



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

AREA INDUSTRIAL COMMISSION ACT

PLEASE NOTE

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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).

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AREA INDUSTRIAL COMMISSION ACT

Table of Contents

Section		Page
1.	Definitions.....	5
2.	Establishment of commission	5
3.	Instrument of incorporation.....	5
4.	Registration of instrument.....	5
5.	Notice of municipality	6
6.	Chairman at first meeting.....	6
7.	Reimbursement of members	7
8.	Commission staff	7
9.	Committees	7
10.	Objects	7
11.	Powers.....	7
12.	Execution of deeds, etc.	8
13.	Bylaws by commission	8
14.	Bylaws	8
15.	Amendment of instrument of incorporation.....	9
16.	Annual report	9
17.	Municipal assistance	9
18.	Removal of disqualification for membership.....	10
19.	Cancellation of incorporation of commission	10
SCHEDULE		11
	FORM 1*	11
	INSTRUMENT OF INCORPORATION	11



AREA INDUSTRIAL COMMISSION ACT

CHAPTER A-20

1. Definitions

In this Act

- (a) “**area**” means an area for which a commission is established;
- (b) “**bylaws**” means bylaws of a commission;
- (c) “**commission**” means an area industrial commission established under this Act;
- (d) “**council**” means the council of a municipality;
- (e) “**Minister**” means a Minister designated by the Lieutenant Governor in Council;
- (f) “**municipality**” means a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1. *R.S.P.E.I. 1974, Cap. A-18, s.1; 1983, c.33, s.66; 2016, c.44, s.262.*

2. Establishment of commission

A municipality, or two or more municipalities, by instrument in writing approved by resolution of the council or councils thereof and executed in the manner provided in this Act may establish an area industrial commission. *R.S.P.E.I. 1974, Cap. A-18, s.2.*

3. Instrument of incorporation

- (1) An instrument of incorporation shall include a statement of the name of the commission, the number of members, the manner of their appointment, the name of the provisional chairman of the commission, the area described by metes and bounds for which the commission is established, and such other matters as appear to the municipality or municipalities to be advisable, and may be in Form 1 in the Schedule.

Execution of instrument

- (2) The instrument shall be executed on behalf of a municipality by the mayor or chairman and the administrator of the municipality or by such other officers as the council authorizes or directs. *R.S.P.E.I. 1974, Cap. A-18, s.3; 1967, c.2, s.1; 1983, c.33, s.66.*

4. Registration of instrument

- (1) When an instrument of incorporation of a commission is delivered to the Minister if he is satisfied that it conforms to this Act and has been approved and executed as required by this Act, he may register the instrument in his office and issue a certificate of incorporation of the commission.

Incorporation

- (2) Upon the issue of the certificate of incorporation, the commission is constituted a body corporate under the name and in accordance with the particulars contained in the instrument of incorporation.

Proof of incorporation

- (3) A certificate of the Minister that a commission is incorporated is conclusive evidence that the commission is incorporated under this Act without proof of signature for office.

Delivery of certificate

- (4) The Minister shall send or deliver the certificate of incorporation to the person named in the instrument of incorporation as the provisional chairman of the commission. *R.S.P.E.I. 1974, Cap. A-18, s.4.*

5. Notice of municipality

- (1) Upon receiving the certificate of incorporation the provisional chairman shall notify the administrator of the municipality or municipalities that established the commission and all other persons or organizations entitled to appoint members to the commission that the commission is established and request them to appoint to the commission the number of members that each is entitled to appoint.

Appointment of members

- (2) As soon as may be convenient each municipality, person and body entitled to appoint a member or members shall make the appointments and send to the provisional chairman the names and addresses of the persons so appointed.

Organizational meeting

- (3) Upon receiving the names of all the persons appointed to be members of the commission the provisional chairman shall convene an organizational meeting of the members at a place and time chosen by him. *R.S.P.E.I. 1974, Cap. A-18, s.5; 1983,c.33,s.66.*

6. Chairman at first meeting

- (1) The provisional chairman shall preside at the organizational meeting until the members of the commission have chosen a chairman from among their number when he shall relinquish the office of chairman to the person so chosen.

Terms of office of members

- (2) At the organizational meeting the members shall determine by lot the length of the term for which each shall serve doing so in such manner that the terms of a majority of the members will not expire at the same time.

Officers

- (3) When the terms of office of members have been determined the members shall elect from among themselves a chairman, a vice-chairman, a secretary and such other officers, if any, as they consider advisable who, subject to the bylaws, shall hold office until their successors are elected.

Quorum

- (4) Subject to its bylaws a majority of the members of a commission constitutes a quorum. *R.S.P.E.I. 1974, Cap. A-18, s.6.*

7. Reimbursement of members

Each member of a commission shall serve without remuneration but may be reimbursed by the commission for reasonable expenses necessarily incurred by him in performing his functions as a member. *R.S.P.E.I. 1974, Cap. A-18, s.7.*

8. Commission staff

A commission may appoint or engage such officials and employees and professional, scientific or technical experts as it considers advisable for the attainment of its objects or the exercise of its powers and may pay them such remuneration as the commission determines. *R.S.P.E.I. 1974, Cap. A-18, s.8.*

9. Committees

Subject to its bylaws a commission may appoint such standing or special committees as it considers desirable for the carrying out of its objects and may prescribe their functions. *R.S.P.E.I. 1974, Cap. A-18, s.9.*

10. Objects

The objects of a commission are

- (a) to solicit and encourage the establishment and development of new industries in and around its area;
- (b) to encourage the expansion of existing industries in and about its area;
- (c) to conduct or sponsor campaigns of publicity for the purpose of making known the advantages of its area and nearby districts as a location for industrial expansion;
- (d) to prepare and disseminate statistical and other information for the purpose of creating interest in its area as a location for industrial enterprises;
- (e) to make recommendations to any municipality or municipal body respecting
 - (i) zoning for industrial and business purposes,
 - (ii) the provision of sites suitable for specific industries and the municipal services required therefor,
 - (iii) the effect of municipal and other taxation systems upon industry,
 - (iv) any matter relating to the establishment and development of the area as a centre for industrial enterprises upon which a municipality in the area has requested advice, and
 - (v) such other matters as in the opinion of the commission relate to the development of industry and business in or about the area;
- (f) to cooperate with any government, agency of government or other body or organization set up for the purpose of promoting industry, business or tourism; and
- (g) to do any other matter that will benefit or tend to benefit its area. *R.S.P.E.I. 1974, Cap. A-18, s.10; 2015,c.36,s.7.*

11. Powers

A commission may

- (a) receive from any government or governmental body or agency grants of money or land, and use, apply or convey them in accordance with the terms upon which they

were made or for any purposes of the commission if that is not inconsistent with the grant;

- (b) accept gifts, assignments, devises and bequests of real and personal property and apply them to the general purposes of the commission or to a specific purpose of the commission;
- (c) acquire real and personal property by deed, will, gift or lease or in any other manner, and mortgage, lease, sell or otherwise dispose of it or any part of it;
- (d) borrow on the security of its real and personal property, or either of them or any part thereof, or any other security or without security such money as the commission considers necessary and mortgage, pledge or otherwise charge its property or any part of it for the purpose of securing any money borrowed;
- (e) improve, enlarge, repair, alter, equip, service, insure, and maintain any building owned or leased by it;
- (f) invest and deal with funds of the commission not immediately required for its purposes in such securities and in such manner as the commission from determines;
- (g) act as agent for any person in acquiring, developing or improving land or constructing, altering or improving buildings for industrial or commercial purposes;
- (h) conduct inquiries and investigations respecting industrial and commercial potentials of its area; and
- (i) do such other acts and things as are incidental to the attainment of its objects or the exercise of its powers. *R.S.P.E.I. 1974, Cap. A-18, s.11; 2015,c.36,s.7.*

12. Execution of deeds, etc.

A commission may at any duly called meeting by a majority of the members present direct or authorize its chairman or vice-chairman and its secretary to make and execute under its corporate seal any deed, lease, mortgage or instrument relating to its real and personal property. *R.S.P.E.I. 1974, Cap. A-18, s.12.*

13. Bylaws by commission

A commission, with the approval of the council of the City of Charlottetown or the City of Summerside, if the area for which it has been established is located within the boundaries of the City respectively, or, if the area for which it has been established is not so located, with the approval of the Minister, may make bylaws

- (a) dividing the area for which it is established into zones;
- (b) prescribing the purposes for which lands, buildings and structures in such area or any zone therein may be used or constructed;
- (c) prohibiting the use of such lands, buildings and structures for any other purpose;
- (d) providing for the orderly and efficient establishment of industries or businesses in such area or zone therein; and
- (e) providing for the enforcement and carrying out of any of the provisions of any bylaw made under this section. *R.S.P.E.I. 1974, Cap. A-18,s.13; 1991,c.18,s.22 {eff.} Nov. 4/91; 1994,c.59,s.75 {eff.} March 31/95.*

14. Bylaws

- (1) A commission may make bylaws with respect to

- (a) meetings of the commission and committees, the method of calling those meetings, their frequency, the conduct of business at them and rules of order and proceedings at meetings;
- (b) the election or appointment and term of office of members and officers of the commission;
- (c) the filling of vacancies in the commission or in offices of the commission;
- (d) the qualifications of members and officers;
- (e) vacating or termination of membership or office in the commission;
- (f) the appointment or election of standing or special committees and their functions; and
- (g) any matter relating to the conduct of the business and affairs of the commission not specifically provided for in this Act.

Effective date of bylaws

- (2) A bylaw of a commission or an amendment or repeal of a bylaw comes into force when filed in the office of the Minister. *R.S.P.E.I. 1974, Cap. A-18, s.14; 2015, c.36, s.7.*

15. Amendment of instrument of incorporation

- (1) With the approval of the council or councils of the municipality that established a commission, a commission may amend the instrument of incorporation by which it was established by changing its name, the number of its members, the manner of appointment of members, and the area of its activity or any of them.

Participation by other municipalities

- (2) When an amendment of an instrument of incorporation provides for participation by an additional municipality in the activities of a commission or the appointment of members the amendment is not effective unless the council of the additional municipality consents to it.

Effective date of amendment

- (3) An amendment to an instrument of incorporation has effect when it is filed in the office of the Minister and approved by him in a manner similar to the instrument of incorporation. *R.S.P.E.I. 1974, Cap. A-18, s.15.*

16. Annual report

Not later than February 1 of each year, each commission shall submit to the council of each municipality that executed the instrument of incorporation of the commission or consented to an amendment to the instrument a report covering the activities of the commission in the preceding year together with a financial statement of the commission for that year. *R.S.P.E.I. 1974, Cap. A-18, s.16.*

17. Municipal assistance

- (1) A municipality that is wholly or partly within the area of a commission may grant or lend to the commission to assist the commission in carrying out its objects such terms as the council of the municipality determines.

Idem

- (2) Any money required by a municipality for the purpose of subsection (1) may be raised, levied and collected in the same manner as money required for its ordinary purposes is raised, levied

and collected or may be borrowed by the municipality pursuant to the statutes applying to the municipality and in that event the making of a grant shall be deemed to be a purpose of the municipality for the purpose of the Acts governing the municipality. *R.S.P.E.I. 1974, Cap. A-18, s.17; 1983, c.33, s.66.*

18. Removal of disqualification for membership

A person who is otherwise qualified is not disqualified from being appointed and acting as a member of a commission by reason only of any provision in the Acts mentioned in subsection 17(2). *R.S.P.E.I. 1974, Cap. A-18, s.18.*

19. Cancellation of incorporation of commission

Where a commission surrenders its certificate of incorporation to the Minister and requests in writing that its instrument of incorporation be cancelled, the Minister, if he is satisfied that

- (a) it has no debts, liabilities or obligations;
- (b) the debts, liabilities or obligations of the commission have been duly provided for or protected; or
- (c) the creditors of the commission or other persons having interests in its debts, liabilities or obligations consent,

and that it has given notice in the Gazette of its intention to surrender its certificate of incorporation, may accept the surrender of the certificate of incorporation, cancel its instrument of incorporation and by notice in the Gazette, dissolve the commission on such date as may be specified in the notice. *1980, c.9, s.1.*

SCHEDULE

FORM 1*

AREA INDUSTRIAL COMMISSION

INSTRUMENT OF INCORPORATION

.....
 (here set out name and description of each municipality)
 pursuant to the Area Industrial Commission Act hereby establish an area industrial commission.
 The name of the commission is:
 The commission shall consist of members who shall be appointed as follows:

(Here set out manner of appointment of members).

The provisional chairman of the commission is:
 The area for which the commission is established is:
 (Here describe area of normal activities).
 Dated this day of 20
 Executed this..... day of20.....
 on behalf of the City, Town or Community
 in the presence of

.....
City, Town or Community

.....
Mayor or Commissioners

.....
Clerk

*[Note Form 1 is prescribed by subsection 3(1)]

