

Link Nova Scotia Act

CHAPTER 23 OF THE ACTS OF 2021

as amended by

2025, c. 10, ss. 2-20



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CHAPTER 23 OF THE ACTS OF 2021
amended 2025, c. 10, ss. 2-20

An Act to Establish Link Nova Scotia

title *amended 2025, c. 10, s. 2.*

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Short title

1 This Act may be cited as the *Link Nova Scotia Act*. 2021, c. 23, s. 1; 2025, c. 10, s. 3.

Purpose of Act

1A The purpose of this Act is to

- (a) address transportation issues and opportunities in keeping with the Province's population growth and regional development;
- (b) ensure collaboration, including with partners and municipalities, in addressing transportation issues for the public good;
- (c) provide the Minister with order-making authority with respect to transportation projects in municipalities; and
- (d) establish Link Nova Scotia. 2025, c. 10, s. 4.

Interpretation

2 In this Act,

“Advisory Board” means the Advisory Board of the Agency;

“Agency” means Link Nova Scotia established under Section 4;

“Deputy Minister” means the Deputy Minister appointed by the Governor in Council for the purpose of this Act;

“Minister” means the Minister of Public Works;

“municipality” means a regional municipality, town or municipality of a county or district;

“Region” means the Halifax Regional Municipality and includes any additional areas or municipalities prescribed by the Minister;

“regional transportation plan” means the regional transportation plan required under Section 26;

“regional transportation system” means a system in the Region for the movement of people and goods by any means, and includes freeway, arterial and collector roadways and associated bridges, harbour crossings, rail corridors, frequent, rapid and regional transit service and regional active transportation links;

“transportation project” means any project that the Agency is authorized to undertake, including a highway, a roadway, a bridge, a transit facility, a transit service, an active transportation facility, traffic management or any other planning, infrastructure, program or policy project for transportation purposes. 2025, c. 10, s. 5.

Supervision and management of Act

3 The Minister has the general supervision and management of this Act. 2021, c. 23, s. 3.

Link Nova Scotia

4 (1) There is hereby established as a body corporate a transportation agency to be known as Link Nova Scotia.

(2) The Agency is a crown corporation within the meaning of the *Finance Act*.

(3) The Minister is the sole shareholder of the Agency. 2021, c. 23, s. 4; 2025, c. 10, s. 6.

Objects of Agency

5 The objects of the Agency are to

(a) conduct comprehensive reviews of all aspects of transportation associated with the Region including roads, bridges, highways, bike lanes, buses, ferries, rail, airports and ports for the purpose of creating a regional transportation plan to ensure

(i) a regional approach to transportation consistent with Government priorities and the Region's growth and development, and

(ii) the safe, efficient and coordinated movement of people and goods;

(b) promote and facilitate coordinated decision-making in the Region across all levels of government respecting transportation planning, including policies, programs, projects and other initiatives;

(c) coordinate, plan, develop and implement, in co-operation with all levels of government, a regional transportation system for the movement of people and goods to support sustainable growth in the Region;

(d) promote and facilitate the identification, protection and preservation of transportation corridors; and

(e) conduct any other activities deemed necessary to fulfill the intent of this Act in accordance with the regulations. 2025, c. 10, s. 7.

Agency not responsible

5A Except as otherwise provided under this or any other Act, the Agency is not responsible for

(a) the construction, operation, maintenance or management of any municipal highway, provincial highway, public or private road or crossing, including any bridges thereon, except to the extent that the Agency has responsibility under the regional transportation plan to do so;

(b) operating a public transportation service within a municipality; or

(c) any other matter prescribed by the Governor in Council in the regulations. 2025, c. 10, s. 7.

Powers of Agency

5B (1) The Agency has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(2) The Agency may do such things necessary for or incidental to the effective attainment of its objects and exercise of its powers, including

- (a) acquiring, constructing and maintaining any assets, facilities and other real or personal property required for the regional transportation system;
- (b) owning, managing or operating transit services as required for the regional transportation system;
- (c) planning, designing, building, developing, buying, acquiring, holding, managing, improving, remediating, leasing, disposing of and otherwise dealing with any real or personal property or any interest therein in support of or to facilitate the development, construction or operation of the regional transportation system;
- (d) preparing and implementing strategic, service, capital and operational plans for the regional transportation system;
- (e) delivering, in whole or in part, any programs on behalf of the Minister as the Minister may direct, including the granting and receiving of funding for transportation initiatives, including community-based transportation programs;
- (f) negotiating agreements with all levels of government for funding of the capital and operating costs of maintaining, improving or expanding the regional transportation system;
- (g) paying the costs, charges and expenses preliminary and incidental to the formation and establishment of the Agency;
- (h) subject to this Act and the regulations, entering into agreements with any person or body, including governmental entities;
- (i) doing such other things as may be incidental or conducive to carrying into effect the purpose and intent of this Act or the regulations; and
- (j) pursuing such other activities as may be prescribed by the Governor in Council in the regulations. 2025, c. 10, s. 7.

Transportation project

5C With the approval of the Governor in Council, the Agency may plan, design, construct, maintain and operate a transportation project in the Region. 2025, c. 10, s. 7.

Investigation of need for transportation project

5D The Minister may request the Agency to investigate the present or future need of a transportation project in the Region, and the Agency shall

- (a) conduct such investigations and studies as it considers advisable respecting
 - (i) the need for or advisability of the transportation project,
 - (ii) the proper location of the transportation project,
 - (iii) the manner or method of financing and operating the transportation project,

- (iv) the probable cost of acquiring lands for the purpose of the transportation project and the cost of constructing the transportation project,
- (v) conformity with the regional transportation plan,
- (vi) conformity with land-use planning, housing and transit-supportive development, and
- (vii) any other matter related to the construction, operation, maintenance or financing of the transportation project that the Agency considers relevant;
- (b) for the purpose of conducting investigations and studies, engage expert or technical assistance;
- (c) defray the cost of its investigations and studies out of the ordinary revenue of the Agency; and
- (d) make reports and recommendations to the Minister. 2025, c. 10, s. 7.

Management and control of Agency

6 The management and control of the affairs of the Agency are vested in the Minister and the Minister may, subject to this Act and the regulations, exercise the powers of the Agency. 2021, c. 23, s. 6; 2025, c. 10, s. 8.

Order

- 7**
- (1)** The Minister may order a municipality to
 - (a) do anything required by this Act;
 - (b) build, change, reconfigure or remove transportation infrastructure within the municipality; and
 - (c) do anything necessary or desirable in the interest of the safe, efficient and coordinated movement of people and goods.
 - (2)** An order made under this Section must be consistent with the intent of this Act and in accordance with the regulations.
 - (3)** The Minister may require a municipality to comply with an order made under this Section within a reasonable time specified in the order.
 - (4)** The cost of any work undertaken under subsection (1) shall be apportioned between the municipality and the Crown in right of the Province in the manner agreed upon by them.
 - (5)** Where no agreement is reached under subsection (4) within a reasonable period of time, the Minister may determine the apportionment of the cost of any work undertaken under subsection (1).
 - (6)** Where the Minister orders a municipality to build, change, reconfigure or remove transportation infrastructure under subsection (1) and the municipality does not comply within the time specified in the order, the Minister, or any person acting by or under the Minister's authority, may build, change, reconfig-

ure or remove the transportation infrastructure in such manner as the Minister deems expedient.

(7) The cost of any work completed under subsection (6) is a debt owed by the municipality to the Crown in right of the Province and may be recovered in any court of competent jurisdiction at the discretion of the Minister.

(8) Notwithstanding subsection (7), no municipality incurs any cost or owes any debt for any work undertaken under subsection (6) within the first 12 months of the coming into force of this Section. 2025, c. 10, s. 9.

Notification and consultation

8 Notwithstanding Section 519 of the *Municipal Government Act*, the Minister of Municipal Affairs is not required to notify the Nova Scotia Federation of Municipalities with respect to any ministerial action taken pursuant to this Act, but the Minister of Municipal Affairs shall make reasonable efforts to consult the Nova Scotia Federation of Municipalities and municipalities impacted by ministerial action taken pursuant to this Act. 2025, c. 10, s. 9.

Consistency with regional transportation plan

9 A municipality's resolutions, regulations, by-laws and policies, and other acts or matters of a municipality, related to transportation must be reasonably consistent with the approved regional transportation plan. 2025, c. 10, s. 9.

Chief Executive Officer

10 (1) The Governor in Council shall appoint a Chief Executive Officer of the Agency.

(2) The Chief Executive Officer reports to the Deputy Minister.

(3) The Chief Executive Officer shall perform such duties as the Minister may determine. 2025, c. 10, s. 9.

Advisory Board

11 The Agency has an Advisory Board that provides advice and recommendations to further the Agency's objects. 2025, c. 10, s. 9.

Advisory Board members

12 (1) The Advisory Board consists of not less than seven and not more than 15 members appointed by the Governor in Council.

(2) Advisory Board members hold office for such period of time as determined by the Governor in Council.

(3) The Deputy Minister or a person designated in writing by the Deputy Minister and the Chief Executive Officer may attend meetings of the Advisory Board, but the Deputy Minister or the Deputy Minister's designate and the Chief Executive Officer are not members of the Advisory Board and may not vote at meetings of the Advisory Board. 2025, c. 10, s. 9.

Chair and Vice-chair of Advisory Board

12A The Governor in Council shall appoint a Chair and Vice-chair of the Advisory Board, who hold office for such period of time as determined by the Governor in Council. 2025, c. 10, s. 9.

Consultants

12B The Agency may retain consultants, who report to the Chief Executive Officer, as it deems necessary to carry out its objectives. 2025, c. 10, s. 9.

By-laws and policies

13 The Minister may make by-laws and policies, not inconsistent with this Act, for the Agency's internal organization and the regulation of its operations. 2021, c. 23, s. 13; 2025, c. 10, s. 10.

Policy directions

14 (1) The Minister may issue such policy directions to the Advisory Board as are consistent with this Act and the strategic transportation objectives of the Government if, in the opinion of the Minister, it is in the public interest to do so.

(2) The Advisory Board shall comply with any policy directions issued under subsection (1). 2021, c. 23, s. 14; 2025, c. 10, s. 11.

Quorum

15 A majority of the Advisory Board members constitutes a quorum. 2021, c. 23, s. 15; 2025, c. 10, s. 11.

Vacancy on Advisory Board

16 (1) A vacancy on the Advisory Board does not impair the right of the remaining Advisory Board members to Act.

(2) Where a person ceases to be a Advisory Board member or is unable to act prior to the expiration of the Advisory Board member's term of office, the Governor in Council may fill the vacancy by appointment in accordance with Section 12. 2021, c. 23, s. 16; 2025, c. 10, ss. 11, 12.

Remuneration and expenses of Advisory Board members

17 Each Advisory Board member is entitled to receive such remuneration and reasonable expenses as determined by the Governor in Council. 2021, c. 23, s. 17; 2025, c. 10, s. 11.

Application of Conflict of Interest Act

18 The Advisory Board is a department for the purpose of the definition of "department" in the *Conflict of Interest Act* and, for greater certainty, Section 22 of that Act applies to Advisory Board members. 2021, c. 23, s. 18; 2025, c. 10, s. 11.

Technical Advisory Committee

19 (1) The Advisory Board may appoint a Technical Advisory Committee, consisting of internal and external partners, that reports to the Advisory Board on any considerations the Committee deems necessary to meet the objects of the Agency.

(2) The Technical Advisory Committee appointed under subsection (1) may include representatives from

- (a) the Halifax Regional Municipality;
- (b) other municipalities;
- (c) the Halifax Port Authority;
- (d) the Halifax International Airport Authority;
- (e) Halifax Harbour Bridges;
- (f) the Atlantic Canada Opportunities Agency;
- (g) the Department of Public Works; and
- (h) any other entity the Advisory Board deems necessary.

2025, c. 10, s. 13.

Advisory committees

19A (1) Subject to the approval of the Deputy Minister, the Advisory Board may appoint other advisory committees that report to the Advisory Board on any considerations deemed necessary to meet the objects of the Agency.

(2) Advisory committees may make recommendations to the Advisory Board but the Advisory Board and the Minister are not bound by any recommendation of an advisory committee. 2025, c. 10, s. 13.

Application of Freedom of Information and Protection of Privacy Act

20 The Agency is a public body as defined in the *Freedom of Information and Protection of Privacy Act* for the purpose of that Act. 2021, c. 23, s. 20.

Civil Service Act applies to Agency and Advisory Board

20A Section 44A of the *Civil Service Act* applies with necessary changes to the Agency and the Advisory Board. 2025, c. 10, s. 14.

Certain Acts do not apply to employees

20B The *Civil Service Act* and the regulations made under that Act and the *Civil Service Collective Bargaining Act* do not apply to employees of the Agency. 2025, c. 10, s. 14.

Actions and proceedings against Agency

20C (1) The *Proceedings against the Crown Act* applies to actions and proceedings against the Agency.

(2) For the purpose of this Section, a reference in the *Proceedings against the Crown Act* to

- (a) the Crown is to be construed as a reference to the Agency; and
- (b) the General Revenue Fund of the Province is to be construed as a reference to the funds of the Agency.

(3) In proceedings under this Section, an action must be brought against the Agency in the name of the Agency.

(4) Where a document or notice is to be served upon or given to the Agency pursuant to this Section or the *Proceedings against the Crown Act*, it may be served by delivering a copy to the office of the Attorney General or the Deputy Attorney General or any other lawyer employed in the Department of the Attorney General or by delivering a copy to a lawyer designated for that purpose by the Attorney General and such service is deemed to be service on the Agency. 2025, c. 10, s. 14.

Duties of members

21 Each Advisory Board and advisory committee member shall, when exercising the powers or performing the duties of the member's position,

- (a) act honestly and in good faith with a view to the best interests of the Agency;
- (b) exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances; and
- (c) act in accordance with this Act and the regulations. 2025, c. 10, s. 15.

Taxation

22 The Agency, its property and its assets are not subject to taxation. 2025, c. 10, s. 15.

Fiscal year of Agency

23 The fiscal year of the Agency is the same as the fiscal year of the Province. 2021, c. 23, s. 23.

Accounting, auditing and revenue of Agency

24 (1) The system of accounting and the books and records of the Agency are subject to the approval of the Minister of Finance and Treasury Board and to audit by the Auditor General.

(2) Subject to subsection (3) and the *Finance Act*, revenue of the Agency from any source may be retained by the Agency to be used for the attainment of its objects.

(3) Where the Agency sells real property for monetary consideration, the net monetary proceeds of the sale must be deposited in the General Revenue Fund. 2021, c. 23, s. 24.

Annual business plan

25 (1) Annually as required by the Minister, the Agency shall submit to the Minister for approval a detailed business plan for the following fiscal year, including estimates of budgetary requirements, for the operation of the Agency.

(2) The business plan must contain such information as required by the Minister. 2021, c. 23, s. 25; 2025, c. 10, s. 16.

Multi-year strategic plan

25A When required by the Minister, the Agency shall submit to the Minister for approval a multi-year strategic plan for the operation of the Agency. 2025, c. 10, s. 17.

Regional transportation plan

26 (1) As required by the Minister, the Agency shall submit to the Minister for approval a regional transportation plan to improve the flow of people and goods in and out of the Region, factoring in all aspects of transportation.

(2) The Minister shall submit the regional transportation plan required by subsection (1) to the Governor in Council for approval.

(3) The Agency shall review the regional transportation plan on an ongoing basis and update the regional transportation plan as required by the Minister. 2025, c. 10, s. 18.

Annual report

27 (1) The Agency shall submit to the Minister an annual report, on or before such date as directed by the Minister of each calendar year, outlining its progress and work with respect to its mandate.

(2) The Minister shall submit the annual report required by subsection (1) to the Governor in Council for approval. 2021, c. 23, s. 27; 2025, c. 10, s. 19.

Ministerial regulations

28 (1) The Minister may make regulations prescribing additional areas or municipalities to be included in the Region.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2025, c. 10, s. 20.

Governor in Council regulations

28A (1) The Governor in Council may make regulations

- (a) respecting the governance of the Agency;
- (b) changing the name of the Agency;
- (c) respecting the regional transportation system, including any transit service;
- (d) respecting the powers of the Agency to acquire, sell or otherwise dispose of assets, including real and personal property and infrastructure;
- (e) respecting reporting requirements;
- (f) respecting traffic by-laws, including with respect to electronic enforcement and traffic calming;
- (g) prescribing matters the Agency is not responsible for under Section 5A;
- (h) setting criteria and factors to be considered by the Minister when issuing orders under Section 7;

(i) prescribing matters to be included in the annual plans and reports required by Sections 25 and 27;

(j) respecting any matter authorized by this Act to be done by regulation;

(k) defining any word or expression used but not defined in this Act;

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

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2025, c. 10, s. 20.

Effective date

29 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2021, c. 23, s. 29.

Proclaimed - March 17, 2022
In force - March 17, 2022
