate of tax A is
- (a) 5% for the period ending December 31, 2010;
 - (b) 4.5% for the period commencing on January 1, 2011, and ending on December 31, 2011; and
 - (c) 4% for the period commencing on January 1, 2012.

10 (1) Clause 47(2)(a) of Chapter 217, as enacted by Chapter 6 of the Acts of 2005 and amended by Chapter 2 of the Acts of 2006, Chapter 9 of the Acts of 2007 and Chapter 2 of the Acts of 2008, is further amended by

- (a) striking out "2016" in the last line of paragraph (ii)(D) and substituting "December 1, 2010";**
- (b) striking out "2016" in the last line of paragraph (v)(A) and substituting "December 1, 2010";**
- (c) striking out "2016" in the last line of paragraph (v)(B) and substituting "December 1, 2010".**

(2) Section 47 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, Chapter 2 of the Acts of 2006, Chapter 9 of the Acts of 2007 and Chapter 2 of the Acts of 2008, is further amended by adding immediately after subsection (2A) the following subsection:

(2B) Where film production activity of an eligible film commences after November 30, 2010, and the corporation meets the prescribed criteria, there may be deducted from tax otherwise payable by the corporation an amount equal to

- (a) 60% of the eligible salaries paid after November 30, 2010, and before January 1, 2016, where 50% or greater of the days for principal photography for the film production activity are undertaken in an eligible geographic area of the Province as prescribed by regulation, or
- (b) the sum of
 - (i) 60% of the eligible salaries paid after November 30, 2010, and before January 1, 2016, times the proportion of time the days for principal photography are spent inside an eligible geographic area are out of the total days for principal photography where less than 50% of the days for principal photography for the film production activity are undertaken in an eligible geographic area of the Province as prescribed by regulation, and
 - (ii) 50% of the eligible salaries paid after November 30, 2010, and before January 1, 2016, 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 where less than 50% of the days for principal photography for the film production activity are undertaken in an eligible geographic area of the Province as prescribed by regulation.

(3) Subsection 47(3) of Chapter 217, as enacted by Chapter 4 of the Acts of 2000 and amended by Chapter 9 of the Acts of 2007, is further amended by striking out “and (2A)” in the second line and substituting “, (2A) and (2B)”.

PART VII

MOTOR CARRIER ACT

11 Clause 2(e) of Chapter 292 of the Revised Statutes, 1989, the *Motor Carrier Act*, as enacted by Chapter 23 of the Acts of 1994, is amended by striking out “Attorney General” in the first line and substituting “Minister of Transportation and Infrastructure Renewal”.

12 (1) Subsection 12(1) of Chapter 292 is repealed and the following subsection substituted:

(1) On receipt of an application for a license for the operation of a public passenger vehicle, for an amendment to an operating authority contained in a license or for the approval of the sale, assignment, lease or transfer of such a license, the Board shall

(a) cause a notice of the application to be published in two consecutive issues of the Royal Gazette and in such other manner as it deems appropriate; and

(b) provide notice in writing of the application to the Minister.

(2) Subsection 12(2) of Chapter 292 is repealed and the following subsection substituted:

(2) The Board shall set the time and place for a hearing of the application and shall notify

(a) the applicant;

(b) the Minister, if the Board is advised in writing of the Minister's intention to participate in the hearing; and

(c) any person objecting in writing to the granting of the application,

of the time and place so set.

13 (1) Subsection 32(1) of Chapter 292, as amended by Chapter 23 of the Acts of 1992, is further amended by striking out “any” in the second line and substituting “the Minister or any other”.

(2) Subsection 32(2) of Chapter 292 is amended by striking out “the Department of Transportation and Communications” in the last line and substituting “Service Nova Scotia and Municipal Relations”.

14 (1) Subsection 33(3) of Chapter 292 is amended by striking out “the Department of Transportation and Communications” in the second and third lines and substituting “Service Nova Scotia and Municipal Relations”.

(2) Subsection 33(4) of Chapter 292 is amended by adding “of Service Nova Scotia and Municipal Relations” immediately after “Minister” in the fourth line.

(3) Subsection 33(5) of Chapter 292 is amended by adding “of Service Nova Scotia and Municipal Relations” immediately after “Minister” in the first line.

15 Subsection 34(2) of Chapter 292, as amended by Chapter 23 of the Acts of 1992, is further amended by striking out “or, in the case of inspectors of public passenger vehicles, the Board” in the last line.

16 Subsection 36(4) of Chapter 292 is amended by striking out “Board” in the second line and substituting “Minister”.

PART VIII

MOTOR VEHICLE ACT

17 Subsection 68(1) of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, as amended by Chapter 9 of the Acts of 2007, Chapter 2 of the Acts of 2008 and Chapter 5 of the Acts of 2009, is further amended by striking out "twelve dollars and nine" in the fourth line and substituting "fourteen dollars and thirty-three".

PART IX

PAYMENT INTO COURT ACT

18 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 and Chapter 9 of the Acts of 2007, is further amended by striking out "sixty-nine" in the sixth line and substituting "eighty".

PART X

PERSONAL PROPERTY SECURITY ACT

19 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 and amended by Chapter 9 of the Acts of 2007, Chapter 2 of the Acts of 2008 and Chapter 5 of the Acts of 2009, is further amended by

- (a) striking out "23.88" in the fifth line of clause (a) and substituting "24.36";
- (b) striking out "8.34" in the seventh line of clause (a) and substituting "8.51";
- (c) striking out "560.47" in the fourth line of clause (b) and substituting "571.68";
- (d) striking out "8.34" in the fifth line of clause (c) and substituting "8.51";
- (e) striking out "560.47" in the fourth line of clause (d) and substituting "571.68";

- (f) striking out "11.23" in the first line of clause (e) and substituting "11.45";
and
- (g) striking out "560.47" in the second line of clause (f) and substituting "571.68".

PART XI

PROBATE ACT

20 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, Chapter 3 of the Acts of 2004, Chapter 9 of the Acts of 2007 and Chapter 5 of the Acts of 2009, is further amended by

- (a) striking out "\$77.00" in the first line of clause (a) and substituting "\$78.54";
- (b) striking out "\$193.61" in the second line of clause (b) and substituting "\$197.48";
- (c) striking out "\$322.21" in the second line of clause (c) and substituting "\$328.65";
- (d) striking out "\$902.03" in the second line of clause (d) and substituting "\$920.07"; and
- (e) striking out "\$902.03" in the first line of clause (e) and substituting "\$920.07"; and
- (f) striking out "\$15.23" in the second line of clause (e) and substituting "\$15.53".

PART XII

REVENUE ACT

21 Subsection 43(2) of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, as amended by Chapter 6 of the Acts of 2005, is amended by

- (a) striking out "manufacturing," in the first line of clause (ba);
- (b) striking out "tear tape" in the second line of clause (ba) and substituting "tobacco stamps"; and
- (c) striking out "tear tape manufactured," in the first and second lines of clause (bb) and substituting "tobacco stamps".

22 Chapter 17 is further amended by adding immediately after Section 75 the following Section:

75A (1) Every person who is issued tobacco stamps is liable to a penalty if the person cannot account for the tobacco stamps as being in the person's possession unless

(a) the person can demonstrate that the tobacco stamps were affixed to tobacco in the manner prescribed in the regulations and that tax has been paid on the tobacco; or

(b) in the case of tobacco stamps that were cancelled, the person can demonstrate that the tobacco stamps were returned or destroyed as directed by the Minister of National Revenue for Canada.

(2) The amount of the penalty for each tobacco stamp that cannot be accounted for is equal to the tax that would be imposed on tobacco for which the tobacco stamp was issued.

(3) A penalty that a person is liable to pay under this Section may be assessed against the person by the Commissioner.

(4) Penalties collected pursuant to this Section must be paid to the Minister.

23 Subsection 78(1) of Chapter 17, as amended by Chapter 3 of the Acts of 2001 and Chapter 6 of the Acts of 2005, is further amended by striking out “tear tape” in the fifth and in the eighth lines and substituting in each case “tobacco stamps”.

24 Clause 79(2)(a) of Chapter 17, as amended by Chapter 3 of the Acts of 2001 and Chapter 6 of the Acts of 2005, is further amended by striking out “tear tape” in the fourth and in the fifth lines and substituting in each case “tobacco stamps”.

25 Subsection 80(1) of Chapter 17, as amended by Chapter 3 of the Acts of 2001 and Chapter 6 of the Acts of 2005, is further amended by striking out “tear tape is” in the third line and substituting “tobacco stamps are”.

26 Subsection 87(8) of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, as enacted by Chapter 25 of the Acts of 2010, is amended by striking out “shall” in the second line and substituting “may”.

27 (1) Subsection 89(3) of Chapter 17, as amended by Chapter 3 of the Acts of 2001 and Chapter 6 of the Acts of 2005, is further amended by

(a) adding “or” at the end of clause (b);

(b) striking out clause (c); and

(c) striking out “clauses (a) to (c)” in the first line of clause (d) and substituting “clause (a) or (b)”.

(2) Subsection 89(8) of Chapter 17, as enacted by Chapter 25 of the Acts of 2010, is amended by striking out “shall” in the second line and substituting “may”.

PART XIII

SUMMARY PROCEEDINGS ACT

28 Section 4A of Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, as enacted by Chapter 4 of the Acts of 2000 and amended by Chapter 5 of the Acts of 2001, Chapter 3 of the Acts of 2004, Chapter 2 of the Acts of 2006 and Chapter 5 of the Acts of 2009, is further amended by

(a) striking out "one hundred and ten dollars and twenty-one cents" in the second line and substituting "one hundred and twelve dollars and forty-one cents"; and

(b) striking out "thirty-two dollars and ninety-six cents" in the last line and substituting "thirty-three dollars and sixty-two cents".

29 (1) Subsection 8(6) of Chapter 450, as amended by Chapter 4 of the Acts of 2000, Chapter 5 of the Acts of 2001, Chapter 2 of the Acts of 2006 and Chapter 5 of the Acts of 2009, is further amended by

(a) striking out "one hundred and ten dollars and twenty-one cents" in the third line and substituting "one hundred and twelve dollars and forty-one cents"; and

(b) striking out "thirty-two dollars and ninety-six cents" in the third line and substituting "thirty-three dollars and sixty-two cents".

(2) Subclause 8(15)(a)(ii) of Chapter 450, as enacted by Chapter 26 of the Acts of 2010, is amended by

(a) striking out "one hundred and ten dollars and twenty-one cents" in the first line and substituting "one hundred and twelve dollars and forty-one cents"; and

(b) striking out "thirty-two dollars and ninety-six cents" in the last line and substituting "thirty-three dollars and sixty-two cents".

30 Subsection 9(5) of Chapter 450, as amended by Chapter 4 of the Acts of 2000, Chapter 5 of the Acts of 2001, Chapter 2 of the Acts of 2006 and Chapter 5 of the Acts of 2009, is further amended by

(a) striking out "one hundred and ten dollars and twenty-one cents" in the second line and substituting "one hundred and twelve dollars and forty-one cents"; and

(b) striking out "thirty-two dollars and ninety-six cents" in the second line and substituting "thirty-three dollars and sixty-two cents".

PART XIV

TRUST AND LOAN COMPANIES ACT

31 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	\$608.84,
(ii) letters patent of incorporation for a trust or loan company	\$6,088.39,
(iii) supplementary letters patent	
(A) to change a company's name	\$608.84,
(B) to continue a provincial loan company as a trust company	\$2,435.35,
(C) to continue a provincial trust company as a loan company	\$2,435.35,
(D) to change the municipal unit in which the principal place of business of the company is to be located	\$608.84,
(E) to amalgamate two or more companies and to continue them as one company	\$4,870.71,
(F) to modify or alter the share structure of the company	\$1,217.68;
(b) the tax for processing an application for	
(i) initial licensing of a company	\$1,217.68,
(ii) changing a loan company to a trust company or changing a trust company to a loan company	\$1,217.68,
(iii) changing terms, conditions and restrictions of registration	\$1,217.68;
(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	\$3,653.03,
(ii) where the assets of the company are over \$50,000,000 but do not exceed \$100,000,000	\$4,870.70,
(iii) where the assets of the company are over \$100,000,000 but do not exceed \$500,000,000	\$6,088.38,
(iv) where the assets of the company are over \$500,000,000 but do not exceed \$1,000,000,000	\$7,306.08,

(v) where the assets of the company are over \$1,000,000,000 but do not exceed \$5,000,000,000	\$9,741.43,
(vi) where the assets of the company are over \$5,000,000,000	\$12,176.78,
(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	\$1,217.68;
(d) the tax for revival of licence after dissolution	\$1,217.68;
(e) the tax for processing an application for an increase in borrowing multiple	\$1,217.68;
(f) the tax for a copy of a decision of the Superintendent or Appeal Board, per page (minimum fee \$10.00)	\$2.44;
(g) the tax for a certificate issued by the Superintendent with respect to the licence of a company	\$24.36;
(h) the tax for copies of extracts from documents filed with the Superintendent, per page (minimum fee \$10.00)	\$2.44;
(i) the tax for a certificate issued by the Superintendent other than the certificate referred to in clause (g)	\$24.36;
(j) the tax for examining and passing on applications or documents not specifically referred to in the regulations	\$1,217.68;
(k) the tax for an application to obtain consent of the Superintendent to the transfer of shares	\$304.42;
(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	\$2,435.35;
(m) the tax for examining the Loan or Trust Register or the public file of a company, per register or file	\$12.18.

PART XV

EFFECTIVE DATES

- 32** (1) Section 7 has effect on and after January 1, 2010.
- (2) Section 10 has effect on and after December 1, 2010.

- (3) Sections 8 and 9 have effect on and after January 1, 2011.
 - (4) Sections 2, 18 to 20 and 31 have effect on and after April 1, 2011.
 - (5) Section 3 has effect on and after May 1, 2011
 - (6) Section 17 has effect on and after July 1, 2011.
 - (7) Sections 11 to 16 and 21 to 25 and subsection 27(1) come into force on such day as the Governor in Council orders and declares by proclamation.
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