



BILL NO. 170

Government Bill

*2nd Session, 63rd General Assembly
Nova Scotia
68 Elizabeth II, 2019*

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

CHAPTER 37
ACTS OF 2019

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 30, 2019**

The Honourable Lloyd Hines
Minister of Transportation and Infrastructure Renewal

*Halifax, Nova Scotia
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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 Section 2 of Chapter 371 of the Revised Statutes, 1989, the *Public Highways Act*, as amended by Chapters 7 and 16 of the Acts of 1994-95 and Chapter 18 of the Acts of 1998, is further amended by

(a) striking out “Communications” in the second line of clause (d) and substituting “Infrastructure Renewal”; and

(b) striking out “Communications” in the second line of clause (h) and substituting “Infrastructure Renewal”.

2 Clause 9(2)(b) of Chapter 371 is amended by striking out “Communications” in the second and third lines and substituting “Infrastructure Renewal”.

3 Subsection 10(1) of Chapter 371 is amended by striking out “he” in the third line and substituting “the Minister”.

4 Section 12 of Chapter 371 is amended by striking out “he” in the ninth and in the eleventh lines and substituting in each case “the Minister”.

5 (1) Subsection 13(1) of Chapter 371 is amended by

(a) striking out “desires to reserve lands for highway purposes, he” in the first and second lines and substituting “has reserved lands pursuant to Section 12, the Minister”;

(b) adding “or, where the lands are registered pursuant to the *Land Registration Act*, in the land registration office in the parcel register for the lands,” immediately after “situated” in the third and fourth lines; and

(c) striking out “he” in the fourth line and substituting “the Minister”.

(2) Clause 13(2)(a) of Chapter 371 is amended by

(a) striking out “his” in the first line and substituting “the owner’s”;

(b) striking out “him” in the second and in the third lines and substituting in each case “the owner”; and

(c) striking out “his” in the last line and substituting “the owner’s”.

(3) Clause 13(2)(b) of Chapter 371 is amended by striking out “his” in the first line and substituting “the owner’s”.

(4) Subsection 13(3) of Chapter 371 is amended by striking out “his” in the seventh line and substituting “the Minister’s”.

(5) Subsections 13(4) and (5) of Chapter 371 are repealed and the following subsection substituted:

(4) A person who has applied to the Minister under subsection (3) and received the Minister's decision may, in accordance with the *Nova Scotia Civil Procedure Rules*, make an application to the Supreme Court of Nova Scotia for judicial review of the Minister's decision.

(6) Subsection 13(6) of Chapter 371 is amended by

(a) adding "or in the land registration office," immediately after "deeds" in the fourth line; and

(b) striking out "him" in the fifth line and substituting "the Minister".

(7) Subsection 13(7) of Chapter 371 is repealed and the following subsection substituted:

(7) Upon making a decision to rescind, vary or modify pursuant to subsection (3), the Minister may file in the registry of deeds or in the land registration office, a certificate setting out the Minister's decision.

(8) Subsection 13(8) of Chapter 371 is amended by adding "vary the" immediately after "or" in the second line.

6 Section 14 of Chapter 371 is amended by

(a) adding "or otherwise enhances the value of the land by obtaining permits, approvals or other rights appurtenant to or that benefit the land," immediately after "sort," in the fifth line;

(b) adding ", notwithstanding the *Expropriation Act*," immediately after "Minister" the second time it appears in the sixth line; and

(c) adding "or permit, approval or right that was obtained" immediately after "made" in the ninth line.

7 Subsection 15(3) of Chapter 371 is amended by striking out "county court for the" in the fourth line and substituting "Supreme Court for the judicial".

8 Subsection 16(2) of Chapter 371 is amended by

(a) striking out "his" in the third line and substituting "the Minister's"; and

(b) striking out "he" in the fifth line and substituting "the Minister".

9 Subsection 18(2) of Chapter 371, as amended by Chapter 16 of the Acts of 2006, is further amended by adding "or in the land registry office" immediately after "district" in the fifth line.

10 Chapter 371 is further amended by adding immediately after Section 18 the following Section:

18A (1) The Governor in Council may make regulations authorizing the Minister to release all or a portion of the Minister's interest in lands subject to such conditions as the regulations may provide.

(2) Where authorized by the regulations, the Minister may, by certificate of release or by other document prescribed by the regulations, release all or a portion of the Minister's interest in lands.

11 Section 19 of Chapter 371 is amended by adding immediately after subsection (2) the following subsection:

(3) The Governor in Council may make regulations prescribing penalties for the purpose of Section 20.

12 (1) Subsection 20(1A) of Chapter 371 is repealed and the following subsections substituted:

(1A) At the time and in the manner prescribed by the regulations, the Minister shall issue a notice to the public in the area affected by an order made pursuant to subsection (1) or terms and conditions prescribed under subsection (1).

(1B) A notice issued in accordance with subsection (1A) must set out the order or the terms or conditions and, notwithstanding the *Regulations Act*, the order or the terms or conditions are effective upon issuance.

(2) Subsection 20(2) of Chapter 371, as amended by Chapter 4 of the Acts of 1999, is further amended by striking out "not exceeding one hundred dollars" in the fourth and fifth lines and substituting "in the amount prescribed by the regulations".

(3) Subsection 20(3) of Chapter 371, as amended by Chapter 44 of the Acts of 1990 and Chapter 4 of the Acts of 1999, is further amended by

(a) striking out " , in addition to any other penalty prescribed by this Act, to a further penalty of" in the fifth, sixth and seventh lines and substituting "to a penalty prescribed by the regulations including additional prescribed penalties for";

(b) striking out "one dollar and twenty-five cents for" in the first line of clause (a);

(c) striking out "two dollars and fifty cents for" in the first line of clause (b);

(d) striking out "three dollars and seventy-five cents for" in the first line of clause (c); and

(e) striking out "ten dollars for" in the first line of clause (d).

(4) Subsection 20(5) of Chapter 371, as amended by Chapter 16 of the Acts of 1994-95, is further amended by striking out "regional manager" in the third line and substituting "person designated by the Minister".

13 Subsection 21(2) of Chapter 371 is amended by adding “or in the land registration office” immediately after “deeds” in the fifth line.

14 Chapter 371 is further amended by adding immediately after Section 21 the following Section:

21A The Governor in Council may make regulations prescribing penalties for the purpose of Sections 22 and 23.

15 (1) Subsection 22(2) of Chapter 371 is amended by striking out “of not more than one hundred dollars” in the second line and substituting “prescribed by the regulations”.

(2) Subsection 22(3) of Chapter 371 is amended by

- (a) striking out “his” in the second line and substituting “the Minister’s”;**
- (b) striking out “may enter by himself, his” in the fourth and fifth lines and substituting “the Minister, the Minister’s”; and**
- (c) adding “may enter,” immediately after “agents,” in the fifth line.**

(3) Subsection 22(4) of Chapter 371 is amended by

- (a) striking out “his” in the second line and substituting “the Minister’s”;**
- (b) striking out “may enter by himself, his” in the fifth line and substituting “and the Minister, the Minister’s”; and**
- (c) adding “may enter” immediately after “agents,” in the sixth line.**

16 (1) Subsection 23(2) of Chapter 371 is amended by adding “or the land registration office” immediately after “deeds” in the fourth line.

(2) Subsection 23(6) of Chapter 371 is amended by striking out “of not more than five hundred dollars” in the third and fourth lines and substituting “prescribed by the regulations”.

(3) Subsection 23(7) of Chapter 371 is amended by

- (a) striking out “his” in the second line and substituting “the Minister’s”;**
- (b) adding “the Minister, the Minister’s servants or agents” immediately after “and” the first time it appears in the sixth line; and**
- (c) striking out “by himself, his servants and agents” in the seventh line.**

17 Subsection 26(3) of Chapter 371 is amended by striking out “his” in the eighth line and substituting “the Minister’s”.

18 Clause 28(1)(c) of Chapter 371 is amended by striking out “from the Minister his” in the first line and substituting “the Minister’s”.

19 Subsection 29(1) of Chapter 371 is amended by striking out “*Affairs*” in the sixth line and substituting “*Government*”.

20 Section 32 of Chapter 371 is amended by striking out “he” in the second line and substituting “the Minister”.

21 Sections 33 to 36 of Chapter 371 are repealed.

22 Subsection 38(3) of Chapter 371 is amended by striking out “or of any sections or divisions established pursuant to Section 33” in the third and fourth lines.

23 (1) Subsection 39(1) of Chapter 371 is amended by striking out “his” in the second line and substituting “the Minister’s”.

(2) Subsection 39(3) of Chapter 371 is amended by striking out “of not more than fifty dollars,” in the third and fourth lines and substituting “prescribed by the regulations”.

24 (1) Subsection 40(1) of Chapter 371 is amended by

(a) striking out “he” in the third line of clause (c) and substituting “the person”; and

(b) striking out “of not more than fifty dollars” in the tenth line and substituting “prescribed by the regulations”;

(2) Subsection 40(3) of Chapter 371 is amended by striking out “his” in the third line and substituting “the Minister’s”.

(3) Subsection 40(4) of Chapter 371, as amended by Chapter 16 of the Acts of 1994-95, is further amended by striking out “Communications” in the second and third lines and in the fifth line and substituting in each case “Infrastructure Renewal”.

(4) Subsection 40(5) of Chapter 371 is amended by

(a) striking out “him” in the fourth line and substituting “the person”; and

(b) striking out “his” in the fourth line and substituting “the person’s”.

(5) Subsection 40(7) of Chapter 371, as amended by Chapter 16 of the Acts of 1994-95, is further amended by

(a) striking out “Communications” in the second and in the fourth lines and substituting in each case “Infrastructure Renewal”; and

(b) striking out “he” in the sixth line and substituting “the Minister’s”.

25 Section 41 of Chapter 371 is amended by striking out “of not more than fifty dollars” in the fourth and fifth lines and substituting “prescribed by the regulations”.

26 (1) Subsection 42(3) of Chapter 371, as amended by Chapter 16 of the Acts of 1994-95, is further amended by

- (a) striking out “him” in the twelfth line and substituting “the person”;**
- (b) striking out “Communications” in the twelfth and thirteenth lines and substituting “Infrastructure Renewal”; and**
- (c) striking out “not more than twenty dollars” in the fifteenth and sixteenth lines and substituting “prescribed by the regulations”.**

(2) Subsection 42(4) of Chapter 371 is amended by

- (a) striking out “he” in the third line and substituting “the person”;**
- (b) striking out “him” in the fourth line and substituting “the person”;**
and
- (c) striking out “his” in the fourth line and substituting “the person’s”.**

(3) Subsection 42(6) of Chapter 371 is amended by striking out “his” in the second line and substituting “the Minister’s”.

27 Subsection 43(2) of Chapter 371 is amended by striking out “of not less than two hundred and fifty dollars” in the second and third lines and substituting “prescribed by the regulations”.

28 (1) Subsection 44(1) of Chapter 371 is amended by striking out “his” in the first line and substituting “the Minister’s”.

(2) Subsection 44(2) of Chapter 371 is amended by

- (a) striking out “his” in the second line and substituting “the Minister’s”;**
and
- (b) striking out “of not less than one hundred dollars” in the fourth line and substituting “prescribed by the regulations”.**

29 Subsection 45(1) of Chapter 371 is amended by striking out “his” in the second line and substituting “that person’s”.

30 (1) Subsection 47(1) of Chapter 371, as amended by Chapter 16 of the Acts of 1994-95, is further amended by

- (a) striking out “Communications” in the second and third lines and substituting “Infrastructure Renewal”; and**
- (b) striking out “his” in the fourth line and substituting “the person employed by the Minister’s”.**

(2) Subsection 47(2) of Chapter 371, as amended by Chapter 16 of the Acts of 1994-95, is further amended by striking out “he” in the second line and substituting “the person”.

(3) Subsection 47(3) of Chapter 371 is amended by striking out “of not more than one hundred dollars,” in the third and fourth lines and substituting “prescribed by the regulations”.

31 (1) Subsection 48(1) of Chapter 371, as amended by Chapter 12 of the Acts of 2001, is further amended by striking out “of not more than one thousand dollars,” in the eighth and ninth lines and substituting “prescribed by the regulations”.

(2) Subsection 48(2) of Chapter 371 is amended by striking out “his” in the third line and substituting “that person’s”.

32 (1) Subsection 49(2) of Chapter 371, as amended by Chapter 12 of the Acts of 2001, is further amended by striking out “of not more than one thousand dollars” in the fifth line and substituting “prescribed by the regulations”.

(2) Subsection 49(3) of Chapter 371, as amended by Chapter 12 of the Acts of 2001, is further amended by striking out “of not more than one thousand dollars” in the fourth line and substituting “prescribed by the regulations”.

(3) Subsection 49(4) of Chapter 371, as amended by Chapter 12 of the Acts of 2001, is further amended by

(a) striking out “him” in the fifth line and substituting “the owner or occupant”; and

(b) striking out “of not more than one thousand dollars” in the sixth line and substituting “prescribed by the regulations”.

(4) Subsection 49(5) of Chapter 371 is amended by striking out “his” in the fourth line and substituting “that person’s”.

33 Subsection 50(1) of Chapter 371, as enacted by Chapter 12 of the Acts of 2001, is amended by adding “and fees” immediately after “services” the second time it appears in the sixth line.

34 Chapter 371 is further amended by adding immediately after Section 51 the following Section:

52 The Governor in Council may make regulations prescribing penalties for the purpose of Sections 39, 40, 41, 42, 43, 44, 47, 48 and 49.

35 Sections 10 and 11, subsections 12(1) to (3), Section 14, subsections 15(1), 16(2) and 23(2), clause 24(1)(b), Section 25, clause 26(1)(c), Section 27, clause 28 (2)(b), subsections 30(3), 31(1) and 32(1) and (2), clause 32(3)(b) and Sections 33 and 34 come into force on such day the Governor in Council orders and declares by proclamation.