APPORTIONMENT 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 King’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
1. Definitions
   (1) In this Act
       (a) “rents” include rent service, rent-charge and rent-seck, and all periodical payments
           or renderings in lieu of or in the nature of rent;
       (b) “annuities” include salaries and pensions;
       (c) “dividends” include, besides dividends properly so called, all payments made by the
           name of dividend, bonus or otherwise out of the revenue of trading or other public
           companies, divisible between all or any of the members of such respective
           companies, whether the payments are usually made or declared at any fixed times or
           otherwise.

   2. Rents, annuities etc. apportionable
   All rents, annuities, dividends and other periodical payments in the nature of income whether
   reserved or made payable under an instrument in writing, or otherwise, are, like interest on
   money lent, considered as accruing from day to day, and are apportionable in respect of time

   3. Apportioned part, payable or recoverable
   The apportioned part of any rent, annuity, dividend or other payment referred to in section 2
   is payable or recoverable
       (a) in the case of a continuing rent, annuity or other payment, when the entire portion of
           which the apportioned part forms part, becomes due and payable, and not before; and
       (b) in the case of a rent, annuity or other payment determined by re-entry, death or
           otherwise, when the next entire portion of the same would have been payable if the
           same had not been so determined, and not before. R.S.P.E.I. 1974, Cap. A-12, s.3.

   4. Remedies at law for recovery
   (1) All persons and their respective heirs, executors, administrators and assigns, and also the
       executors, administrators and assigns respectively of persons whose interests determine with
       their own deaths, have the same remedies at law and in equity for recovering apportioned
parts when payable, allowing apportionate parts of all just allowances, as they respectively would have had for recovering the entire portions, if entitled thereto respectively.

Recovery

(2) Notwithstanding subsection (1), persons liable to pay rents reserved out of or charged on lands or other hereditaments of any tenure, and the same lands or other hereditaments, shall not be resorted to for any such apportioned part forming part of an entire or continuing rent as aforesaid specifically, but the entire or continuing rent including such apportioned part, shall be recovered and received by the heir or other person who, if the rent had not been apportionable under this Act or otherwise, would have been entitled to the entire or continuing rent, and the apportioned part shall be recoverable from the heir or other person by the executors or other parties entitled under this Act to the same by action at law or suit in equity. R.S.P.E.I. 1974, Cap. A-12, s.4.

5. Insurance policies, application of Act to


6. Extent of Act

This Act does not extend to any case in which it is or shall be expressly stipulated that no apportionment shall take place. R.S.P.E.I. 1974, Cap. A-12, s.6.