

# **Business Electronic Filing Act**

CHAPTER 3 OF THE ACTS OF 1995-96

*as amended by*

1998, c. 8, s. 2; 2006, c. 16, ss. 2, 3



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CHAPTER 3 OF THE ACTS OF 1995-96  
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**An Act to Enable  
Information to be Filed  
Electronically by Business**

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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 *Business Electronic Filing Act*. 1995-96, c. 3, s. 1.

**Purpose of Act**

- 2** The purpose of this Act is to
- (a) enable information and forms to be filed electronically by business;
  - (b) establish a system of business identifiers;
  - (c) establish a unified database to provide access to information required to be maintained under designated enactments;
  - (d) permit a person, other than an officer or employee of the Crown, to perform any function or service under a designated enactment;
  - (e) simplify Government regulatory requirements, eliminate duplication in procedures and improve Government organizational arrangements; and
  - (f) enhance the ability of Government to co-operate with other governments or levels of government for greater efficiency and to eliminate unnecessary duplication. 1995-96, c. 3, s. 2.

**Interpretation**

**3** In this Act,

- (a) “business” means
  - (i) a person authorized or entitled to carry on a trade, occupation, profession, service or venture with a view to profit, including a partnership and a limited partnership, and
  - (ii) a society, non-profit corporation or Crown corporation,and, where the context requires, includes a person establishing a business pursuant to a designated enactment;
- (b) “Crown” means His Majesty in right of the Province;
- (c) “designated enactment” means an enactment designated pursuant to this Act;
- (d) “file” means to file, to register, to submit, to deposit, to make an application or to otherwise make available;
- (e) “Minister” means the member of the Executive Council assigned responsibility for the supervision and management of this Act and the regulations;
- (f) “officer”, in relation to the Crown, includes a member of the Executive Council and a servant or employee of the Crown;
- (g) “prescribed” means, except where the context otherwise requires, prescribed pursuant to this Act. 1995-96, c. 3, s. 3; 2006, c. 16, s. 2.

**Designation of enactments**

**4** The Governor in Council may designate any enactment for the purpose of this Act. 1995-96, c. 3, s. 4.

**Filing**

- 5** **(1)** The Governor in Council may make regulations
- (a) authorizing or requiring information that businesses are required to file under this Act or a designated enactment, to be filed and maintained in an electronic or other prescribed format;
  - (b) authorizing or requiring information that businesses are required to file under this Act or a designated enactment, to be filed by direct electronic transmission to an electronic database;
  - (c) authorizing or requiring forms that businesses are required to file under this Act or a designated enactment, to be signed by electronic signature or by signature copied or reproduced in a prescribed manner;
  - (d) authorizing or requiring forms that businesses are required to file under this Act or a designated enactment, to be filed without signatures;
  - (e) prescribing fees for filing information or forms that businesses are required to file under this Act;

(f) prescribing fees for filing information or forms that businesses are required to file under a designated enactment or changing the filing fees prescribed under a designated enactment;

(g) prescribing the electronic format or formats that may be used when information is filed pursuant to this Act or a designated enactment;

(h) governing the time of filing assigned when the information is filed in electronic format or by direct electronic transmission;

(i) designating places where information may be filed in accordance with this Act and areas in respect of which information may be filed;

(j) governing the filing of information that is presented in a prescribed electronic format;

(k) governing the filing of information by direct electronic transmission;

(l) prescribing the effect of the payment of fees or charges electronically where payment is required to accompany a filing;

(m) unifying procedures for businesses to file information under designated enactments;

(n) unifying financial and statistical reporting requirements and procedures for businesses under designated enactments;

(o) prescribing common dates or time periods for businesses to file information or to pay fees, taxes or other charges under designated enactments;

(p) prescribing methods by which businesses may pay fees, taxes or other charges under designated enactments;

(q) prescribing methods for allocating payments made under designated enactments;

(r) requiring renewal of licences or filings pursuant to designated enactments from time to time, with or without conditions;

(s) prescribing information to be provided for the purpose of administering and enforcing this Act and requiring a business to provide that information to the Minister.

**(2)** Where information is filed by direct electronic transmission, the time or date of filing is the time or date assigned in the prescribed manner.

**(3)** A form filed in an electronic form has the same effect for all purposes as if the form were in writing.

**(4)** A form filed pursuant to clause (1)(d) has the same effect for all purposes as if the form were signed by the party or parties that would have been required to sign the form, but for a regulation made pursuant to that clause.

**(5)** A regulation made pursuant to a designated enactment may apply to some or all of the information or documents that may be filed under the designated enactment.

(6) Information filed electronically pursuant to this Act is deemed to be filed for the purpose of the designated enactment.

(7) A regulation made pursuant to subsection (1) may prescribe all the requirements that are necessary in the circumstances to achieve the objective of the regulation, including adjusting the amount of fees that businesses are required to pay under designated enactments.

(8) Nothing in this Section affects a provision in a designated enactment with respect to the maintenance of separate funds or the priority of entitlements to funds under the designated enactment. 1995-96, c. 3, s. 5; 2006, c. 16, s. 3.

### Forms

6 (1) The Governor in Council may, for the purpose of this Act, approve forms that have the same effect as forms prescribed or approved by the Governor in Council under designated enactments.

(2) The Minister may approve forms that have the same effect as forms prescribed or approved by a member of the Executive Council, board or agency under a designated enactment.

(3) Notwithstanding subsections (1) and (2), the Minister may combine forms prescribed or approved under either of those subsections into a single form and may adapt the form as is necessary in the circumstances for the purpose of a designated enactment.

(4) The Governor in Council may make regulations providing for the use of forms that are prescribed or approved pursuant to this Section. 1995-96, c. 3, s. 6.

### Filing and accessing of information

7 (1) Information that businesses are required to file or are authorized to access under a designated enactment may be filed or accessed, as the case may be, by a person who is authorized to do so by the Minister or by a person who is a member of a class of persons that is authorized to do so.

(2) The Minister may attach conditions to an authorization given pursuant to subsection (1). 1995-96, c. 3, s. 7.

### Right to deduct compensation

8 A bank, trust or loan company, credit union or other financial institution prescribed by the regulations or a person referred to in subsection 9(4), that receives a payment of fees, taxes, interest, penalties or other charges under this Act or a designated enactment on behalf of a member of the Executive Council by the debit card, credit card or pre-authorized charge of the institution or person or by such other method of payment acceptable to the Minister of Finance, may deduct from the payment the amount of compensation that the Minister of Finance and the institution or person agree may be deducted. 1995-96, c. 3, s. 8.

**Provision of service**

**9 (1)** The Governor in Council may establish an organization in any department or an agency or a corporation to provide any service under this Act or a designated enactment and provide for all matters necessary to fund, staff and operate the organization, agency or corporation.

**(2)** Where the Governor in Council has made a regulation pursuant to Section 5 unifying procedures for businesses to apply for licences and permits under designated enactments, the Governor in Council may establish a business registration access service to receive the applications and to issue the licences and permits.

**(3)** The Governor in Council may enter into agreements with a municipality, province or government to

(a) provide a service under this Act or a designated enactment in co-operation with that municipality, province or government, either directly or through another person;

(b) operate a business regulation service on behalf of that municipality, province or government for the purpose of this Act.

**(4)** The Minister may appoint an officer of the Crown or enter into an agreement with any other person to perform any function or service under a designated enactment for the purpose of this Act.

**(5)** A person who, pursuant to subsection (4), is appointed or required by an agreement to perform a function or service has the power to perform the function or service mentioned in the appointment or the agreement, as the case may be.

**(6)** A person who, pursuant to an agreement referred to in subsection (4), is required to perform a function or service is deemed not to be an officer of the Crown for the purpose of the function or service. 1995-96, c. 3, s. 9.

**Business identifiers**

**10 (1)** The Governor in Council may establish a system of business identifiers and provide for the manner in which businesses identifiers are assigned to a business or a class of businesses.

**(2)** The Governor in Council may make regulations providing for the use that businesses are required to make of the system of business identifiers.

**(3)** The Minister may enter into agreements providing for the integration of a system of business identifiers established pursuant to this Section with any system of business identification established by a municipality, province or government. 1995-96, c. 3, s. 10.

**Unified database**

**11 (1)** The Governor in Council may establish a unified database for information required to be maintained under designated enactments and provide for the creation of, maintenance of, access to and use of the database.

(2) The Governor in Council may enter into agreements with a municipality, province of Canada or government to adopt common forms, reporting and filing processes with that municipality, province or government or to share databases with the municipality, province or government.

(3) The Minister is responsible for the supervision of a database established pursuant to this Section.

(4) Where the Minister receives information pursuant to this Act or a designated enactment, the Minister may disclose the information

(a) to a member of the Executive Council for the purpose of the administration of a designated enactment, including the updating of a record or database;

(b) to a municipality, province of Canada or government in accordance with an agreement between the municipality, province or government and the Crown;

(c) to a person,

(i) whom the Minister has authorized to access the information in the prescribed manner, or

(ii) with whom the Minister has entered into an agreement regarding the use of the information; or

(d) pursuant to Section 27 of the *Freedom of Information and Protection of Privacy Act*. 1995-96, c. 3, s. 11; 1998, c. 8, s. 2.

#### Prescribing standards

12 The Governor in Council may prescribe standards that persons are required to comply with for the purpose of this Act in the definition, collection, transmission and presentation of information under this Act or in the provision of services under a designated enactment, or adopt such standards by reference, including reference to standards as amended from time to time. 1995-96, c. 3, s. 12.

#### Electronic format of information

13 (1) Information filed pursuant to this Act or a designated enactment may be in such electronic format as may be prescribed by regulations made pursuant to a designated enactment.

(2) Information may be filed in an electronic format if it is recorded on a system of electronic data storage that, in the opinion of the person who is responsible for the maintenance of the information filed, is capable of being read by the computer or other equipment used in the information filing system.

(3) Where a designated enactment provides that a certified copy of a document filed pursuant to that enactment be made available and the information is filed in an electronic format, a document that is a certified copy of the information filed may be provided.

(4) A document that is a certified copy of information filed in an electronic format has the same evidentiary value and may be used in like manner as a certified copy of a document made available under a designated enactment. 1995-96, c. 3, s. 13.

**Entitlement to compensation**

**14 (1)** Subject to subsection (5) and the regulations made pursuant to this Act, a person is entitled to compensation from the Crown for any monetary loss that the person suffers that is directly attributable to an error or omission of an officer of the Crown who performs a duty or provides a service under this Act or a designated enactment for the purpose of this Act.

**(2)** No action or other proceedings for damages shall be instituted against the Crown for any monetary loss that a person suffers as a result of

(a) an error or omission of a person who is not an officer of the Crown and who performs a duty or provides a service under this Act or a designated enactment for the purpose of this Act; or

(b) any inaccuracy or incompleteness in a record maintained under this Act or a designated enactment for the purpose of this Act.

**(3)** No action or other proceeding for damages shall be instituted against an officer of the Crown for an act done in good faith in the execution or intended execution of a duty or service under this Act or a designated enactment for the purpose of this Act or for an alleged neglect or default in the execution in good faith of the duty or service.

**(4)** Notwithstanding the *Proceedings Against [against] the Crown Act*, subsection (3) does not relieve the Crown of liability in respect of a tort committed by an officer of the Crown to which it would otherwise be subject.

**(5)** Subsections (1) to (4) do not apply to a claim for compensation that relates to the administration of a designated enactment if the designated enactment contains provisions on the right to compensation and the amount of compensation that is payable to a person who suffers a monetary loss.

**(6)** The Governor in Council may make regulations

(a) attaching conditions to the right to receive compensation pursuant to this Section, including specifying cases in which no compensation is payable;

(b) establishing a compensation fund for the purpose of subsection (1) or a designated enactment;

(c) governing the right to receive compensation out of the fund and the amount of compensation payable out of the fund for a claim or a class of claims;

(d) governing procedures for making claims against the fund;

(e) providing for the appointment of persons to hear claims against the fund and governing the conditions for hearings.

**(7)** Where a compensation fund is established pursuant to this Section, a claim for compensation under this Act or a designated enactment shall be made to the fund.

(8) No action or other proceeding for damages shall be instituted against the Crown with respect to any matter in relation to which a claim against a compensation fund established pursuant to this Section may be filed.

(9) Notwithstanding clause (2)(a) or any provision in a designated enactment, the Minister may enter into agreements with a municipality, province of Canada or government to pay compensation where records are maintained or duties are performed in cooperation with that municipality, province or government.

(10) Where the Minister is required to pay compensation pursuant to an agreement referred to in subsection (9) and the regulations made pursuant to this Section have established a compensation fund, the payment may be made from the compensation fund. 1995-96, c. 3, s. 14.

#### **Effect of conflict**

15 Where there is a conflict between this Act or the regulations made pursuant to this Act and a designated enactment or regulations made pursuant to a designated enactment, this Act or regulations made pursuant to this Act prevail. 1995-96, c. 3, s. 15.

#### **Regulations**

16 The Governor in Council may make regulations

- (a) prescribing anything that is required to be prescribed pursuant to this Act;
- (b) defining any word or expression used but not defined in this Act;
- (c) respecting any matter deemed necessary or advisable to carry out effectively the intent and purpose of this Act. 1995-96, c. 3, s. 16.

#### **Regulations Act**

17 The exercise by the Governor in Council of the authority contained in Section 4, subsection 5(1), 6(4) or 10(2), Section 12, subsection 14(6) or Section 16 is regulations within the meaning of the *Regulations Act*. 1995-96, c. 3, s. 17.

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