

Railways Act

CHAPTER 11 OF THE ACTS OF 1993

as amended by

1995-96, c. 27; 2001, c. 12, ss. 25-46; 2014, c. 57



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CHAPTER 11 OF THE ACTS OF 1993
amended 1995-96, c. 27; 2001, c. 12, ss. 25-46; 2014, c. 57

**An Act Respecting
Railways in Nova Scotia**

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Short title

1 This Act may be cited as the *Railways Act*. 1993, c. 11, s. 1.

Purpose of Act

2 The purpose of this Act is to ensure the safe operation of railways in the Province. 1993, c. 11, s. 2; 2001, c. 12, s. 25.

Interpretation

3 In this Act,

- (a) “Board” means the Nova Scotia Utility and Review Board;
- (b) “industrial railway” means a railway that
 - (i) transports only goods or commodities that are manufactured, refined or otherwise produced, processed or handled by the person who operates the railway or on whose behalf the railway is operated, and
 - (ii) is operated wholly or in part within the confines of the industrial site on which goods or commodities are manufactured, refined or otherwise produced, processed or handled, and is not operated for the purposes of transporting goods or commodities for a toll or a fee or of being a common carrier;
- (c) “licence” means a licence issued pursuant to this Act;
- (d) “Minister” means the Minister of Transportation and Infrastructure Renewal;
- (e) “permit” means a permit issued pursuant to this Act;
- (f) “prescribed” means prescribed by the regulations;
- (g) “railway” means a railway, or any part thereof, and includes all railway lines, stations, depots, wharves, rolling stock, equipment, stores, real and personal property and works connected with a railway and any bridge, tunnel or other structure and any crossings used by a railway;
- (h) “railway company” means a corporation that operates or intends to operate a railway and is entitled to carry on business in the Province;
- (i) “railway inspector” means a railway inspector appointed pursuant to this Act;
- (j) “railway line” means the land, bed, road, structures and track on which a railway may be operated, and includes any part thereof;

(k) “railway rules” means railway rules made by a railway company and approved by the Minister pursuant to this Act;

(l) “railway service” means the public carriage of passengers or freight on a railway and includes any service offered by a railway company in connection with such carriage;

(m) “right of way” means the land occupied by a railway but does not include land that is not contiguous to a railway line. 1993, c. 11, s. 3; 2001, c. 12, s. 26; 2014, c. 57, s. 1.

Application of Act

4 This Act applies to all railways, railway companies and railway services within the legislative authority of the Province but does not apply to an industrial railway. 1993, c. 11, s. 4.

Supervision of Act

5 The Minister has the general supervision and management of this Act. 1993, c. 11, s. 5.

Personnel and professional services

6 (1) Subject to this Act and the regulations, such railway inspectors and other personnel as are necessary or advisable for the administration of this Act and the regulations shall be appointed in accordance with the *Civil Service Act*.

(2) The Minister may engage the services of professional persons, technical persons and experts to advise the Minister, upon such terms and conditions as the Minister deems fit. 1993, c. 11, s. 6.

Delegation of Minister's powers

7 The Minister may delegate any of the powers and duties of the Minister to the Board or to any person. 1993, c. 11, s. 7.

Agreements and inspectors

8 (1) The Minister may enter into any agreement with the Government of Canada or with any federal regulatory authority, person or class of persons for the better administration of this Act and the regulation of railway safety, accident investigation and railway crossings, and such agreement has the force of law as if enacted by the Legislature.

(2) The Minister may appoint any person as a railway inspector including railway safety inspectors appointed pursuant to the *Railway Safety Act* (Canada), and such an inspector has all of the powers and duties of a railway inspector pursuant to this Act. 2001, c. 12, s. 27.

Construction of railway line

9 No person shall construct or alter a railway line except in accordance with the regulations. 1993, c. 11, s. 9; 2001, c. 12, s. 28.

Notice of proposed work

10 (1) *repealed 2001, c. 12, s. 29.*

(2) A railway company applying to construct or alter a railway line shall give notice of the proposed construction or alteration in accordance with the regulations.

(3) *repealed 2001, c. 12, s. 29.*

(4) *repealed 2001, c. 12, s. 29.*

1993, c. 11, s. 10; 1995-96, c. 27, s. 1; 2001, c. 12, s. 29.

Connection to another railway

11 (1) No railway may connect with another railway except in accordance with the regulations.

(2) No railway may be operated after connection to another railway until it has been inspected by a railway inspector. 2001, c. 12, s. 30.

Crossings

12 (1) In this Section, “road crossings” and “utility crossings” have the same meaning as in the *Canada Transportation Act*.

(2) Subject to the *Canada Transportation Act*, every decision, order, rule, regulation and direction made by the Canadian Transportation Agency or any predecessor thereof in relation to road crossings and utility crossings continues to apply to those crossings, even though the crossings have passed from federal to Provincial jurisdiction, until the decisions, orders, rules, regulations or directions are revoked or amended by the Canadian Transportation Agency or under this Act. 2001, c. 12, s. 30.

13 *repealed 2001, c. 12, s.30.*

Operation of railway service

14 No person shall operate a railway service except in accordance with a licence, the regulations and the railway rules approved by the Minister. 1993, c. 11, s. 14; 1995-96, c. 27, s. 3.

15 *repealed 2001, c. 12, s. 31.*

Licence to operate railway service

16 (1) Upon application by a railway company to the Board in the prescribed manner and upon such consideration by the Board as may be prescribed, the Board may issue a licence to the railway company to operate the railway service specified in the licence.

(2) A licence shall be issued subject to such terms and conditions as may be prescribed and the Board may determine.

(3) A licence may authorize the operation of a railway service over a railway line not belonging to the licence holder, whether or not any other railway company is authorized to operate over that line.

(4) For greater certainty, nothing in subsection (3) authorizes the operation of a railway service over a railway line without the permission of the owner of the railway line.

(5) A licence is not transferable to any other railway company or to any other person except as permitted by the regulations and authorized by the Board. 1993, c. 11, s. 16.

Duties of applicant and licence holder

17 (1) An applicant for a licence shall submit to the Board, in accordance with the regulations, proof satisfactory to the Board that the applicant

- (a) meets prescribed required safety standards;
- (b) has obtained prescribed insurance coverage; and
- (c) has the financial viability to operate the railway service applied for.

(2) A licence holder shall continue to meet required safety standards and maintain prescribed insurance coverage and financial viability for the duration of the licence. 1993, c. 11, s. 17; 1995-96, c. 27, s. 4.

Inspection before issuance of licence

18 (1) The Board shall not issue a licence to operate a railway service over a railway line until the proposed railway and proposed railway service have been inspected by a railway inspector.

(2) The Board shall not issue a licence to operate a railway service over a newly constructed or altered railway line until that line and its connections have been inspected by a railway inspector. 1993, c. 11, s. 18; 2001, c. 12, s. 32.

Amendment of licence

19 Upon application by a railway company to the Board in the prescribed manner and upon such consideration by the Board as may be prescribed or,

where prescribed, upon the motion of the Board, the Board may amend a licence as may be prescribed. 1993, c. 11, s. 19.

Renewal of licence

20 Upon payment of the prescribed fee, a licence shall be automatically renewed, unless the Board determines otherwise. 1993, c. 11, s. 20.

Suspension or revocation of licence

21 The Board may at any time suspend or revoke a licence or any part thereof for failure to comply with this Act, the regulations or the terms and conditions of the licence. 1993, c. 11, s. 21.

Safe operation of railway

22 A railway company shall operate the railway company's railway safely and maintain it in a safe condition according to the regulations and industry standards. 1993, c. 11, s. 22; 2001, c. 12, s. 33.

Railway rules

23 (1) The Minister may, by order, require a railway company to

(a) make railway rules relating to the operation or maintenance of the railway as specified in the order, where there are no prescribed requirements respecting the subject-matter so specified;

(b) revise such rules in a manner specified in the order,

and to file with the Minister for approval, within a period specified in the order, the rules so made or revised.

(2) The Minister may approve the railway rules if the Minister is satisfied that the rules provide for safe railway operations and adequate maintenance practices.

(3) Upon approval by the Minister, the railway rules are binding on the railway company. 1993, c. 11, s. 23.

Safe operation of crossing

24 (1) A person responsible for a crossing shall operate that crossing safely and maintain it in a safe condition.

(2) *repealed 2001, c. 12, s. 34.*

1993, c. 11, s. 24; 1995-96, c. 27, s. 5; 2001, c. 12, s. 34.

Rates and conditions of carriage

25 Subject to this Act and the regulations, a railway company may determine the rates it charges for, and the conditions associated with the movement of traffic on, its railway. 1993, c. 11, s. 25.

Reasonable accommodation respecting freight

26 (1) A railway company shall make reasonable accommodation for

(a) the receiving, loading, carriage, delivery and unloading of all traffic of goods of the kind it is required to move under its licence;

(b) the interchange between its railway and other railways, including railways not subject to the legislative authority of the Province, without delay or disadvantage, of all traffic of goods of the kind it is required to move under its licence; and

(c) the return of rolling stock to its owner.

(2) The Board may, by order, waive any of the requirements of clause (a) of subsection (1) upon application of a railway company.

(3) Upon application and where the Board considers it appropriate, the Board may revoke the order referred to in subsection (2), in whole or in part, or may amend or vary the order. 1993, c. 11, s. 26.

Provision of tariff

27 (1) *repealed 2001, c. 12, s. 35.*

(2) Upon the request of a prospective passenger or shipper, a railway company shall, in the prescribed manner, provide its tariff upon request to the prospective passenger or shipper, respectively. 1993, c. 11, s. 27; 2001, c. 12, s. 35.

Restriction or limitation of liability

28 (1) A railway company may not limit or restrict its liability to passengers except as permitted by its licence.

(2) A railway company may not limit or restrict its liability to a shipper with respect to the carriage of goods of the shipper except as permitted by the regulations or its licence or by written agreement between the railway company and the shipper. 1993, c. 11, s. 28.

Confidential contracts with shippers

29 A railway company and a shipper may enter into a contract that the parties agree to keep confidential respecting

(a) the rate to be charged by the company for the movement of traffic as set out in the contract;

(b) reductions, allowances or rebates pertaining to rates set out in previous tariffs or confidential contracts for the movement of traffic by the railway company;

(c) any conditions with respect to the movement of traffic by the railway company;

(d) the manner in which the obligations of the railway company as a carrier under subsection (1) of Section 26 will be fulfilled, including limiting those obligations. 1993, c. 11, s. 29.

Order for interconnection

30 Where

(a) the railway line of one railway company is intersected or crossed by the railway line of another railway company;

(b) a railway company desires to make its railway line intersect or cross those of another railway company; or

(c) the railway lines of two different railway companies run through or into the same industrial area, city, town or village,

the Board may, on the application by a railway company or other interested person, order that

(d) the lines of those railways be connected, at or near the point of intersection or crossing or in or near that industrial area, city, town or village, so as to permit, subject to any requirements prescribed in respect of this Section,

(i) the convenient transfer of traffic, other than passengers, between the railways of the railway companies, and

(ii) the reasonable receiving, carrying and delivering and, where applicable, interswitching of traffic, other than passengers, between the railways;

(e) the connection be maintained and available for use; and

(f) the cost of making and maintaining the connection be borne by such persons in such proportions as the Board may determine. 1993, c. 11, s. 30.

Right to enter land to maintain safe operation

31 The servants and agents of a railway company may enter upon land not belonging to the railway company and remove from that land anything, including trees and brush, that might, by obscuring clear vision of a road or a railway line, constitute a threat to safe railway operations. 1993, c. 11, s. 31.

Right to enter land because of accident

32 (1) The servants and agents of a railway company may, because of a railway accident, enter upon land not belonging to the railway company if necessary or if no other course of action is practical.

(2) Where entry upon land is made pursuant to subsection (1), the railway company shall restore the land, or cause it to be restored, to its original state, so far as is practicable. 1993, c. 11, s. 32.

Regard for safety

33 In determining for the purposes of this Act whether railway operations are safe railway operations, or whether an act, practice or thing constitutes a threat to safe railway operations, regard shall be had not only to the safety of persons and property transported by railways but also to the safety of other persons and other property. 1993, c. 11, s. 33; 1995-96, c. 27; s. 6.

Duty of inspector

34 A railway inspector shall, in accordance with the regulations, inspect the railway, any crossing or any non-rail work affecting the safety of the railway or its operations or review the railway's operations and may make any orders necessary in the interests of safety. 1993, c. 11, s. 34.

Inspection

- 35 (1)** Where the Minister
- (a) receives a complaint about the state of repair of a railway, any crossing or any non-rail works affecting the safety of the railway or its operations or about the safety of a railway's operations; or
 - (b) for any reason considers an inspection of a railway, crossing or non-rail work affecting the safety of the railway or its operations or a review of a railway's operations to be necessary,

the Minister may direct a railway inspector to examine the railway and provide a report to the Minister with respect to the state of repair of the railway, the crossing or the non-rail work, or the state of the railway's operations, as the case may be.

(2) Where as a result of the examination of a railway, crossing or non-rail work conducted pursuant to subsection (1) or review of a railway's operations, an inspector is of the opinion that the railway, crossing or non-rail work or the railway's operations are unsafe, the inspector shall immediately advise the Minister and give notice to the railway, or person responsible for the crossing or non-rail work, as the case may be, of that fact.

(3) On being advised pursuant to subsection (2), the Minister may, by order, prohibit or limit the operation of the railway, crossing or non-rail work and require any repairs or other remedial action that the Minister considers necessary to render it safe.

(4) The Minister shall permit the operation of the railway, crossing or non-rail work when the Minister is satisfied that it is safe and adequate for the intended use and that the railway's operations are safe.

(5) The costs for the inspection may be recovered from any railway company, company or person by Her Majesty in right of the Province. 1993, c. 11, s. 35; 1995-96, c. 27, s. 7; 2001, c. 12, s. 36.

Investigation

36 The Minister may cause an investigation to be made relating to any matter or thing respecting a railway. 1993, c. 11, s. 36.

Emergency directive

37 (1) The Minister may issue any emergency directives the Minister considers necessary, where the Minister is of the opinion that a particular railway, crossing or non-rail work poses an immediate threat to safe railway operations or a particular railway's operations pose an immediate threat to safety.

(2) Such emergency directives shall be in force for a period of time no longer than six months and may be renewed before the expiration of the period during which the directive has effect, for a further period of no longer than six months, by notice to the railway company or person responsible for the crossing or non-rail work.

(3) The Minister may, by notice sent to the railway company or person responsible for the crossing or non-rail work, rescind an emergency directive prior to the expiry of such directive.

(4) Where there is an inconsistency between the emergency directive or any prescribed requirement of this Act or railway rules, the emergency directive prevails. 1993, c. 11, s. 37.

Inquiry

38 (1) The Minister may cause to be held, in accordance with the regulations, an inquiry relating to any matters or issues relating to this Act or the regulations and may order the Board or appoint any person to conduct such inquiry and report back to the Minister.

(2) A person conducting an inquiry pursuant to subsection (1) has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

(3) The Minister may make any orders the Minister deems necessary as a result of the inquiry. 1993, c. 11, s. 38.

Complaint to or arbitration by Board

39 (1) The Board may inquire into, hear and determine a complaint concerning any act, matter or thing prohibited, sanctioned or required to be done under this Act.

(2) Upon application of the parties, the Board may accept to act as arbitrator to any dispute concerning any act, matter or thing prohibited, sanctioned or required to be done under this Act.

(3) Where the Board accepts to act as arbitrator pursuant to subsection (2), the parties shall pay the costs of the arbitrator. 1993, c. 11, s. 39; 2001, c. 12, s. 37.

Conversion to court order

40 A certified copy of any order or emergency directive of the Minister, or any order of the Board or of an inspector made pursuant to this Act may be filed in the office of a prothonotary of the Supreme Court and on filing is enforceable in the same manner as a judgment or order of the court. 1993, c. 11, s. 40.

Discontinuance of service

41 (1) No railway company shall discontinue a railway service until the railway company

(a) gives, in accordance with the regulations, such reasonable notice of the discontinuance as the Board determines; and

(b) files with the Board, in accordance with the regulations, a discontinuance plan approved by the Board.

(2) Upon application to the Board in accordance with the regulations, the Board shall determine the length of notice required pursuant to subsection (1) and may approve a discontinuance plan.

(3) The maximum notice that the Board may require pursuant to subsection (1) is twelve months.

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

(4) Where, as the result of the discontinuance of a railway service, a railway line is no longer being used for any railway service and no railway company applies, within such time as is prescribed, to the Board for a licence to provide a railway service using the railway line, the owner or lessee of the railway line shall, within such time as is prescribed, apply in accordance with Section 42 to abandon the railway line. 1993, c. 11, s. 41; 2001, c. 12, s. 38; 2014, c. 57, s. 2.

Abandonment of railway line

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. 2014, c. 57, s. 3.

Discontinuance dealt with first

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. 2014, c. 57, s. 4.

Mandatory offer to sell to Crown

44 (1) When the Board approves an abandonment plan pursuant to Section 42, the owner or lessee shall offer to sell, lease or otherwise transfer, upon expiry of the period of notice required by that Section, the railway to Her Majesty in right of the Province, through the Minister.

(2) Where the railway company and the Minister cannot agree on a price for the transfer of a railway pursuant to subsection (1), the price is the net salvage value of the railway and the value shall be determined by an agreed upon independent appraiser.

(3) The cost of the appraiser shall be borne equally between the two parties.

(4) If the parties are unable to agree on an independent appraiser to determine the net salvage value, net salvage value shall be determined by arbitration pursuant to the *Arbitration Act*. 1993, c. 11, s. 44; 2001, c. 12, s. 39.

Statistics and reports

45 A railway company shall submit to the Minister such statistics and reports as prescribed. 1993, c. 11, s. 45; 1995-96, c. 27, s. 8.

Agreement by Board

46 The Board may enter into any agreement to carry out any of its functions or duties under this Act. 1993, c. 11, s. 46.

Joint and concurrent sittings

47 (1) The Board, for the purpose of this Act, may authorize a person or body to sit jointly or concurrently with a board established pursuant to an Act of the Parliament of Canada or the legislature of a province of Canada, or a regulation made pursuant thereto.

(2) Where the person or body sits jointly or concurrently with another board pursuant to subsection (1), the person or body may sit outside the Province.

(3) Where the person or body sits jointly with another board pursuant to subsection (1), a decision of the person or body and the other board is and is deemed to be a decision of the person or body.

(4) Where the person or body sits concurrently with another board pursuant to subsection (1), the person or body shall make its own decision at the conclusion of a hearing. 1993, c. 11, s. 47; 2001, c. 12, s. 40.

Regulations

48 (1) The Governor in Council may make regulations respecting any matter or thing which in the opinion of the Governor in Council is necessary to carry out effectively the intent and purpose of this Act and, without limiting the generality of the foregoing,

- (a) respecting permits and licences, including fees therefor;
- (b) respecting the interconnection of railway lines;
- (c) respecting railway companies' running rights over the railway lines of other railway companies and respecting joint track usage;
- (d) respecting the construction or alteration of railway lines;
- (e) respecting the approval of newly constructed or altered railway lines;
- (f) respecting the filing and publication of passenger and freight tariffs;
- (g) designating an enactment that is not to apply to the right of way or a part of the right of way of a railway;
- (h) respecting discontinuance of railway services and abandonment of railway lines;

- (i) respecting the inspection of railways by railway inspectors, including the amount and allocation of costs relating to their services;
- (j) authorizing the entry by railway inspectors into railway premises for the purpose of enforcing this Act and the regulations;
- (k) respecting the orders of a railway inspector, including compliance with such orders within such time as the inspector deems necessary;
- (l) authorizing search and seizure of the property of a railway company for the purpose of enforcing this Act and the regulations;
- (m) requiring railway companies to undertake periodic track and equipment inspection by qualified persons;
- (n) requiring a railway company to file, at such times as the regulations prescribe, a certificate of a professional engineer, in a form acceptable to the Minister, certifying that the railway is safe and adequate for the railway operations;
- (o) requiring an annual inspection report to the Minister from railway companies;
- (p) respecting safety, including non-railway operations affecting safety, such as the setback of buildings from the right of way, the behaviour of passengers and the conditions of carriage of passengers and their baggage and freight;
- (q) respecting insurance requirements;
- (r) respecting the protection and maintenance of rights of way in accordance with standards and prescribing those standards;
- (s) prohibiting or restricting the transportation of dangerous goods or a class thereof;
- (t) establishing equipment standards;
- (u) establishing maintenance requirements for railways;
- (v) respecting the qualifications of personnel;
- (w) respecting the reporting of accidents;
- (x) respecting investigations and inquiries;
- (y) respecting the operation of railways;
- (z) respecting crossings, including the apportionment of costs;
- (aa) respecting fences;

(ab) respecting interfacing with established or proposed works and utilities;

(ac) respecting railway operating and maintenance rules;

(ad) requiring a railway company to provide reasonable and adequate access to a railway service or railway line and defining such access;

(ae) determining the extent to which a railway company's liability may be limited, including the terms and conditions of the limitation, with respect to the carriage of goods in the absence of an agreement between the railway company and the shipper with respect thereto;

(af) respecting returns and statistics from railway companies;

(ag) respecting the resolution by a railway company of complaints to the railway company;

(ah) respecting any hearing;

(ai) defining any word or expression used and not defined in the Act and enlarging or restricting any definition found therein and, without restricting the generality of the foregoing, enlarging or restricting the definition of "railway service";

(aj) respecting any matter or thing required or authorized to be prescribed by this Act;

(ak) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Regulations made pursuant to subsection (1) may be of general application or may apply only to the railway or class of railways specified in the regulations, and there may be different regulations with respect to different railways or different classes of railways.

(3) *repealed 2001, c. 12, s. 41.*

(4) The regulations may incorporate by reference any document as it exists when the regulations are made and may incorporate by reference as amended from time to time

(a) any Act of the Parliament of Canada or regulations made pursuant thereto;

(b) any classification, standard, procedure or other specification.

(4A) Regulations made pursuant to subsection (1) or incorporated pursuant to subsection (4) may contain exemptions, either in whole or in part, for

- (a) a particular railway or class of railways;
- (b) specified railway equipment or a specified railway work; or
- (c) a specified person,

from the application of a specified provision of the regulations.

(5) A regulation made within one year of this Act coming into force may, if it so provides, be made retroactive in its operation to a day not earlier than the first day of October, 1993.

(6) The exercise by the Governor in Council of the authority contained in this Section shall be regulations within the meaning of the *Regulations Act*. 1993, c. 11, s. 48; 1995-96, c. 27, s. 9; 2001, c. 12, ss. 41, 46.

Offence and penalty

49 (1) Every person who contravenes this Act, the regulations, an agreement having by this Act the force of law, the terms and conditions of a permit or licence or an order or emergency directive of the Minister or an inspector pursuant to this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than two hundred thousand dollars or to imprisonment for not more than one year, or to both fine and imprisonment.

(2) Every director or officer of a corporation who authorized, permitted or acquiesced in the offence is guilty of an offence and liable on summary conviction to the penalties provided for the offence whether or not the corporation has been prosecuted or convicted.

(3) Where an offence under this Section is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued. 1993, c. 11, s. 49; 1995-96, c. 27, s. 10; 2001, c. 12, s. 42.

Application of Dangerous Goods Transportation Act

50 The *Dangerous Goods Transportation Act* and the regulations made pursuant thereto apply *mutatis mutandis* to a railway company that has been issued a licence or permit pursuant to this Act. 1993, c. 11, s. 50.

Application of other enactments

51 The *Municipal Government Act* and any prescribed enactment does not apply to the right of way of a railway. 2001, c. 12, s. 43.

Cape Breton & Central Nova Scotia Railway Limited

52 (1) The agreement dated the thirtieth day of September, 1993, between Her Majesty in right of the Province, represented by the Minister, and the Cape Breton & Central Nova Scotia Railway Limited and subsequent amendments

is deemed to be a licence issued pursuant to this Act and, for greater certainty, is subject to the Act and regulations.

(2) Notwithstanding any enactment, including this Act and the *Assessment Act*, between the first day of October, 1993, and the thirty-first day of March, 1996, inclusive, the Cape Breton & Central Nova Scotia Railway Limited shall, in lieu of the real property and business occupancy taxes payable pursuant to the *Assessment Act*, pay taxes to municipalities in respect of the real property acquired from Canadian National Railways, as a result of the sale to the Cape Breton & Central Nova Scotia Railway Limited by Canadian National Railways of the railway from Truro to Sydney, in the same amount as the grants in lieu of property taxes that would be paid by Canadian National Railways in respect of that real property if Canadian National Railways had not transferred the real property, and the *Assessment Act* applies *mutatis mutandis* thereto. 1993, c. 11, s. 52; 2001, c. 12, s. 44.

Windsor & Hantsport Railway Company Limited

52A The agreement dated the thirtieth day of May, 1994, between Her Majesty in right of the Province, represented by the Minister, and the Windsor & Hantsport Railway Company Limited is deemed to be a licence issued pursuant to this Act and, for greater certainty, is subject to the Act and regulations. 1995-96, c. 27, s. 11.

52B *repealed 2001, c.12, s. 46.*

53 *repealed 2001, c.12, s. 45.*

Repeal

54 Chapter 383 of the Revised Statutes, 1989, the *Railways Act*, is repealed. 1993, c. 11, s. 54.

Effective date

55 This Act has effect on, from and after the first day of October, 1993, upon the Governor in Council so ordering and declaring by proclamation and shall accordingly be read, construed, interpreted and given effect on, from and after that date. 1993, c. 11, s. 55.

Proclaimed - November 30, 2001
In force - October 1, 1993
