

# **Nova Scotia Power Privatization Act**

## CHAPTER 8 OF THE ACTS OF 1992

*as amended by*

1994, c. 9, s. 24; 1994, c. 39; 1997, c. 3, s. 10;  
1998, c. 19, s. 7; 1998, c. 18, s. 570; 2002, c. 5, ss. 17, 44, 45;  
2003, c. 4, s. 24; 2010, c. 35, s. 42; 2019, c. 20, ss. 1, 2



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 amended 1994, c. 9, s. 24; 1994, c. 39; 1997, c. 3, s. 10;  
 1998, c. 19, s. 7; 1998, c. 18, s. 570; 2002, c. 5, ss. 17, 44, 45;  
 2003, c. 4, s. 24; 2010, c. 35, s. 42; 2019, c. 20, ss. 1, 2

**An Act Respecting  
 the Privatization of the  
 Nova Scotia Power Corporation**

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(The table of contents is not part of the statute)

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**Short title**

**1** This Act may be cited as the *Nova Scotia Power Privatization Act*.  
 1992, c. 8, s. 1.

**Interpretation**

2 (1) In this Act,

- (a) “Company” means Nova Scotia Power Incorporated, a body corporate incorporated pursuant to the *Companies Act*;
- (b) “Corporation” means the corporation referred to in Section 4;
- (c) “Minister” means the Minister of Finance.

(2) Unless a contrary intention appears, words and expressions used in this Act have the same meaning as in the *Companies Act*.

(3) The *Companies Act* applies to the Company as a company limited by shares except as provided otherwise by this Act.

(4) The *Securities Act* applies to the Company on, from and after the sixteenth day of April, 1992.

(5) Where there is a conflict between the *Companies Act* and this Act or the provisions required to be included in the memorandum of association or the articles of association of the Company pursuant to this Act, this Act or those provisions prevail. 1992, c. 8, s. 2.

**Act binds Her Majesty**

3 This Act is binding on Her Majesty in right of the Province. 1992, c. 8, s. 3.

**Change of name**

4 The name of the Nova Scotia Power Corporation, a body corporate established by Chapter 351 of the Revised Statutes, 1989, the *Power Corporation Act*, is hereby changed to “Nova Scotia Power Finance Corporation”. 1992, c. 8, s. 4.

**Vesting of assets in Company**

5 (1) Notwithstanding any enactment, on a day to be determined by the Governor in Council, the Minister may enter into transactions or cause transactions to be entered into that will, directly or indirectly, result in the vesting of any or all of the property, rights, liabilities and obligations of the Corporation, Nova Scotia Light and Power Company, Limited and Eastern Light & Power Company, Limited, as determined by the Minister, in the Company, subject to such terms and conditions as are imposed by the Minister.

(2) Any property, rights, liabilities or obligations of the Corporation that are not vested in the Company pursuant to subsection (1) remain the property, rights, liabilities or obligations of the Corporation.

(3) If, pursuant to subsection (1), shares of the Company are to be issued in consideration of the vesting of property and rights in the Company, the

Company shall issue such number and kind of shares of the Company as, in the opinion of the Minister, are necessary to provide such consideration.

(4) If, pursuant to this Section, debt or obligations of the Corporation are not vested in the Company, the Minister may

(a) enter into an agreement or other arrangement with the Company, the Corporation or any other person respecting the service or discharge of any debt or obligation of the Corporation; and

(b) pay out of the General Revenue Fund of the Province such amounts as are necessary to service or discharge any such debt or obligation.

(5) If an indebtedness, liability or obligation of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, or an indebtedness, liability or obligation originally incurred or assumed by the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, is assumed by the Company pursuant to this Section, the Company is directly liable to the person to whom the indebtedness, liability or obligation is due or by whom it is held as if the Company had incurred it on its own behalf, and any liability of Her Majesty in right of the Province, the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, with respect to that indebtedness, liability or obligation is extinguished.

(6) A preferential or other right to acquire any assets of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited is waived with respect to a transaction pursuant to this Section as against Her Majesty in right of the Province, the Corporation or the Company, as the case may be, and the Company shall in respect of any matter arising after the closing of the transactions, observe, fulfil and perform those preferential or other rights as the person directly liable for their observation, fulfilment or performance.

(7) A notice, consent or approval required pursuant to an enactment or agreement that relates to assets of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited is waived with respect to a transaction pursuant to subsection (1), and the Company shall, in respect of any other matter arising after the closing of the transactions, comply with all requirements for the giving of the notice or obtaining the consent or approval as the person directly responsible therefor.

(8) A default or breach of a covenant, representation or warranty that occurs under a document

(a) binding on Her Majesty in right of the Province, the Corporation or the Company; or

(b) relating to assets of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited,

by reason of a vesting in the Company, pursuant to a transaction referred to in subsection (1), is waived, but such waiver is without prejudice to the rights of any person in respect of any other default or breach occurring after the closing of the transactions.

(9) A person does not have a right to compensation by reason only of the operation of subsections (5) to (8).

(10) For greater certainty, nothing in this Section means or shall be construed to mean that the Province is no longer liable for its guarantee with respect to the debt of the Corporation guaranteed by the Province and such guaranteed debt as between the Province and the bondholders shall be paid by the Corporation and not by the Company.

(11) For greater certainty, nothing in this Act means or shall be construed to mean that the Company is not liable to the Corporation for an amount equal to the debt of the Corporation guaranteed by the Province which guaranteed debt remains, pursuant to this Section, the liability of the Corporation.

(12) For greater certainty, nothing in this Section affects the rates or the rate base of the Corporation approved by the Board of Commissioners of Public Utilities prior to the coming into force of this Act and those rates and the rate base, the fixed asset segment of which rate base is hereby set at the Corporation's investment in fixed assets less accumulated depreciation as recorded in the books of the Corporation at its latest year end (March 31, 1992) plus those assets brought into service between that date and the date of the coming into force of this Act, less depreciation charged during that period, are and are deemed to be the rates and the rate base which apply to the Company at the time this Section comes into force.

(13) For greater certainty, the change of name effected by Section 4 does not affect an existing cause of action or claim or liability to prosecution in favour of or against the Corporation or its directors or officers or any civil, criminal or administrative action or proceeding to which the Corporation or its directors or officers are parties and such cause of action or claim or liability to prosecution shall be against the Company.

(14) Nothing contained in this Act affects the commitment of the Company to purchase up to sixty-three megawatts of power from independent power producers and any commitments outstanding at the time this Act comes into force by the Company are ratified and confirmed and shall continue as if this Act had not been passed.

(15) The Company shall as a goal, and when consistent with good business practices, purchase a minimum of five per cent of its total electrical capacity from non-utility generators.

(16) Any transaction carried out pursuant to an agreement authorized by subsection (1) with the Minister is exempt from the provisions of any enactment which the agreement states does not apply to the transaction.

(17) On the day the Minister and the Company, pursuant to subsection (1), enter into an agreement with respect to a transaction, any reference in any rule, order, regulation, by-law or document to the Nova Scotia Power Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited shall, as regards any subsequent transaction, matter or thing relating to the aforesaid matters or any of them, be and be construed to be a reference to the Company unless the agreement determines otherwise. 1992, c. 8, s. 5; 2010, c. 2, s. 84.

#### **Powers of Minister**

6 (1) The Minister may

(a) acquire, hold, dispose of, invest in and otherwise deal with shares and debt obligations or any security interests in the Company; and

(b) enter into any agreement or arrangement necessary for or incidental to any activity referred to in clause (a).

(2) Shares of the Company acquired by the Minister shall be registered in the name of the Minister and held by the Minister in trust for Her Majesty in right of the Province.

(3) Any dividends or other sums received by the Minister in right of, or on the disposal of, any share, debt obligation or security interest acquired by virtue of this Act shall be paid into the General Revenue Fund of the Province. 1992, c. 8, s. 6; 2010, c. 2, s. 84.

#### **Approval and filing of amended memorandum and articles**

7 (1) The Company shall submit to the Minister for approval an amended memorandum of association and articles of association prepared in accordance with Section 8.

(2) Upon approval by the Minister of the amended memorandum of association and articles of association submitted pursuant to subsection (1), the Company shall file the amended memorandum and articles with the Registrar of Joint Stock Companies and the amended memorandum and articles are effective on, from and after the date of filing. 1992, c. 8, s. 7.

#### **Contents of amended memorandum and articles**

8 (1) Notwithstanding the *Companies Act*, the amended memorandum of association and articles of association for the Company shall contain

(a) a provision that the primary object of the Company is to develop in the Province the use of power on an economic and efficient basis and for this purpose to engage in the Province and elsewhere in the development, generation, production, transmission, distribution, supply and use of electricity, water, sun, wind, steam, gas, oil or other products or things used or useful in the production of power and the Company shall not construct a generating plant that utilizes nuclear energy to produce electricity;

(b) provisions imposing constraints on the issue, transfer and ownership, including joint ownership, of voting shares of the Company to prevent any one person, together with the associates of that person, from holding, beneficially owning or controlling, directly or indirectly, otherwise than by way of security only, in the aggregate voting shares to which are attached more than fifteen per cent of the votes that may ordinarily be cast to elect directors of the Company, other than votes that may be so cast by or on behalf of the Minister;

(c) provisions imposing constraints on the issue, transfer and ownership, including joint ownership, of voting shares of the Company to prevent non-residents from holding, beneficially owning or controlling, directly or indirectly, otherwise than by way of security only, in the aggregate voting shares to which are attached more than twenty-five per cent of the votes that may ordinarily be cast to elect directors of the Company, other than votes that may be so cast by or on behalf of the Minister;

(d) provisions respecting the counting or prorating of votes cast in respect of any motion at any meeting of shareholders of the Company and attached to the voting shares of the Company that are held, beneficially owned or controlled, directly or indirectly, by non-residents so as to limit the counting of those votes to not more than twenty-five per cent of the total number of votes cast by shareholders in respect of that motion;

(e) provisions preventing the Company from selling, transferring or otherwise disposing of, whether by one transaction or event or several related transactions or events, all or substantially all of its assets to any one person or group of associated persons or to non-residents, otherwise than by way of security only in connection with the financing of the Company;

(f) provisions respecting the enforcement of the constraints imposed pursuant to clauses (b) and (c);

(g) provisions specifying that the head office and the principal executive offices of the Company are to be situated in the Province as provided in Section 8A;

(h) a provision stating that the Company has all of the powers, rights and capacity of a natural person;

(i) provisions respecting the appointment of transfer agents to maintain the share register of the Company and provisions relating to record dates for various purposes;

(j) provisions limiting the number of the members of the board of directors of the Company who were or are former or current officers or employees of the Company or any affiliate or predecessor thereof for as long as Her Majesty in right of the Province is a shareholder in the Company;



- (k) provisions authorizing the Company to issue
  - (i) an unlimited number of common shares, and
  - (ii) an unlimited number of preference shares in two classes, each of which shall have and be subject to such rights, privileges, restrictions and conditions and be issued in such series as the directors of the Company may, from time to time, by resolution filed with the Registrar of Joint Stock Companies, determine;
- (l) provisions respecting the establishment of a stated capital account for each class and series of shares issued by the Company; and
- (m) a provision that, in relation to the Company, “special resolution” means a resolution passed by a majority of not less than three fourths of such members of the Company entitled to vote as are present in person or by proxy at a general meeting of the Company of which notice specifying the intention to propose the resolution as a special resolution has been duly given.

**(2)** Without limiting the generality of clause (f) of subsection (1), the provisions referred to therein may provide for the filing of declarations, the suspension of voting rights, the forfeiture of dividends, the refusal of the issue or registration of voting shares and the sale of voting shares held contrary to the constraints and payment of the net proceeds of the sale to the person entitled thereto.

**(3)** Where the directors of the Company are of the reasonable opinion, from the register of members of the Company or otherwise, that a subscriber for or a transferee of voting shares of the Company would, on acquiring the shares, hold, beneficially own or control voting shares to which are attached not more than the lesser of two one-hundredths of one per cent of the votes that may ordinarily be cast to elect directors of the Company and ten thousand such votes, the directors are entitled to assume that the subscriber or transferee is not and will not be an associate of anyone else and, unless the address to be recorded in the register for the subscriber or transferee is outside Canada, that the shares will not be held, beneficially owned or controlled in contravention of the memorandum of association or articles of association for the Company.

**(4)** No provision imposing constraints pursuant to clauses (b) or (c) of subsection (1) applies in respect of voting shares of the Company that are held by

- (a) the Minister in trust for Her Majesty in right of the Province;
- (aa) NS Power Holdings Incorporated;
- (b) one or more underwriters solely for the purpose of distributing the shares to the public, in which case the underwriter may not vote such shares; or

(c) any person who provides centralized facilities for the clearing of trades in securities and is acting in relation to trades in the shares solely as an intermediary in the payment of funds or the delivery of securities, or both.

(5) For the purpose of this Section, a person is an associate of another person if

(a) one is a corporation of which the other is an officer or director;

(b) one is a corporation that is controlled by the other or by a group of persons of which the other is a member;

(c) one is a partnership of which the other is a partner;

(d) one is a trust of which the other is a trustee;

(e) both are corporations controlled by the same person;

(f) both are members of a voting trust that relates to voting shares of the Company;

(g) both, in the reasonable opinion of the directors of the Company, are parties to an agreement or arrangement a purpose of which is to require them to act in concert with respect to their interests, direct or indirect, in the Company or are otherwise acting in concert with respect to those interests; or

(h) both are at the same time associates, within the meaning of any of clauses (a) to (g), of the same person.

(6) Notwithstanding subsection (5), for the purpose of this Section,

(a) where a person who, but for this clause, would be an associate of another person submits to the Company a statutory declaration stating that

(i) no voting shares of the Company held or to be held by the declarant are or will be, to the declarant's knowledge, held in the right of, for the use or benefit of or under the control of, any other person of which, but for this clause, the declarant would be an associate, and

(ii) the declarant is not acting and will not act in concert with any such other person with respect to their interests, direct or indirect, in the Company,

the declarant and that other person are not associates so long as the directors of the Company are satisfied that the statements in the declaration are being complied with and that there are no other reasonable grounds for disregarding the declaration;

(b) two corporations are not associates pursuant to clause (h) of subsection (5) by reason only that pursuant to clause (a) of subsection (5) each is an associate of the same individual; and

(c) where the directors of the Company are of the reasonable opinion, from the register of members of the Company or otherwise, that any person holds, beneficially owns or controls voting shares to which are attached not more than the lesser of two one-hundredths of one per cent of the votes that may ordinarily be cast to elect directors of the Company and ten thousand such votes, that person is not an associate of anyone else and no one else is an associate of that person.

(7) For the purpose of this Section, “control” means control in any manner that results in control in fact, whether directly through the ownership of securities or indirectly through a trust, an agreement or arrangement, the ownership of any body corporate or otherwise, and, without limiting the generality of the foregoing,

(a) a body corporate is deemed to be controlled by a person if

(i) securities of the body corporate to which are attached more than fifty per cent of the votes that may be cast to elect directors of the body corporate are held, otherwise than by way of security only, by or for the benefit of that person, and

(ii) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the body corporate; and

(b) a partnership or unincorporated organization is deemed to be controlled by a person if an ownership interest therein representing more than fifty per cent of the assets of the partnership or organization is held, otherwise than by way of security only, by or for the benefit of that person.

(8) In this Section,

(a) “assets” means assets owned or used by the Company in the development, generation, production, transmission, distribution, marketing, supply and use of electricity, water, sun, wind, steam, gas, oil or other products or things used or useful in the production of power;

(b) “corporation” includes a body corporate, partnership and unincorporated organization;

(c) “non-resident” means

(i) an individual, other than a Canadian citizen, who is not ordinarily resident in Canada,

(ii) a corporation incorporated, formed or otherwise organized outside Canada,

(iii) a foreign government or an agency thereof,

(iv) a corporation controlled by non-residents as defined in any of subclauses (i) to (iii),

(v) a trust

(A) established by a non-resident as defined in any of subclauses (ii) to (iv), other than a trust for the administration of a pension fund for the benefit of individuals a majority of whom are residents, or

(B) in which non-residents as defined in any of subclauses (i) to (iv) have more than fifty per cent of the beneficial interest, or

(vi) a corporation that is controlled by a trust described in subclause (v),

but does not include a mutual company to which subsection 427(5) of the *Insurance Companies Act* (Canada) applies or a company or foreign company to which subsection 427(6) of that Act applies;

(d) “person” includes an individual, partnership, corporation, government or agency thereof, trustee, executor, administrator and other legal representative;

(e) “resident” means an individual, corporation, government or agency thereof or trust that is not a non-resident;

(f) “voting share” means a share carrying a voting right under all circumstances or under some circumstances that have occurred and are continuing, and includes a security currently convertible into such a share and currently exercisable options and rights to acquire such a share or such a convertible security. 1992, c. 8, s. 8; 1998, c. 19, s. 7; 2019, c. 20, s. 1.

#### **Head office and principle executive offices**

**8A (1)** In this Section, “head office and principal executive offices” means the offices at which the Chief Executive Officer of the Company and substantially all senior executives of the Company reporting to the Chief Executive Officer materially perform their duties.

**(2)** The head office and principal executive offices of the Company must be situated in the Province. 2019, c. 20, s. 2.

#### **Restrictions on Company**

**9** The Company and its shareholders and directors shall not

(a) amend the memorandum of association or the articles of association of the Company in a manner inconsistent with this Act or the provisions that must be included in the Company’s amended memorandum or articles of association; or

- (b) apply for continuance of the Company in another jurisdiction.  
1992, c. 8, s. 9.

### Transfer of employees

**10 (1)** In this Section and in Section 11, “employee” means an individual in the employment of the Corporation on the coming into force of this Section.

**(2)** On the coming into force of this Section, every employee

(a) ceases to be an employee of the Corporation and becomes an employee of the Company; and

(b) is employed by the Company on the same terms and conditions as to salary and benefits as those under which the employee was employed by the Corporation immediately before the coming into force of this Section.

**(3)** Every employee referred to in subsection (2) is and is deemed to have been employed by the Company for the same period of time that the employee was in the employment of the Corporation prior to the coming into force of this Section.

**(4)** For greater certainty, nothing in this Section means or shall be construed to mean that there has been a termination of the employment of an employee.

**(5)** For greater certainty and subject to this Act, the Company and the employees covered by a collective agreement are bound by the collective agreement between the Corporation and a bargaining agent as if the Company were a party to the collective agreement.

**(6)** For greater certainty, benefits accumulated by an employee while employed by the Corporation are continued and vested in the employee, the employee is entitled to receive those benefits from the Company and the Company shall provide those benefits to the employee.

**(7)** For greater certainty and subject to this Act, the Company is and is deemed to be a successor employer and the employees are and are deemed to be employees of a successor employer for the purpose of the *Pension Benefits Act*.

**(8)** For greater certainty, nothing in this Act affects any pay equity adjustments to which an employee was entitled pursuant to the *Pay Equity Act* immediately before the coming into force of this Section.

**(9)** Sections 23 to 27 of the *Conflict of Interest Act* does not apply in respect of members of the board of directors, officers and employees of the Nova Scotia Power Corporation, Nova Scotia Light and Power Company, Limited and Eastern Light & Power Company, Limited who became or become members of the board of directors, officers or employees of the Company. 1992, c. 8, s. 10; 2010, c. 35, s. 42.

**Pensions****11****(1)** In this Section,

- (a) “Act” means the *Public Service Superannuation Act*;
- (b) “Fund” means the Public Service Superannuation Fund established pursuant to the *Public Service Superannuation Act*;
- (c) “Plan” means the pension plan organized and administered by the Company and includes any plan in substitution therefor.

**(2)** The Minister is authorized to enter into an agreement to provide for the transfer from the Fund to the Plan of assets and liabilities of the Fund with respect to employees, and upon such transfer, all liabilities with respect to benefits are the liability of the Company and the Plan and any consents necessary to the transfer of assets and liabilities from the Fund to the Plan are and are deemed to be given.

**(3)** Any notices or consents required, including the consent of the Superintendent pursuant to the *Pension Benefits Act*, or any default or breach of ~~covenant~~ [covenant] that occurs, by reason of the transfer, are waived.

**(4)** The Plan shall provide employees, with respect to their period of employment with the Corporation, with the same benefits to which the employees, at the time this Section comes into force, would have been eligible pursuant to the Act as employees of the Corporation and, with respect to a period of employment with the Company, the Plan shall provide those employees of the Company with benefits no less advantageous than those in respect of which, at the time this Section comes into force, they would have been eligible were they members of the Fund.

**(5)** The following persons shall continue to receive benefits pursuant to the Act and payments from the Fund and not payments from the Plan:

- (a) former employees of the Corporation who are receiving benefits from the Fund;
- (b) former employees of the Corporation who are entitled to deferred benefits from the Fund; and
- (c) spouses, dependants or other beneficiaries of individuals referred to in clauses (a) and (b).

**(6)** Upon the coming into force of this Section, any unfunded liabilities with respect to those persons receiving benefits pursuant to subsection (5) are, in accordance with an agreement entered into between the Minister and the Company, the liabilities of the Company and not the Fund and the Company shall reimburse the Fund for such unfunded liability in accordance with the agreement.

1992, c. 8, s. 11.

**Interpretation of Sections 13 to 16****12** In Sections 13 to 16,

- (a) “Act” means the *Public Utilities Income Tax Transfer Act* (Canada);
- (b) “federal tax rebates” means amounts paid to the Province in respect of the Company pursuant to the Act;
- (c) “Fund” means the Nova Scotia Power Incorporated Tax Rebate Fund. 1992, c. 8, s. 12.

**Tax Rebate Fund**

**13 (1)** There is hereby established in the accounts of the Province a fund to be known as the Nova Scotia Power Incorporated Tax Rebate Fund.

**(2)** The Minister shall hold and administer the Fund and keep a separate accounting record of the Fund. 1992, c. 8, s. 13.

**Federal tax rebates**

**14 (1)** Money received by the Province in respect of the period following the coming into force of this Act, by way of federal tax rebates pursuant to the Act, shall be paid into the Fund.

**(2)** Income of the Fund accrues to the General Revenue Fund of the Province. 1992, c. 8, s. 14; 2010, c. 2, s. 84.

**Payments to Company from Fund**

**15 (1)** Subject to the regulations, the Minister shall pay from the Fund to the Company for its own use and benefit all money paid into the Fund.

**(2)** The Minister shall certify all amounts paid to the Company in the form required by the Act so that the Company will be exempt from federal income tax thereon as provided by the Act.

**(3)** If, pursuant to the Act, the Province is required to repay any amount to the Government of Canada, the Minister may recover such amount from the Company as a debt due to the Province from the Company and the Minister may set off and recover such amount against and from other amounts that the Minister might otherwise cause to be paid to the Company pursuant to subsection (1) and the Minister may pay any such amount that the Province is required to repay to the Government of Canada from the Fund, or if paid from the General Revenue Fund of the Province, the Minister may, at any time thereafter, pay and transfer such amount from the Fund to the General Revenue Fund of the Province. 1992, c. 8, s. 15; 2010, c. 2, s. 84.

**Regulations**

**16** The Governor in Council may make regulations

- (a) prescribing the terms and conditions on which payments may be made to the Company pursuant to Section 15;

(b) prescribing rules for the determination of any matter to be determined by the Minister;

(c) defining any expression used in but not defined for the purpose of Sections 13 to 15; and

(d) to carry out effectively the intent and purpose of Sections 13 to 15. 1992, c. 8, s. 16.

**17** *repealed 1994, c. 9, s. 24.*

#### **Payments to Minister for municipalities**

**18** (1) In this Section,

(a) “Minister” means the Minister of Municipal Affairs;

(b) “municipality” means a municipality as defined in the *Municipal Government Act*.

(2) The Company is exempt from taxation by a municipality, other than deed transfer tax.

(3) On June 1, 2003, and, subject to subsection (6), on each and every June 1st thereafter, the Company shall pay to the Minister the sum of fifteen million five hundred thousand dollars.

(4) On January 31, 2004, and, subject to subsection (6), on each and every January 31st thereafter, the Company shall pay to the Minister the sum of fifteen million five hundred thousand dollars.

(5) The Minister shall distribute the amounts received pursuant to subsections (3) and (4), less the amounts referred to in subsection (7), if applicable, among the municipalities in the manner determined by the Minister, after consultation with the Union of Nova Scotia Municipalities.

(6) The amounts specified in subsections (3) and (4) shall be increased in each year by the same percentage increase as the average annual increase in the Consumer Price Index for Canada for the previous calendar year as determined by Statistics Canada.

(7) Notwithstanding subsection (5), in each of fiscal years 2002-03, 2003-04, 2004-05 and 2005-06, the Minister shall pay two million five hundred thousand dollars from the amounts received pursuant to subsections (3) or (4) to the Minister. 2002, c. 5, s. 44; 2003, c. 4, s. 24; O.I.C. 2014-71.

**18A** *repealed 2002, c. 5, s. 45.*



**Expropriation by Company**

19 (1) The Company may expropriate any land which the Company deems necessary or useful for the attainment of the object of the Company referred to in clause (a) of subsection (1) of Section 8.

(2) Upon a plan and description of any land so expropriated, signed by the Chair or President, being deposited in the office of the registrar of deeds for the registration district in which the land is situated, such land shall thereupon become and remain vested in the Company.

(3) The *Expropriation Act* applies to any such expropriation and the Company shall be and is deemed to be the expropriating authority for the purposes of the *Expropriation Act*.

(4) Notwithstanding the *Expropriation Act*, lands of the Company may be expropriated by another expropriating authority only with the approval of the Governor in Council. 1992, c. 8, s. 19.

**Public Sector Compensation Restraint Act**

20 (1) The *Public Sector Compensation Restraint Act*, as modified by subsection (2), applies to the Company and the officers and employees thereof.

(2) Notwithstanding subsection (1) and the *Public Sector Compensation Restraint Act*, the two-year period referred to in that Act, during which increases in compensation rates and changes in compensation plans are restricted, is completed in respect of officers and employees of the Company at the end of the two-year period or the first day of April, 1993, whichever is earlier. 1992, c. 8, s. 20.

**Mechanics' Lien Act**

21 The *Mechanics' Lien Act* applies to the Company only in respect of construction undertaken pursuant to contracts entered into after the coming into force of this Act. 1992, c. 8, s. 21.

**Building Code Act and Planning**

22 (1) In this Section,

(a) "electric distribution system" means any system, works, plant, equipment or service for the delivery, distribution or furnishing of electric energy to consumers, but does not include a power plant or a transmission line;

(b) "electric energy" in addition to its ordinary meaning includes

(i) energy associated with an electromotive force,  
and

(ii) power and reactive power and other electromagnetic effects associated with electric energy;

(c) “substation” means a part of a transmission line and includes equipment for transforming, compensating, switching, rectifying or inverting electric energy flowing to, over or from the transmission line;

(d) “transmission line” means a system or arrangement of lines of wire or other conductors and transformation equipment whereby electric energy, however produced, is transmitted in bulk, and includes

- (i) transmission circuits composed of the conductors which transmit electric energy,
- (ii) insulating and supporting structures,
- (iii) substations,
- (iv) operational and control devices, and
- (v) all property of any kind used for the purpose of, or in connection with, or incidental to, the operation of the transmission line,

but does not include a power plant or an electric distribution system.

(2) Parts VIII and IX of the *Municipal Government Act*, the provisions of any Provincial land-use policies or regulations, and Provincial subdivision regulations, and any municipal planning strategy, land-use by-law or subdivision by-law do not apply where a development or subdivision is made for the purpose of a transmission line, substation or electric distribution system.

(3) The *Building Code Act* does not apply to the construction, repair or replacement of a transmission line, electric distribution system, power plant or substation. 1992, c. 8, s. 22; 1998, c. 18, s. 570.

#### **Limitation on liability**

23 Any contract for the supplying by the Company of electricity is deemed to provide that the Company is not liable for damages in respect of any delay, interruption or other partial or complete failure in such supplying where such damages are caused by something which is beyond the ability of the Company to control by reasonable and practicable effort. 1992, c. 8, s. 23.

#### **Crown lands and watercourses**

24 (1) Nothing in this Act affects or shall be deemed to affect any permission or authority granted by the Province to the Corporation to erect and maintain power lines on Crown land and such permission or authority continues in favour of the Company as if the permission or authority were in the Company.

(2) The right of the Corporation to enter land adjacent to any watercourse used in connection with the storage or flow of water for the generation of energy for the purpose of inspection and maintenance of the watercourse or any

structure of the Corporation situate thereon applies to the Company and nothing in this Act affects or shall be deemed to affect those rights. 1992, c. 8, s. 24.

#### **Deemed effect of existing instruments**

**25 (1)** Any instrument within the meaning of the *Registry Act* heretofore executed purporting to convey to the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited a fee simple estate is deemed to have vested in the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, as the case may be, and their successors and assigns, a full, absolute and indefeasible estate of inheritance in fee simple, subject only to any mortgages, judgments or easement registered on title against such estate.

**(2)** Any person who claims to have an interest in any of the land referred to in subsection (1) and who has not been compensated for that interest may make a claim for compensation and the provisions of the *Expropriation Act*, in respect of compensation, apply to that claim as if the vesting of the lands had occurred as a result of the expropriation of those lands by the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, as the case may be, resulting in a claim in accordance with the *Expropriation Act*. 1992, c. 8, s. 25.

#### **Electrical Installation and Inspection Act amended**

**26** *amendment*

#### **Electrical Power Agreement Act repealed**

**27 (1)** Chapter 142 of the Revised Statutes, 1989, the *Electrical Power Agreement Act*, is repealed.

**(2)** Notwithstanding subsection (1), an agreement entered into pursuant to the *Electrical Power Agreement Act* continues in full force and effect until the agreement expires according to the terms of the agreement. 1992, c. 8, s. 27.

#### **Federal-Provincial Power Act amended**

**28** *amendment*

#### **Fire Prevention Act amended**

**29** *amendment*

#### **Municipal Affairs Act amended**

**30** *amendment*

#### **Power Corporation Act amended**

**31** *amendment*

**Provincial Finance Act amended**32 *amendment***Public Records Disposal Act amended**33 *amendment***Public Service Superannuation Act amended**34 *amendment***Public Utilities Act amended**35 *amendment***Rural Electrification Act repealed**

36 (1) Chapter 405 of the Revised Statutes, 1989, the *Rural Electrification Act*, is repealed.

(2) Any claims between the Province and the Company pursuant to the provisions of the *Rural Electrification Act* are and are deemed satisfied and released.

(3) Any property vested in the Corporation pursuant to the *Rural Electrification Act* is and is deemed for all purposes to be vested in the Corporation and may be transferred to the Company. 1992, c. 8, s. 36.

**Trustee Act amended**37 *amendment***Proclamation**

38 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 1992, c. 8, s. 38.

Proclaimed - August 6, 1992  
In force - August 10, 1992

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