



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

MUSEUM 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).

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MUSEUM ACT

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MUSEUM ACT CHAPTER M-14

1. Definitions

In this Act

- (a) “**acquire**” means to acquire by purchase, gift, devise, bequest or otherwise;
- (b) “**Board**” means the Board of Governors of the Museum;
- (c) “**Foundation**” means the Prince Edward Island Heritage Foundation;
- (d) “**Minister**” means the Minister of Education, Early Learning and Culture;
- (e) “**Museum**” means the Prince Edward Island Museum and Heritage Foundation.
1983, c.34, s.1; 1993, c.29, s.4; 1995, c.26, s.1; 2000, c.5, s.3; 2009, c.73, s.2; 2010, c.31, s.3; 2015, c.28, s.3.

2. Administration

The Minister is responsible for the administration of this Act. *1983, c.34, s.2.*

3. Museum

- (1) A museum is established to be known as the Prince Edward Island Museum and Heritage Foundation.

Status

- (2) The Museum is a body corporate and shall be administered and conducted in accordance with this Act.

Membership

- (3) The membership of the Museum, subject to clause 12(d), shall be composed of all persons who have paid the prescribed membership fee. *1983, c.34, s.3.*

4. Purpose

The purpose of the Museum shall be to study, collect, preserve, interpret, and protect the human and natural heritage of Prince Edward Island for the use, benefit and enjoyment of the people of the province. *1983, c.34, s.4.*

5. Board of Governors

- (1) The work of the Museum shall be under the direction and control of a Board of Governors consisting of not fewer than six and not more than eight members appointed by the Lieutenant Governor in Council, one of whom shall be designated as the chairperson.

Geographical and cultural representation on Board

- (2) The Lieutenant Governor in Council shall give consideration to the geographical and cultural representation on the Board in making appointments to the Board.

Transitional

- (3) The members of the Board holding office immediately prior to the coming in force of subsection (1) shall continue to hold office until their terms expire.

Term of office

- (4) Subject to subsection (3), the term of office of a member of the Board is three years.

Minister is member

- (5) The Minister
- (a) is, by virtue of his or her office, a member of the Board in addition to the members appointed under subsection (1); and
 - (b) may delegate his or her role as a member of the Board to an officer in the public service of the province.

Vice-chairperson, secretary-treasurer

- (6) The Board shall elect a vice-chairperson and a secretary-treasurer from among its members.

Re-appointment

- (7) A Board member may be *re*-appointed to one additional consecutive term.

Duties of Board member or officer

- (8) A member of the Board or officer of the Museum shall, in exercising his or her powers and discharging his or her duties
- (a) act honestly and in good faith with a view to the best interests of the Museum;
 - (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances; and
 - (c) comply with this Act and the bylaws of the Museum.

Quorum

- (9) A majority of the members of the board constitutes a quorum of the Board. *1983,c.34,s.5; 1994,c.42,s.1; 2002,c.35,s.1; 2004,c.9,s.1.*

6. Members

Repealed by *1994,c.42,s.2.*

7. Remuneration of Board members

Repealed by *2004,c.9,s.2. 1983,c.34,s.7; 2004,c.9,s.2.*

8. Powers of the Board

The Board may

- (a) operate museums, branches, or other facilities;
- (b) administer grants to museums, organizations or individuals;
- (c) cooperate with and assist other bodies engaging in museum activities;



- (d) acquire specimens, articles or materials related to human activities in Prince Edward Island and classify, store, study, and exhibit them in any manner that it considers desirable;
- (e) acquire specimens, articles or materials related to natural or applied science and classify, store, study, and exhibit them in any manner that it considers desirable;
- (f) engage in activities to advance the general knowledge of human history and of the natural and applied sciences;
- (g) enter into agreements to advance the purposes of this Act;
- (h) acquire, hold, preserve, maintain, reconstruct, restore, and manage property of historical, architectural, and cultural interest;
- (i) support and contribute to the acquisition, holding, preservation, maintenance, reconstruction, restoration and management of property of historical, architectural, and cultural interest by municipalities and by associations whose objects are similar to those of the Museum;
- (j) identify, mark, acquire, preserve and develop sites of significance to the human history and the natural history of the province;
- (k) publish or cause to be published such information relating to its collection and activities as the Board considers advisable;
- (l) perform such other functions as the Lieutenant Governor in Council may require.
1983, c.34, s.8.

8.1 *Civil Service Act* applies

The *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 applies to the Executive Director and employees of the Museum. *2004, c.9, s.4.*

9. Chief Executive Officer

- (1) The Lieutenant Governor in Council, after consultation with the Board, shall appoint a Executive Director who shall be responsible for the affairs of the Board and shall report thereon to the Board.

Remuneration

- (2) The Executive Director shall be paid out of the funds of the Museum such remuneration as the Lieutenant Governor in Council may determine on the recommendation of the Public Service Commission. *1985, c.34, s.1; 2004, c.9, s.3.*

10. Agreements with branch museums

The Board may enter into agreements with community corporations engaged in the operation of branch museums. *1994, c.42, s.3.*

11. Restrictive covenants

- (1) Any person owning land in the province who wishes to impose limitations or restrictions on the use to which his land and structures thereon may be put, by himself, his heirs, successors or assigns, or any of them may make application, on such form as the Museum may provide, to the Museum for the purpose of entering an agreement with the Museum respecting such limitation or restriction on the use of his land.

Review of applications

- (2) After receipt of an application under section (1), the Museum, or such committee thereof as may be appointed by the Board, shall review the application and on the basis of such criteria as shall be established by bylaw shall accept or reject the application.

Agreements

- (3) The Museum may enter into agreements with persons who make application under subsection (1); such agreements shall be in the form of covenants or easements and shall be worded in such manner as shall be prescribed by the Board.

Registry

- (4) An agreement referred to in subsection (3) shall after execution thereof be registered in the registry of deeds for the county in which the land is located, and the Registrar of Deeds is authorized and directed to register such agreements as an encumbrance against such land.

Effect of agreement

- (5) Where an agreement is registered against real property under this subsection, such agreement shall run with the real property and the Museum may enforce such agreement, whether positive or negative in nature, against the owner or any subsequent owners of the real property and the Museum may enforce such agreement even where it owns no other land which would be accommodated or benefited by such agreement.

Assignment

- (6) Any agreement entered into by the Museum under this section may be assigned to any body corporate having objects similar to the Museum and such agreement shall continue to run with the real property, and the assignee may enforce the agreement as if it were the Museum and it owned no other land which would be accommodated or benefited by such an agreement.

Cancellation

- (7) The Museum may, with or without the consent of the owners of a parcel of land against which an agreement has been registered, cancel an agreement entered into under this section, but such cancellation may be made only under such circumstances as shall be prescribed by bylaw; where an agreement has been cancelled notice thereof shall be given to the Registrar of Deeds for the county in which the land is located and the registration of the agreement shall be marked as cancelled by the Registrar upon receipt thereof, together with the date and time thereof. *1983, c.34, s.10.*

12. Bylaws

The Board may, with the approval of the Lieutenant Governor in Council, make bylaws generally for the conduct of its business and for the control and direction of the work of the Museum and in particular

- (a) to regulate the use of Museum buildings and their contents;
- (b) to protect Museum buildings and the fittings, furniture, and contents thereof from injury, destruction or mischief;
- (c) to enable the officers and servants of the Board to exclude from the said buildings persons violating against the bylaws;
- (d) to establish the conditions of membership of the Museum;
- (e) to establish procedures for recommending directors to the Lieutenant Governor in Council;



- (f) to establish such honorary offices as it considers desirable. *1983,c.34,s.11.*

13. Reports

- (1) The Board shall make an annual report to the Minister and such other reports as the Minister requests.

Report to be tabled

- (2) The Minister shall lay a copy of the annual report before the Legislative Assembly within fifteen days after it is submitted to him or, if the Legislative Assembly is not then sitting, within fifteen days of the opening of the next session of the Legislative Assembly. *1983, c.34, s.12.*

14. Exemption from provincial property tax

- (1) The real property of the Museum is exempt from provincial real property tax under section 3 of the *Real Property Tax Act* R.S.P.E.I. 1988, Cap. R-5.

Exemption from sales tax

- (2) The personal property of the Museum is exempt from tax under the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14. *1983,c.34,s.13.*

15. Transitional provisions

- (1) Agreements entered into by the Foundation are assigned to the Museum.

Members

- (2) The paid up members of the Foundation shall be members in good standing of the Museum.

Transfer of assets

- (3) The assets and liabilities of the Foundation are transferred to and become the assets and liabilities of the Museum.

Reference in instruments

- (4) In any instrument or enactment a reference to the Foundation shall be construed as a reference to the Museum. *1983,c.34,s.14; 1988,c.45,s.1.*