

Chapter 5

NUNAVUT POWER CORPORATION UTILITY ASSETS TRANSFER CONFIRMATION ACT

(Assented to March 29, 2001)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Minister may make an order

1. The Minister may make an order where the Minister is of the opinion that to do so is necessary or desirable to facilitate the transfer of assets from the Northwest Territories Power Corporation to the Nunavut Power Corporation.

Deemed acquisition of assets

2. (1) Where the Minister makes an order under section 1, all assets of the Northwest Territories Power Corporation located in Nunavut immediately before the coming into force of the order, and all rights and interests to property located in Nunavut that were held by the Northwest Territories Power Corporation immediately before the coming into force of the order, are deemed to be assets, rights and interests of the Nunavut Power Corporation.

Greater certainty

(2) For greater certainty, and without restricting the generality of subsection (1), that subsection applies to both real and personal property, and both registered and unregistered interests.

Contracts

3. Where the Minister makes an order under section 1, every contract or agreement for the supply of power, water or sewerage service that was in place between the Northwest Territories Power Corporation and a customer in Nunavut immediately before the coming into force of the order is deemed to be a contract or agreement entered into between the Nunavut Power Corporation and the customer, with any necessary modification.

Franchises

4. Where the Northwest Territories Power Corporation immediately before the coming into force of an order made under section 1 held any rights or responsibilities under a franchise granted by a municipality in Nunavut, the Nunavut Power Corporation is deemed to hold the same rights and responsibilities.

Registration

5. (1) Any office of the Government of Nunavut where interests in property are registered or recorded may amend its records and issue new instruments of registration to show that the Nunavut Power Corporation is the holder of any interest that would have

been held by the Northwest Territories Power Corporation but for an order made under section 1.

Fees waived

(2) No fee is payable by the Nunavut Power Corporation for anything done pursuant to subsection (1).

Greater certainty

(3) For greater certainty, and without restricting the generality of anything else in this section, this section applies to interests that are registered or recorded under the *Land Titles Act*, the *Motor Vehicles Act*, and the *Corporation Securities Registration Act*.

No liability

6. Notwithstanding any other Act or law, no proceeding in law or equity, or by virtue of any enactment, may be commenced against the Nunavut Power Corporation or any of its employees, directors or officers, the Government of Nunavut or any of its employees, or any other person for taking any action with regard to assets, rights, interests, contracts or agreements, franchises or records or registrations in compliance or purported compliance with this Act or an order made by the Minister under section 1.

Liabilities

7. Nothing in this Act reduces the responsibility of the Nunavut Power Corporation, the Government of Nunavut or any other government or person for any liability for which it is responsible by virtue of an agreement for the division of assets and liabilities of the Northwest Territories Power Corporation:

- (a) entered into between the Interim Commissioner of Nunavut and the Government of the Northwest Territories; or
- (b) entered into under the authority of section 41 of the *Nunavut Power Utilities Act*.

Repeal

8. This Act, or any provision of this Act, may be repealed by order of the Commissioner.