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PERSONAL PROPERTY SECURITY ACT REGULATIONS

PLEASE NOTE

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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).

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PERSONAL PROPERTY SECURITY ACT
Chapter P-3.1

REGULATIONS

Pursuant to section 71 of the *Personal Property Security Act* R.S.P.E.I. 1988, Cap. P-3.1, Council made the following regulations:

PART I — INTERPRETATION

1. Definitions

In these regulations

(a) "**Act**" means the *Personal Property Security Act* R.S.P.E.I. 1988, Cap. P-3.1;

(b) "**aircraft**" means a machine capable of deriving support in the atmosphere from the reactions of the air, other than a machine designed to derive support in the atmosphere from reactions against the earth's surface of air expelled from the machine;

(c) "**applicant spouse**" means a spouse in whose favour an order in respect of matrimonial assets or business assets is made under the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1;

(d) "**boat**" means a vessel that is designed for transporting persons or things on water and that is propelled by any power other than muscle power;

(e) "**enterprise**" includes a partnership, body corporate, association, organization, estate of a deceased individual, estate of a bankrupt, trade union, trust, syndicate or joint venture, but does not include an individual;

(f) "**judgment creditor**" has the same meaning as in the *Judgment and Execution Act* R.S.P.E.I. 1988, Cap. J-2;

(g) "**judgment debtor**" has the same meaning as in the *Judgment and Execution Act*;

(h) "**Minister**" revoked by EC637/26;

(i) "**mobile home**" means a structure, whether ordinarily equipped with wheels or not, that is not self propelled and is designed

(i) to be moved from one place to another by being towed or carried; and

(ii) to be used as a dwelling house or premises, a business office or premises, or accommodation for any other purpose;

(j) "**motor vehicle**" means a mobile device that is propelled primarily by any power other than muscle power,

(i) in, on or by which a person or thing may be transported or drawn, and that is designed for use on a road or a natural terrain; or

(ii) that is being used in the construction or maintenance of roads,

and includes a pedal bicycle with a motor attached, a combine or a tractor, but does not include a device that runs on rails or machinery designed only for use in farming, other than a combine or a tractor;

(k) "**printed**" includes typed, stamped or machine printed;

(l) "**prior registration law**" means prior registration law as defined in subsection 73(1) of the Act;

(m) "**registrant**" means the person who enters data in the Registry in relation to a registration;

(n) "**Registrar**" includes a deputy Registrar;

(o) "**registration at an office of the Registry**" means registration in the Registry database via authorized electronic access in accordance with these regulations;

(p) "**registration family**" means the registration originally entered in the Registry and all subsequent registrations that renew, amend, *re*-register or discharge that registration;

(q) "**registry of deeds**" means a registry of deeds as defined in clause 1(mm) of the Act;

(r) "**respondent spouse**" means a spouse against whom an order in respect of matrimonial assets or business assets is made under the *Family Law Act*;

(s) "**screen**" means an electronically reproduced image that is used for the purpose of verifying data entry in the Registry;

(t) "**serial numbered goods**" means a motor vehicle, trailer, mobile home, aircraft, boat or an outboard motor for a boat;

(u) "**tractor**" means a self-propelled vehicle that is designed primarily for drawing other vehicles or machines;

(v) "**trailer**" means a device in, on or by which a person or thing may be transported or drawn that is not self-propelled and that is designed to be drawn on a road by a motor vehicle but does not include a mobile home. *(EC270/98;637/26)*

PART II — GENERAL

2. Registration at an office of the Registry

(1) Registration at an office of the Registry may be made by an authorized registrant.

Searches

(1.1) A search of the Registry may be made

(a) by an authorized registrant; or

(b) during the term of an agreement referred to in subsection (4), by the person with whom the Registrar has entered into the agreement.

Authorized registrant

(2) The Registrar shall designate as an authorized registrant, a person who

(a) has entered into an agreement with the Registrar that provides for remote electronic access to the Registry in such manner and on such terms and conditions as the Registrar considers advisable;

(b) has been assigned a client number, a user ID and a password by the Registrar; and

(c) has designated an individual as the person's administrative user for all purposes relating to the person's access to the Registry.

Person not authorized

(3) A person who is not authorized under this section may enter into an agreement with an authorized registrant to access the Registry on the person's behalf.

Agreement authorizing searches

(4) The Registrar may enter into an agreement with any person that authorizes the person to conduct one or more searches of the Registry in such manner and on such terms and conditions as the Registrar considers advisable. *(EC270/98;385/04)*

3. Secured party number

The Registrar may assign a secured party number to a person who wishes to effect a registration in the Registry if that person has been assigned a client number, a user ID and a password by the Registrar under section 2. *(EC270/98)*

4. Number instead of name, etc.

(1) A registrant may enter the secured party number assigned by the Registrar under section 3, instead of the name and address of the secured party, receiver, claimant or applicant spouse, as the case may be.

Name related to number

(2) In a case within subsection (1), the name and address to which the secured party number relates shall appear on all verification statements under section 8, notices under section 9 and search results under section 10 issued by the Registry in relation to the registration.

Same person

(3) A registrant may indicate that the registrant is the same person as, instead of entering the name and address of, the secured party, receiver, claimant, or applicant spouse, as the case may be.

Name related to number

(4) In a case within subsection (3), the name and address to which the client number assigned to the registrant under clause 2(2)(b) relates shall appear on all verification statements under section 8, notices under section 9 and search results under section 10, issued by the Registry in relation to the registration. *(EC270/98)*

5. Responsibility of registrants

A registrant who effects a registration in the Registry shall ensure that the information required by these regulations is entered in the appropriate fields on the screen. *(EC270/98)*

6. Registration without proof of number or authority

The Registrar may permit a registration to be effected in the Registry without proof that

(a) the client number given by the registrant is the client number assigned by the Registrar to the registrant under clause 2(2)(b); or

(b) that the registrant has authority to effect the registration. *(EC270/98)*

7. Calculation of registration life

(1) For the purposes of calculating the period of effectiveness of a registration, where the calculation is from the day of registration or from the anniversary of the day of registration, a year runs from the beginning of that day.

Where Feb. 29

(2) For the purposes of subsection (1), if the anniversary of the day of registration falls on February 29, the anniversary date is deemed to be March 1. *(EC270/98)*

8. Verification statement

(1) A registrant who effects a registration at an office of the Registry shall be issued a verification statement of the registration on completion of the registration.

Secured party to comply

(2) Where a registrant effects a registration pursuant to an agreement entered into under clause 2(2)(a), it is the responsibility of the secured party, claimant or applicant spouse, as the case may be, or person named as such in the registration, to have a verification statement of the registration printed for the purposes of compliance with subsection 43(11) of the Act. *(EC270/98)*

9. Notice verifying registration of discharge, *re*-registration, etc.

Where a registration discharges, *re*-registers or amends a registration or globally changes multiple registrations, a printed or electronic notice verifying the discharge, *re*-registration, amendment or global change shall be issued to the secured party, receiver, claimant or applicant, as the case may be. *(EC270/98)*

10. Search methods

(1) A person who makes a search of the Registry according to the name of the debtor shall

(a) where the debtor is an individual, enter the name of the debtor in the manner provided under section 19; and

(b) where the debtor is an enterprise, enter the name of the debtor in the manner provided under section 20.

Idem

(2) A person who makes a search of the Registry according to the name of the respondent spouse shall enter the name of the respondent spouse in the manner provided in section 19, and section 19 applies with the necessary changes in details.

Idem

(3) A person who makes a search of the Registry according to registration number shall enter the number of any registration that forms a part of the registration family to which the search relates.

Idem

(4) For the purposes of making a search of the Registry according to the serial number of the goods to which the search relates, the serial number shall be determined in accordance with section 24.

May print search result or not

(5) A person who makes a search of the Registry may elect whether or not to have a search result printed.

Contents of printed search result

(6) A printed search result shall

(a) identify the number of registrations in the Registry, if any, that contain information that exactly matches the search criteria provided by the searcher and indicate which registrations were selected to be included in, or excluded from, the registrations to be printed in detail;

(b) identify the number of registrations in the Registry, if any, that contain information that closely matches the search criteria provided by the searcher and indicate which registrations were selected to be included in, or excluded from, the registrations to be printed in detail;

(c) provide the registration history and the details of all registrations that form part of the registration family of which the registration selected for printing is a member;

(d) where applicable, indicate that the search criteria provided by the searcher did not exactly match any information contained in a registration in the Registry at the date and time of the search; and

(e) where applicable, indicate that the search criteria provided by the searcher did not closely match any information contained in a registration in the Registry at the date and time of the search. *(EC270/98)*

11. Registry liability limits

(1) The maximum total amount recoverable in a single action under section 52 of the Act is $200,000.

Idem

(2) The maximum total amount recoverable for all claims in a single action under section 53 of the Act is $2,000,000. *(EC270/98)*

12. Deemed damages

(1) For the purposes of subsection 66(3) of the Act, the debtor, or the person named as debtor, shall be deemed to have suffered damages of not less than $300.

Idem

(2) For the purposes of subsection 66(4) of the Act, the secured party shall be deemed to have suffered damages of not less than $300. *(EC270/98)*

13. Applicable sections of Act to notices or claims under *Family Law Act*

The following sections of the Act apply with the necessary changes in details to a notice of an order in respect of matrimonial assets or business assets registered under Part V and to its registration:

(a) subsection 35(6);

(b) section 42;

(c) section 43 except subsections (5) and (6);

(d) section 44;

(e) section 45 except subsection (6);
(f) sections 46, 47 and 48;
(g) section 50 except subsections (2), (8) and (9);
(h) section 51, except subsection (3); and
(i) sections 52 and 54. *(EC270/98)*

PART III — REGISTRATION OF A FINANCING STATEMENT UNDER THE ACT

14. Application

This Part applies to the registration in the Registry of a financing statement in relation to a security interest under the Act including a prior security interest that was registered under prior registration law. *(EC270/98)*

15. Preliminary registration procedures

(1) A registrant who wishes to register a financing statement in relation to a security interest under the Act shall indicate
(a) that the registrant wishes to have access to the Registry to effect a registration;
(b) that the registrant wishes to enter a registration; and
(c) that the registrant wishes to register a PPSA financing statement. *(EC270/98)*

16. Duration of registration

The registrant shall specify the period of time during which the registration is to be effective by entering a whole number from 1 to 25 indicating the number of years or by selecting infinity. *(EC270/98)*

17. Your file number

For the registrant's own purposes, the registrant may enter, under the heading "Your File Number", any file number the registrant wishes that consists of number or letters or both to a maximum of 12 characters. *(EC270/98)*

18. Debtor name

(1) Where the debtor is an individual, the registrant shall enter, under the heading "Debtor (individual)" the name, in the manner provided in section 19, and address of the debtor.

Debtor name

(2) Where the debtor is an enterprise, the registrant shall enter, under the heading "Debtor (enterprise)" the name, in the manner provided in section 20, and address of the debtor.

Birth date

(3) Where the debtor is an individual, the registrant may enter the birth date of the debtor with the number of the year entered first followed by the number of the month followed by the number of the day.

Contact person

(4) Where the debtor is an enterprise, the registrant may enter the name and position of a contact person within the enterprise to whom inquiries relating to the registration may be addressed.

Identify separate debtors

(5) Where a registration applies to more than one debtor, the registrant shall identify each debtor as a separate debtor in the registration. *(EC270/98)*

19. Manner of entering name of debtor

(1) Where the debtor is an individual, the registrant shall enter the last name followed by the first name followed by the middle name, if any, of the debtor.

Idem

(2) Where the debtor is an individual whose name includes more than one middle name, the registrant shall enter the first of the middle names.

Idem

(3) Where the debtor is an individual whose name consists of only one word, the registrant shall enter that word in the field for entering the last name of the debtor.

Idem

(4) Where the debtor is an individual who carries on business under a name and style other than the individual's own name, the registrant

(a) shall enter, in accordance with this section, the individual's own name as a debtor (individual); and

(b) may enter, in accordance with section 20, the individual's business name and style as a debtor (enterprise).

Rules determining name of debtor

(5) Where the debtor is an individual, the name of the debtor shall be determined, for the purposes of this section, by the following rules:

(a) where the debtor was born in Canada and the debtor's birth is registered in Canada with a government agency responsible for the registration of births, the name of the debtor is the name stated on the debtor's birth certificate or equivalent document issued by the government agency;

(b) where the debtor was born in Canada but the debtor's birth is not registered in Canada with a government agency responsible for the registration of births, the name of the debtor is

(i) the name stated in a current passport issued to the debtor by the Government of Canada,

(ii) if the debtor does not have a current Canadian passport, the name stated on a current social insurance card issued to the debtor by the Government of Canada, or

(iii) if the debtor does not have a current Canadian passport or social insurance card, the name stated in a current passport issued to the debtor by the government of a jurisdiction other than Canada where the debtor habitually resides;

(c) where the debtor was not born in Canada but is a Canadian citizen, the name of the debtor is the name stated on the debtor's certificate of Canadian citizenship;

(d) where the debtor was not born in Canada and is not a Canadian citizen, the name of the debtor is

(i) the name stated on a current visa issued to the debtor by the Government of Canada,

(ii) if the debtor does not have a current Canadian visa, the name stated on a current passport issued to the debtor by the government of a jurisdiction other than Canada where the debtor habitually resides, or

(iii) if the debtor does not have a current Canadian visa or a current passport, the name stated on the birth certificate or equivalent document issued to the debtor by the government agency responsible for the registration of births at the place where the debtor was born;

(e) despite clauses (a) to (d) and subject to clause (f), if the debtor changes his or her name after marriage or in accordance with change of name legislation, the name of the debtor is the name adopted by the debtor after marriage, if that name is recognized under the law of the jurisdiction where the debtor habitually resides, or the name stated on the debtor's change of name certificate or equivalent document, as the case may be;

(f) where the law of the jurisdiction where the debtor habitually resides allows a person to use both the name adopted after marriage and the name that the person had before marriage, and the debtor uses both names, clauses (a) to (d) continue to apply and both the name of the debtor determined in accordance with those clauses and the name adopted after marriage shall be registered as separate debtor (individual) names; and

(g) in a case not falling within clauses (a) to (f), the name of the debtor is the name stated on any two of the following documents issued to the debtor by the Government of Canada or of a province or territory of Canada:

(i) a current motor vehicle operator's license,

(ii) a current motor vehicle registration,

(iii) a current medical insurance card.

Name determined as of date of transaction

(6) For the purposes of subsection (5), the name of the debtor shall be determined as of the date of the event or transaction to which the registration relates.

Other names of debtor

(7) In addition to entering the name of a debtor who is an individual determined in accordance with this section, the registrant may enter any other name of the debtor of which the registrant has knowledge as a separate (individual) name. *(EC270/98)*

20. Name of body corporate

(1) Where the debtor is an enterprise that is a body corporate, the registrant shall enter the name of the body corporate.

Forms of enterprise name

(2) The registrant shall enter, under separate "Debtor (enterprise)" headings in the registration, all forms of the name of the debtor that is a body corporate if the name of the debtor is in more than one of the following forms:

(a) an English form;

(b) a French form; or

(c) a combined English-French form.

Abbreviations

(3) In entering the names of a debtor that is a body corporate, the registrant may enter,

(a) with or without a period, the abbreviation “Ltd”, “Ltee”, “Ltée”, “Inc”, “Incorp”, “Corp”, “Co”, or “Cie”, as the case may be; or

(b) ”Limited”, “Limitee”, “Limitée”, “Incorporated”, “Incorporee”,. “Incoporée”, “Corporation”, “Company” or “Compagnie”, as the case may be.

Debtor is estate of deceased person

(4) Where the debtor is an enterprise that is the estate of a deceased individual, the registrant shall enter the first name followed by the first of the middle names, if any, followed by the last name of the deceased, unless the name of the deceased consists of only one word , then only that word shall be entered, followed by the word “estate”.

Debtor is trade union

(5) Where the debtor is an enterprise that is a trade union, the registrant shall enter

(a) the name of the trade union; and

(b) in accordance with subsection (17), the name of each person representing the trade union in the transaction giving rise to the registration.

Debtor is trustee

(6) Where the debtor is a trustee acting for an enterprise that is in the form of a trust, and the document creating the trust designates the name of the trust, the registrant shall enter that name, followed by the word “trust” unless the name of the trust already contains the word “trust”.

Trust not named

(7) Where the debtor is a trustee acting for an enterprise that is in the form of a trust, and the document creating the trust does not designate the name of the trust, the registrant shall enter the first name followed by the first of the middle names, if any, followed by the last name of at least one of the trustees, unless the name of the trustee consists of only one word, in which case only that word shall be entered, followed by the word “trustee”.

Debtor is trustee in bankruptcy of individual

(8) Where the debtor is a trustee acting for an enterprise that is in the form of the estate of a bankrupt individual, the registrant shall enter the first name followed by the first of the middle names, if any, followed by the last name of the bankrupt, unless the name of the bankrupt consists of only one word, in which case only that word shall be entered, followed by the word “bankrupt”.

Debtor is trustee in bankruptcy of enterprise

(9) Where the debtor is a trustee acting for an enterprise that is in the form of the estate of a bankrupt enterprise, the registrant shall enter the name of the bankrupt enterprise followed by the word “bankrupt”.

Debtor is partnership

(10) Where the debtor is a debtor because of membership in an enterprise that is a partnership, the registrant shall enter

(a) in the case of a partnership that is registered under the *Partnership Act* R.S.P.E.I. 1988, Cap. P-1, the firm name of the partnership as stated in the declaration filed under the that Act; and

(b) in the case of a limited partnership, the firm name of the limited partnership as stated in the declaration filed under the *Limited Partnerships Act* R.S.P.E.I. 1988, Cap. L-13.

Idem

(11) Where the debtor is a debtor because of membership in an enterprise that is a partnership, other than one referred to in subsection (10), the registrant shall enter

(a) the firm name of the partnership; and

(b) in accordance with subsection (17), the name of at least one of the partners, which in the case of a limited partnership, must include the name of a general partner.

Names of partners

(12) In a case within subsection (11), if the partnership does not have a name, the registrant shall enter, in accordance with subsection (17), the names of all of the partners.

Debtor is syndicate or joint venture

(13) Where the debtor is a debtor because of participation in an enterprise that is a syndicate or joint venture, the registrant shall enter

(a) the name, if any, of the syndicate or joint venture as stated in the document creating it; and

(b) in accordance with subsection (17), the name of each participant in it.

Other enterprise

(14) Where the debtor is a debtor because of membership or participation in an association, organization or enterprise other than one already referred to in this section, the registrant shall enter

(a) the name of the association, organization or enterprise; and

(b) in accordance with subsection (17), the name of each person representing the association, organization or enterprise in the transaction giving rise to the registration.

Name as stated in constitution or other document

(15) For the purposes of clause (14)(a), if the name of the association, organization or enterprise is stated in a constitution, charter or other document creating it, the registrant shall enter the name in the form stated therein.

Power to bind the enterprise

(16) For the purposes of this section, a person representing an enterprise in a transaction giving rise to a registration is a person who has power to bind the enterprise or its officers or members and who has exercised that power in the formation of the contract or contracts involved in the transaction.

Name to be entered

(17) Where under clause (5)(b), (11)(b), subsection (12), clause (13)(b) or (14)(b),

(a) the name of an individual is to be entered, the name shall be entered in the manner provided under sections 18 and 19; or

(b) the name of a body corporate is to be entered, the name shall be entered in the manner provided under section 18 and in subsections (1) and (3). *(EC270/98)*

21. Whether secured party individual or enterprise

(1) The registrant shall indicate whether the secured party is an individual or an enterprise.

Name of secured party

(2) Where the secured party is an individual, the registrant shall enter the name, in the manner provided under section 19, and address of the secured party and section 19 applies with the necessary changes in details.

Idem

(3) Where the secured party is an enterprise, the registrant shall enter the name, in the manner provided under section 20, and address of the secured party and section 20 applies with the necessary changes in details.

Phone and fax

(4) The registrant may enter the secured party's phone and fax number.

Contact person

(5) Where the secured party is an enterprise, the registrant may enter the name and position of a contact person within the enterprise to whom inquiries relating to the registration may be addressed.

Separate identification of each secured party

(6) Where a registration applies to more than one secured party, the registrant shall identify each secured party as a separate secured party in the registration. *(EC270/98)*

22. Description of collateral

(1) Subject to subsection (2), where the collateral to which a registration relates is

(a) consumer goods that are serial numbered goods, the registrant shall enter a description of the collateral in accordance with section 24;

(b) consumer goods that are not serial numbered goods, the registrant shall enter a description of the collateral in accordance with section 23;

(c) equipment that is serial numbered goods, the registrant shall enter a description of the collateral in accordance with section 23 or 24;

(d) equipment that is not serial numbered goods, the registrant shall enter a description of the collateral in accordance with section 23; or

(e) items of inventory, whether or not serial numbered goods, the registrant shall enter a description of the collateral in accordance with section 23.

Collateral is proceeds

(2) Where the collateral to which a registration relates is proceeds to be described for the purposes of subsection 28(3) or (4) of the Act, and the collateral is

(a) consumer goods that are serial numbered goods, the registrant shall enter a description of the collateral in accordance with section 24;

(b) equipment that is serial numbered goods, the registrant shall

(i) enter a description of the collateral in accordance with section 24; or

(ii) enter a description of the collateral in accordance with section 23 and indicate that the description relates to proceeds; or

(c) collateral not referred to in clause (a) or (b), the registrant shall enter a description of the collateral in accordance with section 23 and indicate that the description relates to proceeds. *(EC270/98)*

23. Collateral described other than serial number

(1) Where collateral is to be described other than by serial number, the registrant shall enter

(a) a description of collateral by item or kind or by reference to one or more of the following: "goods", "document of title", "chattel paper", "security", "instrument", "money", or "intangible";

(b) a statement that a security interest is taken in all of the debtor's present and after-acquired personal property; or

(c) a statement that a security interest is taken in all of the debtor's present and after-acquired personal property except specified items or kinds of personal property or except one or more of the following: "goods", "document of title", "chattel paper", "security", "instrument", "money" or "intangible".

Inadequate description

(2) A description is inadequate for the purposes of clause (1)(a) if it describes the collateral as consumer goods or equipment without further describing the item or kind of collateral, but where the personal property to be excluded from a description of collateral under clause (1)(c) is the consumer goods of the debtor, the excluded property may be described simply as consumer goods.

Inventory

(3) A description of collateral under subsection (1) that describes the collateral as inventory is adequate only while the collateral is held by the debtor as inventory.

Adequate description of collateral

(4) For greater certainty, where a description of collateral is a statement referred to in clause (1)(b) or (c), that description

(a) is adequate for the purposes of subsection (1); and

(b) includes any collateral referred to in clauses 22(1)(b) to (e), other than anything specifically excepted by the statement in accordance with clause (1)(c) of this section. *(EC270/98; 142/03; 529/03)*

24. Serial numbers

(1) Where collateral is to be described by serial number, the registrant

(a) shall indicate the type of serial numbered goods to which the registration relates;

(b) shall enter, under the heading "Serial Numbered Collateral Information", the last 25 characters of the serial number or all the characters if the serial number contains less than 25 characters;

(c) may verify the serial number entered by entering it a second time; and

(d) may describe the collateral by make, manufacturer, model, model year or any other particulars.

Determining serial numbers

(2) For the purposes of this section, the serial number for

(a) a motor vehicle other than a combine or tractor is the vehicle identification number marked on, or attached to, the body frame by the manufacturer;

(b) a combine, tractor, mobile home or trailer is the serial number marked on, or attached to, the chassis by the manufacturer;

(c) a boat that can be registered, recorded or licensed under the *Canada Shipping Act* (Canada) is the registration, recording or license number assigned to the boat under that Act;

(d) a boat not referred to in clause (c) is the serial number marked on, or attached to, the boat by the manufacturer;

(e) an outboard motor for a boat is the serial number marked on, or attached to the outboard motor by the manufacturer;

(f) an aircraft that must be registered under the *Aeronautics Act* (Canada) or regulations made under that Act in order to be operated in Canada is the registration marks assigned to the airframe by the Department of Transport (Canada), omitting any hyphen;

(g) an aircraft that must be registered under the laws of a state other than Canada, that is a party to the Convention on International Civil Aviation 1944 (Chicago) is the registration marks assigned to the airframe by the relevant licensing authority, omitting any hyphen; and

(h) an aircraft not referred to in clause (f) or (g) is the serial number marked on, or attached to, the airframe by the manufacturer.

Where serial number is not marked on collateral

(3) Where collateral referred to in clause (2)(a), (b), (d), (e) or (h) does not have a serial number or vehicle identification number marked on, or attached to it by the manufacturer, the serial number is any number of at least 6 characters that is marked on, or attached to, the collateral. *(EC270/98;142/03)*

25. Continuation of prior security interest

(1) Where a registrant wishes to continue the registered and perfected or perfected status of a prior security interest referred to in section 74 of the Act, the registrant shall register a financing statement relating to the prior security interest in accordance with this Part before the registered and perfected or perfected status of the prior security interest ceases to be effective under section 74 of the Act.

Financing statement to continue registered status under prior registration law

(2) Where a financing statement is registered under section 74 of the Act to continue the registered and perfected status of a prior security interest covered by an unexpired registration under prior registration law, the registrant shall

(a) indicate under which prior registration law the security interest to which the registration relates is registered;

(b) enter the registration number under prior registration law;

(c) except in the case of a prior security interest covered by a registration under the *Corporation Securities Registration Act* R.S.P.E.I. 1988, Cap. C-26, indicate the venue in which the registration under prior registration law is registered;

(d) in the case of a prior security interest covered by a registration under the *Corporation Securities Registration Act,* indicate that the registration was made under that Act; and

(e) enter the date on which the registration became effective under prior registration law, with the number of the year entered first followed by the number of the month followed by the number of the day.

Financing statement to continue perfected unregistered status

(3) Where a financing statement is registered under section 74 of the Act to continue the perfected status of a prior security interest that is not covered by an unexpired registration under prior registration law but has the status of a perfected security interest under subsection 74(5) of the Act on the commencement of the Act, the registrant shall enter, under the heading "Additional Information", a statement indicating when the prior security interest was created. *(EC270/98)*

26. Additional information

The registrant may enter, under the heading "Additional Information", any information relating to the registration that the registrant wishes. *(EC270/98)*

PART IV — REGISTRATION OF A NOTICE OF THE APPOINTMENT OF A RECEIVER UNDER SECTION 64 OF THE ACT

27. Application of this Part

This Part applies to the registration in the Registry of a notice of the appointment of a receiver as authorized by section 64 of the Act. *(EC270/98)*

28. Preliminary registration procedures

A registrant who wishes to register a notice of the appointment of a receiver shall indicate

(a) that the registrant wishes to have access to the Registry to effect a registration,;

(b) that the registrant wishes to enter a registration; and

(c) that the registrant wishes to register a notice of appointment of receiver. *(EC270/98)*

29. Duration of registration

The registrant shall specify the period of time during which the registration is to be effective by entering a whole number from 1 to 25 indicating the number of years or by selecting infinity. *(EC270/98)*

30. Your file number

For the registrant's own purposes, the registrant may enter, under the heading "Your File Number", any file number the registrant wishes that consists of numbers or letters or both to a maximum of 12 characters. *(EC270/98)*

31. Debtor name

(1) Where the debtor is an individual, the registrant shall enter, under the heading "Debtor (Individual)", the name, in the manner provided under section 19, and address of the debtor.

Debtor name

(2) Where the debtor is an enterprise, the registrant shall enter, under the heading "Debtor (Enterprise)", the name, in the manner provided under section 20, and address of the debtor.

Birth date

(3) Where the debtor is an individual, the registrant may enter the birth date of the debtor with the number of the year entered first followed by the number of the month followed by the number of the day.

Contact person

(4) Where the debtor is an enterprise, the registrant may enter the name and position of a contact person within the enterprise to whom inquiries relating to the registration may be addressed.

Identify separate debtors

(5) Where a registration applies to more than one debtor, the registrant shall identify each debtor as a separate debtor in the registration. *(EC270/98)*

32. Indicate whether individual or enterprise

(1) The registrant shall indicate whether the Receiver is an individual or an enterprise.

Name of receiver

(2) Where the Receiver is an individual, the registrant shall enter the name of the Receiver in the manner provided under section 19 and section 19 applies with the necessary changes in details.

Name of receiver

(3) Where the Receiver is an enterprise, the registrant shall enter the name of the Receiver in the manner provided under section 20 and section 20 applies with the necessary changes in details.

Office address

(4) The registrant shall enter the address of the office in the Province where the records referred to in clause 64(2)(d) of the Act shall be maintained.

Phone, fax number

(5) The registrant may enter the Receiver's phone number and fax number.

Contact person

(6) Where the Receiver is an enterprise, the registrant may enter the name and position of a contact person within the enterprise to whom inquiries relating to the registration may be addressed. *(EC270/98)*

33. Appointment by court order

(1) The registrant shall, in the case of a court appointed Receiver,

(a) indicate the court that made the appointment;

(b) enter the court file number; and

(c) enter, under the heading "Additional Information",

(i) the date of the order,

(ii) the last name of the judge who granted the order,

(iii) the name of the applicant for the order, and

(iv) the effective date of the order.

Appointment under security agreement

(2) The registrant shall, in the case of an appointment under a security agreement, enter, under the heading "Additional Information", a statement indicating

(a) the date of the appointment of the Receiver; and

(b) the name and address of the secured party named in the agreement. *(EC270/98)*

34. Description of collateral under which appointment made

The registrant may enter, in accordance with sections 22 to 24, a description of the collateral of the debtor in relation to which the Receiver was appointed. *(EC270/98)*

35. Additional information

The registrant may enter, under the heading "Additional Information", any information relating to the registration that the registrant wishes. *(EC270/98)*

PART V — REGISTRATION OF A NOTICE OF AN ORDER IN RESPECT OF PERSONAL PROPERTY UNDER *THE FAMILY LAW ACT*

36. Application of this Part

This Part applies to the registration of a notice of an order in respect of matrimonial assets or business assets as authorized by section 62.1 of the *Family Law Act*. *(EC270/98)*

37. Preliminary registration procedures

A registrant who wishes to register a notice of an order in respect of personal property made under sections 5,7,9,10 and 34 of the *Family Law Act* shall indicate

(a) that the registrant wishes to have access to the Registry to effect a registration;

(b) that the registrant wishes to enter a registration; and

(c) that the registrant wishes to register a notice of a *Family Law Act* personal property order. *(EC270/98)*

38. Court file number

The registrant shall

(a) indicate the court that made the order;

(b) enter the court file number; and

(c) enter, under the heading "Additional Information",

(i) the date of the order; and

(ii) the last name of the judge who granted the order. *(EC270/98)*

39. Duration of registration

The registrant shall specify the period of time during which the registration is to be effective by entering a whole number from 1 to 25 indicating the number of years. *(EC270/98)*

40. Your file number

For the registrant's own purposes, the registrant may enter, under the heading "Your File Number", any file number the registrant wishes that consists of numbers or letters or both to a maximum of 12 characters. *(EC270/98)*

41. Respondent spouse

(1) The registrant shall enter, under the heading "Respondent Spouse (Individual)", the name, in the manner provided under section 19, and address of the respondent spouse and section 19 applies with the necessary changes in details.

Birth date

(2) The registrant may enter the birth date of the respondent spouse with the number of the year entered first followed by the number of the month followed by the number of the day. *(EC270/98)*

42. Applicant spouse

The registrant shall enter, under the heading "Applicant Spouse", the name, in the manner provided under section 19, and address of the applicant spouse and section 19 applies with the necessary changes in details. *(EC270/98)*

43. Description of personal property

Under the heading "General Collateral", the registrant shall enter, in accordance with section 23, a description of the personal property, other than serial numbered goods, to which the order relates. *(EC270/98)*

44. Description of serial numbered goods

Under the heading "Serial Numbered Collateral", the registrant shall enter, in accordance with section 24 a description of the personal property to which the order relates that are serial numbered goods. *(EC270/98)*

45. Additional information

Under the heading "Additional Information", the registrant

(a) shall enter the date of the order to which the registration relates;

(b) shall enter the name of a party to the order to which the registration relates as named in the order, if different than the name of that party as entered in the Registry; and

(c) may enter any other information relating to the registration that the registrant wishes. *(EC270/98)*

PART VI — RENEWALS, DISCHARGES, *RE*-REGISTRATIONS AND AMENDMENTS

46. Application of this Part

This Part applies

(a) to the renewal, discharge, *re*-registration under subsection 35(6) of the Act and amendment of a financing statement registered under Part III and a notice of the appointment of a Receiver registered under Part IV;

(b) with the necessary changes in details to a notice of an order in respect of personal property registered under Part V; and

(c) to an amendment that globally changes multiple registrations. *(EC270/98)*

47. Renewal, discharge, amendment of security under prior registration law

An unexpired registration under prior registration law shall only be renewed, discharged or amended by registering a financing statement in accordance with Part III to continue the registration in the Registry after which the registration may be renewed, discharged or amended in accordance with this Part. *(EC270/98)*

48. Preliminary registration procedures

A registrant who wishes to renew a registration shall

(a) indicate that the registrant wishes to have access to the Registry to effect a registration;

(b) indicate that the registrant wishes to renew a registration;

(c) enter the registration number of any registration that forms part of the registration family to be renewed; and

(d) specify the period of time for which the registration is to be extended by entering a whole number from 1 to 25 indicating the number of years or by selecting infinity. *(EC270/98)*

49. Discharge of registration

A registrant who wishes to discharge a registration shall

(a) indicate that the registrant wishes to have access to the Registry to effect a registration;

(b) indicate that the registrant wishes to discharge a registration;

(c) enter the registration number of any registration that forms part of the registration family to be discharged; and

(d) confirm the decision to discharge the registration after viewing data representative of the registration. *(EC270/98)*

50. Removal of registration data from records of Registry

On the expiration of 30 days after the discharge of a registration in the Registry, all data relating to that registration may be removed from the records of the Registry. *(EC270/98)*

51. *Re*-registration

A registrant who wishes to *re*-register a registration under subsection 35(6) of the Act shall

(a) indicate that the registrant wishes to have access to the Registry to effect a registration;

(b) indicate that the registrant wishes to *re*-register a registration;

(c) enter the registration number of any registration that forms part of the registration family to be *re*-registered; and

(d) confirm the decision to *re*-register the registration after viewing data representative of the registration. *(EC270/98)*

52. Amend, change or deletion of debtor information

(1) A registrant who wishes to amend a registration to add, change or delete debtor information shall

(a) indicate that the registrant wishes to have access to the Registry to effect a registration;

(b) indicate that the registrant wishes to amend a registration;

(c) enter the registration number of any registration that forms part of the registration family to be amended;

(d) locate the screen displaying the debtor information that is to be amended;

(e) indicate whether the debtor information is to be added, changed or deleted;

(f) where debtor information is to be added, enter the additional information in the manner provided in sections 18, 19 and 20 for entering debtor information; and

(g) where debtor information is to be changed, enter the revised information, in place of the information displayed on the screen, in the manner provided in sections 18, 19 and 20 for entering debtor information.

Partial transfer of collateral

(2) Where a registrant amends a registration under this section to disclose a transfer to a new debtor of only part of the collateral to which the registration relates, the registrant shall, in addition to entering the information referred to in clause (1)(f), enter, under the heading "Additional Information", a statement describing the part of the collateral that is being transferred and identifying the debtor to whom it is being transferred. *(EC270/98)*

53. Preliminary registration procedures

(1) A registrant who wishes to amend a registration to add, change or delete secured party information shall

(a) indicate that the registrant wishes to have access to the Registry to effect a registration;

(b) indicate that the registrant wishes to amend a registration;

(c) enter the registration number of any registration that forms part of the registration family to be amended;

(d) locate the screen displaying the secured party information that is to be amended;

(e) indicate whether the secured party information is to be added, changed or deleted;

(f) where secured party information is to be added, enter the additional information in the manner provided in section 21 for entering secured party information; and

(g) subject to subsection (2), where secured party information is to be changed, enter the revised information, in place of the information displayed on the screen, in the manner provided under section 21 for entering secured party information.

Change of secured party information

(2) Where secured party information is to be changed and a secured party number was entered under subsection 4(1) to register the secured party information in the original registration, the registrant shall

(a) indicate that secured party information is to be deleted;

(b) indicate that secured party information is to be added; and

(c) enter the revised information in the manner provided under section 21 for entering secured party information.

Further information respecting change of secured party

(3) Where a registrant amends a registration under this section to disclose a transfer of only part of the interest of the secured party, the registrant shall, in addition to entering the information referred to in clause (1)(f), enter, under the heading "Additional Information", a statement describing the part of the interest that is being transferred and identifying the secured party to whom it is being transferred *(EC270/98)*

54. Preliminary registration procedures

(1) A registrant who wishes to amend a registration to add, change or delete collateral information shall

(a) indicate that the registrant wishes to have access to the Registry to effect a registration;

(b) indicate that the registrant wishes to amend a registration;

(c) enter the registration number of any registration that forms part of the registration family to be amended;

(d) locate the screen displaying the description of the collateral to be amended; and

(e) effect the amendment in the manner provided in this section.

Changes including partial deletion of collateral

(2) Where the collateral to be added, changed or deleted is not to be, or is not, described by serial number, the registrant shall

(a) in the case of an addition, enter a statement describing the collateral to be added;

(b) in the case of a change, enter a statement describing the change to be made in the existing description of the collateral; and

(c) in the case of a deletion, enter a statement describing the collateral to be deleted.

Idem

(3) Where the collateral to be added, changed or deleted is to be, or is, described by serial number, the registrant shall

(a) indicate whether the registrant wishes to add, change or delete collateral;

(b) in the case of an addition, enter a description by serial number of the collateral to be added; and

(c) in the case of a change, enter the revised description of the collateral by serial number in place of the collateral description displayed on the screen.

Application

(4) Sections 22 to 24 apply to a registration under this section. *(EC270/98)*

55. Amendment to disclose subordination of interest

A registrant who wishes to amend a registration to disclose a subordination of a registered interest shall

(a) indicate that the registrant wishes to have access to the Registry to effect a registration;

(b) indicate that the registrant wishes to amend a registration;

(c) enter the registration number of any registration that forms part of the registration family to be amended;

(d) locate the screen for entering additional information;

(e) enter a statement indicating the registration number and the date of the registration of the interest to which the registered interest is being subordinated;

(f) if the subordination relates to only part of the collateral, enter a statement describing the collateral to which the subordination relates; and

(g) if the registered interest is being subordinated to an interest not registered in the Registry, enter a statement indicating the name and address of the party to whom the interest is being subordinated and describing the interest. *(EC270/98)*

56. Amendment respecting trust indenture

A registrant who wishes to amend a registration to disclose that the registration relates to, or no longer relates to, a security interest arising under a trust indenture shall

(a) indicate that the registrant wishes to have access to the Registry to effect a registration;

(b) indicate that the registrant wishes to amend a registration;

(c) enter the registration number of any registration that forms part of the registration family to be amended;

(d) locate the screen for entering additional information; and

(e) enter a statement indicating that the registration relates to, or no longer relates to, a security interest arising under a trust indenture. *(EC270/98)*

57. Registration resulting from court order

Where a registration is to be renewed, discharged or amended as a result of a court order relating to the registration, the registrant shall, in accordance with this Part,

(a) renew, discharge or amend the registration as required by the court order; and

(b) except in the case of a total discharge, amend the registration to disclose, under the heading "Additional Information",

(i) the name of the court that issued the order;

(ii) the court file number and the name of the judge who granted the order;

(iii) the date of the order;

(iv) the effect of the order. *(EC270/98)*

58. Global changes affecting multiple registrations

(1) An individual designated as an administrative user under clause 2(2)(c) may, on behalf of a person who has been assigned a secured party number by the Registrar under section 3, effect a registration

(a) changing the address of that person;

(b) with the prior approval of the Registrar, changing the name of that person; or

(c) disclosing a transfer of that person's entire interest to another person who has been assigned a secured party number by the Registrar under section 3,

in relation to all registrations that were effected using that person's secured party number.

Preliminary registration procedures

(2) A registrant referred to in subsection (1) who wishes to effect a registration under this section shall

(a) indicate that the registrant wishes to have access to the Registry to effect a registration;

(b) indicate that the registrant wishes to effect the registration of a global change affecting multiple registrations; and

(c) enter the appropriate secured party numbers. *(EC270/98)*

59. Changes not otherwise dealt with in this Part

A registrant who wishes to amend a registration to disclose a change not otherwise dealt with in this Part shall

(a) indicate that the registrant wishes to have access to the Registry to effect a registration;

(b) indicate that the registrant wishes to amend a registration;

(c) enter the registration number of any registration that forms part of the registration family to be amended;

(d) locate the screen for entering additional information; and

(e) enter a statement describing the desired change. *(EC270/98)*

PART VII — SECURITY INTERESTS IN FIXTURES AND CROPS:

REGISTRATION OF NOTICE IN REGISTRY OF DEEDS

60. Application of this Part

This Part applies to the registration in the registries of deeds of a notice of a security interest in fixtures or crops under section 49 of the Act. *(EC270/98)*

61. Notice to registry of deeds

(1) Where a secured party wishes to register notice of a security interest in goods that are or may become fixtures or in crops that are growing or to be grown, the secured party shall submit a notice in Form 1 to the appropriate registry of deeds, setting out

(a) the name and address of the debtor;

(b) the name and address of the secured party;

(c) a description of the goods or crops sufficient to enable them to be identified;

(d) a description of the land to which the goods are or are to be affixed, or on which the crops are growing or to be grown, sufficient for the purpose of identification in the registry of deeds;;

(e) the name of the owner of the land as it appears in the registry of deeds, if different from the debtor's name;

(f) a statement indicating whether or not the security agreement providing for the security interest is a trust indenture; and

(g) a statement specifying, in multiples of whole years, the period of time during which the registration of the notice is to be effective or a statement that it is an infinite registration.

Execution proved under *Registry Act*

(2) A notice referred to in subsection (1) shall be signed by the secured party or the secured party's agent and due execution shall be proved in the manner required by the *Registry Act* R.S.P.E.I. 1988, Cap. R-10. *(EC270/98)*

62. Renewal, amendment or discharge

(1) If a notice registered under subsection 61(1) has not expired, the secured party may register notice of its renewal, amendment or discharge or notice of the transfer or subordination of the security interest to which it relates by submitting a notice in Form 2 to the appropriate registry of deeds, setting out

(a) the registration particulars of the original notice;

(b) the name and address of the debtor named in the original notice;

(c) the name and address of the secured party named in the original notice;

(d) a description of the land in relation to which the original notice was registered;

(e) the name of the owner of the land, in relation to which the original notice was registered, as it appears in the registry of deeds, if different from the debtor's name;

(f) in the case of a renewal, the period of time during which the renewal of the notice is to be effective, expressed in multiples of whole years or infinity;

(g) in the case of a total discharge, a statement that the security interest is totally discharged;

(h) in the case of a partial discharge releasing part of the collateral from the security interest, a description of the collateral released from the security interest;

(i) in the case of a partial discharge releasing all of the collateral from part of the land in relation to which the original notice was registered, a description of the land to which the discharge relates, sufficient for the purpose of identification in the registry of deeds;

(j) in the case of a subordination, the name and address of the person to whom the interest of the secured party is being subordinated and the nature and registration particulars of the interest to which the interest of the secured party is being subordinated;

(k) in the case of a transfer, a statement that the interest referred to in the original notice has been transferred and the name and address of the person to whom the interest has been transferred; and

(l) in the case of an amendment to the debtor or secured party information contained in the original notice, a statement providing particulars of the amendment.

Proof under *Registry Act*

(2) A notice referred to in subsection (1) shall be signed by the secured party or the secured party's agent and due execution shall be proved in the manner required by the *Registry Act.* *(EC270/98)*

Sections 63 to 66 revoked by EC284/01.

FORM 1

NOTICE OF SECURITY INTEREST
(fixtures or crops)

TAKE NOTICE THAT a security interest in collateral that is or may become a fixture or crop attaching to land has been created and that the particulars of the security interest are as follows:
Debtor - name and address:.....
.....
.....
Secured Party - name and address:.....
.....
.....
Description of Collateral:.....
.....
.....

The land on which the collateral is or will be located or affixed is described as follows: [provide legal description, attach schedule]
.....
.....

Name of owner of land as it appears in the registry of deeds [if different from the debtor's name]
.....

The security agreement providing for this security interest
.....is a trust indenture .....is not a trust indenture
[PPSA - Form 1, page 2]
The registration of this notice is
.....effective for.....years.....an infinite registration
DATED this.....day of....., ...

....
witness signature of secured party or agent

FORM 2

NOTICE OF CHANGE OF SECURITY INTEREST
(fixtures or crops)

TAKE NOTICE THAT a security interest in respect of which a notice was registered as document number .....in liber ..... folio..... particulars of which are as follows:

Debtor - name and address .....
.....
.....
Secured Party - name and address .....
.....
.....
The land in relation to which the original notice was registered is described as follows:
[provide legal description, attach schedule as necessary].....
.....
.....
HAS BEEN
..... renewed for a period of ..... years
..... renewed to infinity
..... totally discharged
..... partially discharged as to the collateral described as follows:
[describe collateral released from the security interest]
.....
.....
.....

[PPSA - Form 2, page 2]
..... partially discharged as to the land described as follows:
[provide legal description, attach schedule]
.....
.....
.....subordinated to the interest of:
.....
.....
.....
in the..... registered as document
(describe nature of interest)

number ..... in liber..... , folio .....
.....
transferred to:
.....
.....
amended as follows:
.....
.....

DATED this ..... day of....., ...

....
witness signature of secured party or agent

(EC270/98)