



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

APPEALS ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to November 1, 2003. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office

Tel: (902) 368-4292

Email: legislation@gov.pe.ca



APPEALS ACT

CHAPTER A-13

1. Definition

In this Act “provincial court judge” has the same meaning as it has in the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25. R.S.P.E.I. 1974, Cap.A-11,s.1; 1975,c.78,s.3.

2. Cases where appeals lie

An appeal lies to the Supreme Court from any decree, judgment, order or conviction of any one or more justices of the peace or of any provincial court judge, except in those cases where it is expressly declared by statute that no appeal shall lie. R.S.P.E.I. 1974, Cap.A-11,s.2; 1975,c.78,s.3; 1975,c.27,s.5; 1987,c.66,s.69.

3. Part XXVII Criminal Code

Unless it is otherwise provided, the time for giving notice of appeal, the mode of appeal, the practice and procedure on appeal, and the powers of the Supreme Court on such appeal, shall be according to the practice in appeal from a summary conviction as prescribed by Part XXVII, of the *Criminal Code* (Canada) R.S.C. 1985, Chap. C-46; but, where not otherwise provided or agreed, the appeal shall be tried in the county wherein the cause of the information or complaint arose or wherein the judgment, order or conviction appealed from was given or made. R.S.P.E.I. 1974, Cap.A-11,s.3.

4. Appeal against sentence etc. only

If, in any proceedings under any statute or other law of the province, an appellant desires to appeal against sentence only, or against some portion only of the decree, judgment, order or conviction, he shall so state in his notice of appeal, and the amount of costs of appeal awarded, if any, shall depend to such extent, in the discretion of the court, on the appellant's compliance with, or failure to comply with, this requirement. R.S.P.E.I. 1974, Cap.A-11,s.4.