



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

VOLUNTEERS LIABILITY ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 31, 2010. 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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VOLUNTEERS LIABILITY ACT

CHAPTER V-5

1. Definition of volunteer

- (1) In this Act, “volunteer” means any individual, not in receipt of fees, wages or salary therefor, who renders services or assistance, whether or not that individual has special training to render the service or assistance and whether or not the service or assistance is rendered by the individual alone or in conjunction with others.

Volunteer firefighter or ground search and rescue team member

- (2) For greater certainty, an individual who is
- (a) a volunteer firefighter is not, for the purpose of subsection (1), in receipt of fees, wages or salary by reason only of receiving a payment, not made as a result of an employment relationship, in recognition of services performed by that person as a firefighter or for performing services customarily rendered by a volunteer fire department; or
 - (b) a volunteer member of a ground search and rescue team acting under the direction of a police service, as defined in the *Police Act* R.S.P.E.I 1988, Cap. P-11.1, is not, for the purpose of subsection (1), in receipt of fees, wages or salary by reason only of receiving a payment, not made as the result of an employment relationship, in recognition of services performed as a member of a ground search and rescue team as described above. 1994, c.65, s.1; 2010, c.30, s.1.

2. Emergency assistance to person

Where, in respect of a person who is ill, injured or unconscious as a result of an accident or other emergency, a volunteer renders services or assistance at any place, the volunteer is not liable for damages for injuries to or the death of that person alleged to have been caused by an act on the part of the volunteer while rendering services or assistance, unless it is established that the injuries or death were caused by gross negligence on the part of the volunteer, and no proceeding shall be commenced against a volunteer which is not based upon his or her alleged gross negligence. 1994, c.65, s.2.

3. Assistance respecting endangered property

Where, in respect of real or personal property in danger, a volunteer renders services or assistance to protect or preserve the endangered property, the volunteer is not liable for damage resulting to the property alleged to have been caused by an act on the part of the volunteer while rendering services or assistance, unless it is established that the damage was caused by gross negligence on the part of the volunteer, and no proceeding shall be commenced against a volunteer which is not based upon his or her alleged gross negligence. 1994, c.65, s.3.

4. Common law

Sections 2 and 3 are declaratory and shall be deemed to be the common law of the province as it always has been and as it is. *1994, c.65, s.4.*

