



BILL NO. 65

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

An Act to Amend Chapter 11 of the Acts of 1993, the Railways Act

CHAPTER 57
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 20, 2014**

The Honourable Geoff MacLellan
Minister of Transportation and Infrastructure Renewal

*Halifax, Nova Scotia
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**An Act to Amend Chapter 11
of the Acts of 1993,
the Railways Act**

Be it enacted by the Governor and Assembly as follows:

1 Clause 3(d) of Chapter 11 of the Acts of 1993, the *Railways Act*, as amended by Chapter 12 of the Acts of 2001, is further amended by striking out “Public Works” in the second line and substituting “Infrastructure Renewal”.

2 (1) Subsection 41(3) of Chapter 11 is amended by striking out “six” in the second line and substituting “twelve”.

(2) Section 41 of Chapter 11, as amended by Chapter 12 of the Acts of 2001, is further amended by adding immediately after subsection (3) the following subsection:

(3A) The minimum notice that the Board may require pursuant to subsection (1) is six months.

(3) Subsection 41(4) of Chapter 11, as amended by Chapter 12 of the Acts of 2001, is further amended by striking out “to the Board” in the seventh line.

3 Section 42 of Chapter 11 is repealed and the following Section substituted:

42 (1) No owner or lessee of a railway line shall abandon the railway line without the approval of the Minister.

(2) Where, with the approval of the Board, a railway line is no longer being used for any railway service, the Minister may, upon application by the owner or lessee of the railway line in accordance with the regulations, approve the abandonment of the railway line subject to such terms and conditions as the Minister may determine.

4 Section 43 of Chapter 11 is repealed and the following Section substituted:

43 No application to abandon a railway line may be made until at least six months following

(a) the completion by the Board of a hearing respecting the discontinuance of all railway service over the railway line;

(b) the expiry of the notice of discontinuance determined by the Board pursuant to clause 41(1)(a); and

(c) the satisfaction of all conditions in the discontinuance plan approved by the Board or otherwise ordered by the Board.

5 **(1)** The application made on or about October 6, 2014, by Cape Breton & Central Nova Scotia Railway Limited pursuant to the *Railways Act* to abandon approximately 98 miles of its railway line between milepost 17.02 at St. Peter's Junction and milepost 113.9 at Sydney is null and void and of no effect.

(2) No action lies against Her Majesty in right of the Province by Cape Breton & Central Nova Scotia Railway Limited as a result of subsection (1).

6 No action lies against Her Majesty in right of the Province by Cape Breton & Central Nova Scotia Railway Limited as a result of the retroactive amendment of the *Railways Act* by this Act.

7 This Act has effect on and after October 1, 2014.
