



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# CHARITIES ACT

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 2, 2015. 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](http://www.princeedwardisland.ca)).

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## CHARITIES ACT

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## CHARITIES ACT

### CHAPTER C-4

#### 1. Definitions

In this Act

- (a) “**charitable fund**” means any fund in excess of one hundred dollars raised for benevolent, educational, cultural, charitable or religious purposes;
- (b) “**charity**” means any person, association, institute or organization under whose auspices funds for benevolent, educational, cultural, charitable or religious purposes are to be raised;
- (c) “**Minister**” means the Minister of the Crown designated by the Lieutenant Governor in Council to have supervision over the administration of this Act. *R.S.P.E.I. 1974, Cap. C-4, s.2; 2015,c.36,s.14(2).*

#### 2. Application of Act

The provisions of this Act apply to any charity seeking financial support for the attainment of its objects by public appeals, excluding appeals by any church among its members for support of religious purposes or objects connected with the church, but this Act does not apply to an organization or foundation that is a registered charity for the purposes of the *Income Tax Act* (Canada). *R.S.P.E.I. 1974, Cap. C-4, s.3; 1994, c.48, s.4; 2015,c.36,s.14(3).*

#### 3. Offences

(1) It is an offence under this Act

- (a) directly or indirectly to solicit or make any appeal to the public for donations or subscriptions in money or in kind or to raise or attempt to raise money for any of its objects or purposes by promoting or conducting any bazaar, sale, entertainment or exhibition or by soliciting for advertising or by any means unless the charity is registered under this Act; or
- (b) to make or attempt to make any collection for any charity or charitable fund unless with the authorization of the Minister.

##### Divine worship

(2) This section does not apply to any collection at divine service in any place of worship. *R.S.P.E.I. 1974, Cap. C-4, s.4; 2015,c.36,s.14(4).*

#### 4. Registration requirements for

(1) The Minister, on application of any person, association, institute or organization under whose auspices it is proposed to raise a charitable fund, may grant registration thereof upon his being satisfied

- (a) that adequate provision has been made for its establishment and control in accordance with such regulations as may be made under section 8;
- (b) that there is reason to believe that its specific purpose is not already satisfied;
- (c) that the application for registration is made in good faith; and
- (d) that it is not registered as a Canadian charitable organization under the *Income Tax Act* (Canada).

**Register of charities**

- (2) The Minister shall keep a register of all charities registered under this Act in which shall be registered
- (a) the name of the charitable fund;
  - (b) the date of registration and of the termination thereof;
  - (c) the name of the person, association, institute or organization under whose auspices the charitable fund is to be raised; and
  - (d) the name of an officer or officers by whom alone authorization may be given in writing to persons to solicit or make collections to the charity.

**Certificate of registration**

- (3) The Minister shall issue a certificate of registration to every charity registered under this Act.

**Fees for registration**

- (4) No fee is payable in respect of registration or for a certificate. *R.S.P.E.I. 1974, Cap. C-4, s.5; 1994, c.48, s.4; 2015, c.36, s.14(5).*

**5. Duties of charity**

Every charity registered under this Act shall comply with the following conditions:

- (a) minutes shall be kept of each meeting of the charity in which shall be recorded the names of the members thereof attending such meeting;
- (b) proper books of account shall be kept and the accounts shall show the total receipts and the total expenditures of any collection, bazaar, sale, entertainment or exhibition held; and the accounts shall be audited by a duly qualified auditor, and copies of accounts so audited shall be sent to the Minister;
- (c) all moneys received by the charity shall be paid into separate accounts in a savings institution;
- (d) such particulars with regard to accounts and other records as the Minister may require shall be furnished to the Minister, and the books and accounts of the charity shall be open at all times for inspection by any person duly authorized by the Minister. *R.S.P.E.I. 1974, Cap. C-4, s.6; 1994, c.48, s.4.*

**6. Report on charitable fund or registration**

The Minister may appoint any person whom he may designate to report to him concerning any charitable fund or any application for the registration thereof or any matter pertaining thereto. *R.S.P.E.I. 1974, Cap. C-4, s.7.*



**7. Termination of charity by Minister**

- (1) The registration of any charity is subject to termination by the Minister wherever in his discretion he may consider that effective coordination of public subscriptions renders the termination desirable in the public interest.

**Idem**

- (2) The Minister, if satisfied that any charity registered under this Act is not being carried on in good faith, or is not complying with any of the conditions imposed under this Act, and the regulations, or is not being administered, may terminate the registration thereof and shall give public notice thereof.

**Moneys vested in Minister upon termination**

- (3) Upon the termination of any charity all moneys or other assets of the charity shall be vested in the Minister and shall be thereafter administered by him in such manner as the Lieutenant Governor in Council may direct. *R.S.P.E.I. 1974, Cap. C-4, s.8.*

**8. Regulations**

Subject to the approval of the Lieutenant Governor in Council the Minister may make regulations

- (a) prescribing the forms for applications under this Act and the particulars to be entered thereon;
- (b) prescribing the form of registers to be kept under this Act;
- (c) providing for the inspection of registers and lists kept under this Act and the making, furnishing and certification of copies thereof and extracts therefrom;
- (d) prescribing forms and particulars for returns to the Minister and periods covered by such returns;
- (e) generally for the better carrying out of the purposes of this Act. *R.S.P.E.I. 1974, Cap. C-4, s.9.*

**9. Application, false statements in**

If any person, in any application for registration or in notification of any change requiring alterations in the registered particulars, makes any false statement or false representation or if any person falsely represents himself to be an officer or agent or canvasser for any charity, he is guilty of an offence against this Act. *R.S.P.E.I. 1974, Cap. C-4, s.10.*

**10. Penalties**

- (1) Any person guilty of an offence against this Act is liable on summary conviction to a fine not exceeding \$500.

**Procedures for prosecution**

- (2) Proceedings for offences against this Act shall not be instituted except with the consent of the Minister. *R.S.P.E.I. 1974, Cap. C-4, s.11; 1994, c.48, s.4.*