



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **COURT FEES ACT WAIVER REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to September 1, 2012. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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**COURT FEES ACT**  
**Chapter C-27.001**

**WAIVER REGULATIONS**

Pursuant to section 4 of the *Court Fees Act* R.S.P.E.I. 1988, Cap. C-27.001, Council made the following regulations:

**1. Waiver or deduction of fees**

The Prothonotary of the Supreme Court and Court of Appeal may on application by a party waive or reduce any fee payable pursuant to regulations made under the Act if, in the opinion of the Prothonotary, the following conditions have been met:

- (a) the party cannot afford to pay the fee because he or she lacks financial means;
- (b) the party would not be able to proceed with his or her claim, application, motion, defence or appeal or request for service unless the fee was reduced or waived;
- (c) the party's claim, application, petition or motion, defence or appeal is, on its face, meritorious. (*EC447/12*)

**2. Request in writing**

An application for waiver or reduction of a fee shall be in writing. (*EC447/12*)

**3. Waiver or reduction**

If the applicant requests a waiver, the Prothonotary may nevertheless provide a reduction of the fee in question. (*EC447/12*)

**4. Decision in writing**

The decision of the Prothonotary to grant or refuse an application under section 1, or to provide a reduction rather than a waiver of a fee under section 3, shall be communicated to the applicant in writing. (*EC447/12*)

**5. No waiver or reduction**

The Prothonotary shall not waive or reduce a fee payable pursuant to regulations made under the Act if, in the opinion of the Prothonotary, the party's claim, application, petition, motion, defence or appeal:

- (a) discloses no reasonable cause of action, defence or grounds;

- (b) is scandalous, frivolous or vexatious;
- (c) may prejudice, embarrass or delay the course of the proceedings; or
- (d) is otherwise an abuse of the court's process. *(EC447/12)*

