



BILL NO. 57

Government Bill

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

An Act to Amend Chapter 358 of the Revised Statutes, 1989, the Private Ways Act

CHAPTER 25
ACTS OF 2011

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

The Honourable John M^{ac}Donell
Minister of Service Nova Scotia and Municipal Relations

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

This page is intentionally blank.

**An Act to Amend Chapter 358
of the Revised Statutes, 1989,
the Private Ways Act**

Be it enacted by the Governor and Assembly as follows:

1 Chapter 358 of the Revised Statutes, 1989, the *Private Ways Act*, is amended by adding immediately after Section 29 the following Section:

29A (1) The council may make by-laws respecting the payment of compensation charged against the polling district in which a private way or road is made, or in whole or in part against the applicant or applicants therefor.

(2) A by-law passed pursuant to subsection (1) may provide

(a) that the charges may be chargeable according to a plan or method set out in the by-law;

(b) when the charges are payable;

(c) that the charges are first liens on the real property in the polling district or belonging to the applicant or applicants, and may be collected in the same manner as other taxes;

(d) that the charges be collectable in the same manner as taxes and, at the option of the Treasurer, be collectable at the same time, and by the same proceedings, as taxes;

(e) a means of determining when the lien becomes effective or when the charges become due and payable;

(f) that the amount payable may, at the option of the owner of the property, be paid in the number of annual instalments set out in the by-law and, upon default of payment of any instalment, the balance becomes due and payable; and

(g) that interest is payable annually on the entire amount outstanding and unpaid, regardless of whether the owner has elected to pay by instalments, at a rate and beginning on a date fixed by the by-law.

2 Chapter 358 is amended by adding immediately after Section 35 the following heading and Section:

PART III

GENERAL

36 For greater certainty,

(a) an order, award or decision made or any other action taken pursuant to this Act is not an expropriation for the purpose of the *Expropriation Act* or at common law or otherwise; and

(b) the *Expropriation Act* does not apply to this Act or to any order, award, decision or any other action made or taken pursuant to this Act.

3 Sections 29A and 36 of the *Private Ways Act* apply with respect to an order, award or decision made or any other action taken with respect to a petition made pursuant to the *Private Ways Act*, whether the order, award or decision is or was made or the action is or was taken or whether the petition is or was made before or after the coming into force of this Act.
