



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **TRANSBOUNDARY POLLUTION (RECIPROCAL ACCESS) 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](http://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](mailto:legislation@gov.pe.ca)*



## TRANSBOUNDARY POLLUTION (RECIPROCAL ACCESS) ACT

### CHAPTER T-5

#### 1. Interpretation

In this Act

- (a) “**person**” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government in its private or public capacity, governmental subdivision or agency, or any other legal entity;
- (b) “**reciprocating jurisdiction**” means a state of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of Canada, which has enacted this Act or provides substantially equivalent access to its courts and administrative agencies. *1985, c.43, s.1.*

#### 2. Forum

An action or other proceeding for injury or threatened injury to property or person in a reciprocating jurisdiction caused by pollution originating, or that may originate, in Prince Edward Island may be brought in Prince Edward Island. *1985, c.43, s.2.*

#### 3. Right to relief

A person who suffers or is threatened with injury to his person or property in a reciprocating jurisdiction caused by pollution originating, or that may originate, in Prince Edward Island has the same rights to relief with respect to the injury or threatened injury, and may enforce those rights in Prince Edward Island, as if the injury or threatened injury occurred in Prince Edward Island. *1985, c.43, s.3.*

#### 4. Applicable law

The law to be applied in an action or other proceeding brought pursuant to this Act, including what constitutes “pollution”, is the law of Prince Edward Island excluding choice of law rules. *1985, c.43, s.4.*

#### 5. Equality of rights

This Act does not accord a person injured or threatened with injury in another jurisdiction any rights superior to those that the person would have if injured or threatened with injury in Prince Edward Island. *1985, c.43, s.5.*

#### 6. Right additional to those now existing

The right provided in this Act is in addition to and not in derogation of any other rights. *1985, c.43, s.6.*

**7. Act binds crown**

This Act binds the Crown in right of Prince Edward Island only to the extent that the Crown would be bound if the person were injured or threatened with injury in Prince Edward Island. *1985, c.43, s.7.*

**8. Regulations**

Notwithstanding clause 1(b), the Lieutenant Governor in Council may by regulations declare a jurisdiction to be a reciprocating jurisdiction for the purposes of this Act. *1985, c.43, s.8.*

**9. Uniformity of application and construction**

This Act shall be applied and construed to carry out its general purpose to make uniform the law with respect to the subject of this Act among jurisdictions enacting it. *1985, c.43, s.9.*